The House met at 12:30 p.m. and was called to order by the Speaker.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

NINE STEPS TO FISCAL RESPONSIBILITY—SPENDING CUTS

The SPEAKER. Under the Speaker’s announced policy of May 12, 1995, the gentleman from Florida [Mr. Goss] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, everyone knows that our national debt is spiraling out of control, passing the $5 trillion mark earlier this year. To put this incredible number in some kind of perspective, the Washington Times last week gave a particularly timely analogy. It noted, just in time for the St. Patrick’s Day weekend, that just the one day’s increase that day in the national debt, which was around $8 billion, would be enough money to purchase 8 pints of beer at $3.75 each for every citizen of the United States and Ireland for St. Patrick’s Day. That would be quite a celebration, a pretty big party.

Of course, the bill for that party is going to be paid for by the children who are not old enough to drink beer yet, because we are going to have to send the bill to them. What I am saying is if we do not address this addiction to debt spending, it is our children and our grandchildren who are going to be stuck with the budgetary hangover.

Most know that the first step to recovery from any kind of an addiction is to admit to the problem. The St. Patrick’s Day free beer scenario underscores the need for the Federal Government to recognize and treat its addiction to deficit spending.

For that reason, I rise again today to offer my annual list of specific discretionary spending cuts which, if enacted into law, could save the American taxpayer more than $300 billion over the next 5 years.

The cuts provided fall into nine general categories, a nine-step program toward fiscal responsibility. These cuts dramatically demonstrate the hundreds of billions of waste that still exist in nearly all areas of the Federal Government, from social programs, to corporate welfare, to congressional and governmental operations. There is not a citizen in this country who thinks every single tax dollar that we have spent is well spent.

The 104th Congress has taken on the challenges of balancing the budget with an aggressive plan to eliminate our deficit by the year 2002. Unfortunately, while Congress has made the tough choices inherent in balancing the budget, the President has mostly stayed on the sideline, playing what I think I can fairly call partisan games for short-term political gain.

President Clinton has thwarted the responsible attempts to rein in spending and eliminate wasteful programs. While he has insisted that the era of big Government is over, he said it right here, his actions hardly complement that declaration. Highlights of Mr. Clinton’s irresponsibility include bringing about the defeat of the balanced budget amendment. You all remember, that died by one vote, and the defeat of the Penny-Kasich spending cuts bill, and vetoing the first balanced budget plan in over a generation, which we sent to him and he vetoed.

In fact, even when he finally agreed to offer a balanced budget using real numbers, he relied on accounting gimmicks, and ignored out-of-control entitlement programs. Specific recent revelations about the Medicare Trust Fund suggest the administration has been playing a shell game with seniors’ health care and other mandatory programs. Even more incredibly, more than 95 percent of his discretionary cuts would not have taken place until after the year 2000.

The beat goes on, and it goes on today as the President announces that he is urging Congress to increase, increase, Commerce Department funding at a time when we are moving to eliminate this wasteful agency altogether. He is also threatening to shut down the Government again, unless Congress ponies up a handsome ransom of $8 billion more for his pet projects in fiscal year 1996 spending. That is today. That is this year.

While the President is quite vocal as to which programs should be expanded and increased, he has given us very few details about which should be cut or terminated. If he is truly serious about ending the era of big Government, he should get specific on what programs he would cut to pay for his priorities.

As the President releases his budget today, I remain hopeful, not particularly optimistic, but hopeful, that it will contain the type of real fiscal discipline this country needs. I hope that he has a list of spending cuts that reflect his priorities and his desire to eliminate deficit spending.

Mr. Speaker, my list is certainly not exhaustive, nor is it noncontroversial. There are several items on the list about these cuts that I am not particularly happy about, but I do not think they are high enough priority.

Still, it begins to frame the debate in terms of our priorities and it eliminates those programs, agencies and initiatives that fail these three simple...
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>6,000</td>
<td>Defense Acquisition Reform</td>
</tr>
<tr>
<td>8,850</td>
<td>Continue the partial civilian hiring</td>
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<td>14,740</td>
<td>Eliminate DOD payments for indirect</td>
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<td>64,000</td>
<td>Lower by 10% per annum the projected</td>
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<td>100</td>
<td>Decrease in millions of dollars and based on</td>
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<td>best official estimates.</td>
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<td><strong>LEADING BY EXAMPLE: CONGRESSIONAL AND EXECUTIVE BRANCH REFORM</strong></td>
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<td><strong>A NINE STEP PROGRAM FOR FISCAL RESPONSIBILITY</strong></td>
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<tr>
<td>2,200</td>
<td>Reduce the Legislative Branch Appropriations by 20 percent</td>
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<td>294</td>
<td>Reduce the Executive Office of the President Appropriation by 20 percent</td>
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<td>85</td>
<td>Reduce the “franking” allocation to Members of Congress by 50 percent</td>
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<td>118</td>
<td>Roll back the Congressional Pay Raise to $89,500</td>
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<tr>
<td>2.5</td>
<td>Reduce the Attending Physician’s Office by 1 percent</td>
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<td>1.1</td>
<td>Privatize the House and Senate Gymnasiums</td>
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<td><strong>FREE MARKET AGRICULTURAL REFORM</strong></td>
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<tr>
<td>12,700</td>
<td>Abolish the Cotton Price Support and Loan Programs</td>
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<td>11,000</td>
<td>Lower target prices for subsidized crops 3 percent annually</td>
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<td>5,000</td>
<td>Eliminate the Dairy Subsidy Program</td>
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<td>3,900</td>
<td>Reduce federal expenditures on the Agricultural Research Service</td>
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<td>and the Agricultural Extension Service; cut funding by 50 percent</td>
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<td>1,660</td>
<td>Textbook Crop Insurance Program and replace with standing authority</td>
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<td>660</td>
<td>Reduce Commodity Credit Corporation Subsidies to those with off-farm incomes</td>
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<td>over $100,000</td>
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<td>200</td>
<td>End the Peanut Subsidy Program</td>
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<tr>
<td>100</td>
<td>Eliminate the Tobacco Price Support Program</td>
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<td><strong>GOVERNMENT FOR THE PEOPLE, NOT THE BUREAUCRATS</strong></td>
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<tr>
<td>64,000</td>
<td>Lower by 10% per annum the projected</td>
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<td>growth rate of non-postal, civilian agencies on behalf of our job. Do we</td>
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<tr>
<td>14,740</td>
<td>Eliminate DOD payments for indirect</td>
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<td>8,850</td>
<td>continue to do what we are doing? No. We can afford it.</td>
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<tr>
<td>1,000</td>
<td>Reduce overhead in federally-sponsored university research</td>
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<td>900</td>
<td>Service Contract Act reform</td>
</tr>
<tr>
<td>859</td>
<td>Lower the travel budgets of all non-postal civil agencies by 35 percent</td>
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<td>540</td>
<td>Reform vacation and overtime for the Senior Executive Service</td>
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<td><strong>PRIVATIZING AND DOWNSIZING GOVERNMENT</strong></td>
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<tr>
<td>9,000</td>
<td>Corporate the Air Traffic Control System</td>
</tr>
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<td>4,170</td>
<td>Facilitate contracting out and privatization of military commissaries</td>
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<td>2,000</td>
<td>Privatize the Federal Housing and Mortgage Association</td>
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<tr>
<td>1,900</td>
<td>Eliminate the Legal Services Corporation</td>
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<tr>
<td>1,522</td>
<td>Eliminate the Economic Development Administration</td>
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<td>913</td>
<td>Eliminate Rural Economic and Community Development (RCED) Duplication</td>
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<td>690</td>
<td>Eliminate the Appalachian Regional Commission</td>
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<td>580</td>
<td>End funding for all non-energy Tennessee Valley Authority (TVA) activities</td>
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<td>174</td>
<td>Eliminate the Rural Utilities Service (formerly the Rural Electric Adminis-</td>
</tr>
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<td>140</td>
<td>Close the Bureau of Mines and merge its data gathering activities with other</td>
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<td>56</td>
<td>Eliminate the Arms Control Disarmament Agency</td>
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<td>10</td>
<td>Phase out the U.S. Fire Administration</td>
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<td><strong>FOREIGN ASSISTANCE THAT PUTS AMERICAN TAXPAYERS FIRST</strong></td>
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<tr>
<td>13,125</td>
<td>Cut the foreign aid budget (150 Account) by 15 percent and make all ear-</td>
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<tr>
<td>8,100</td>
<td>Eliminate the Agency for International Development</td>
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<td>1,510</td>
<td>Eliminate Public Law 480 International Assistance Program</td>
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<td>150</td>
<td>Phase out the Foreign Agricultural Service Cooperation Funding</td>
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<td><strong>ATTACKING CORPORATE WELFARE</strong></td>
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<tr>
<td>3,380</td>
<td>Eliminate Export Enhancement Program</td>
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<tr>
<td>3,372</td>
<td>Sell the Power Marketing Administrations</td>
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<tr>
<td>2,660</td>
<td>Phase out subsidies for AMTRAK</td>
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<tr>
<td>2,000</td>
<td>End postal subsidies to not-for-profit organizations (excluding blind and</td>
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<tr>
<td>1,020</td>
<td>Eliminate Travel, Tourism and Export Promotion Administration (as a tax-</td>
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<td>692</td>
<td>Sell the National Helium Reserves</td>
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<tr>
<td>660</td>
<td>Phase out ACTION (umbrella organization for domestic volunteer activities)</td>
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<tr>
<td>500</td>
<td>Eliminate the Market Promotion Program</td>
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<tr>
<td>195</td>
<td>Eliminate Essential Air Service subsidies</td>
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<tr>
<td>121</td>
<td>Terminate Dairy Export Incentive Program</td>
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<td><strong>PRIORITIZING OUR SOCIAL SPENDING</strong></td>
</tr>
<tr>
<td>27,000</td>
<td>Prohibit direct federal benefits and unemployment benefits to illegal aliens</td>
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<tr>
<td>6,300</td>
<td>Consolidate the administrative costs of the AFDC, Food Stamps and Medicaid</td>
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<td>5,700</td>
<td>Freeze the number of rental assistance commitments</td>
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<tr>
<td>5,400</td>
<td>Increase Medicare safeguard funding by $540 million over 5 years</td>
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<td>4,900</td>
<td>Reduce NIH funding by 10 percent, concentrating on overhead</td>
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<td>3,850</td>
<td>Eliminate “impact aid” to school districts with military bases</td>
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<tr>
<td>4,400</td>
<td>Reduce non-targeted vocational state funding with $540 million over 5 years</td>
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<td>3,600</td>
<td>Eliminate American Corporation</td>
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<td>2,950</td>
<td>Eliminate the William D. Ford program (direct student lending)</td>
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<td>2,600</td>
<td>Cut the National Endowment for Arts by 50 percent</td>
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<td>2,060</td>
<td>Eliminate the Goals 2000 program</td>
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<td>1,192</td>
<td>Eliminate the Rural Rental Housing Assistance Program</td>
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<td>1,520</td>
<td>Eliminate the Office of the Surgeon General</td>
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<td>1,000</td>
<td>Consolidate social services programs</td>
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<td>890</td>
<td>Eliminate HUD special-purpose grants</td>
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<td>880</td>
<td>End the “Corridor H” program</td>
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<td>912</td>
<td>Eliminate the Clean Coal Program</td>
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<tr>
<td>250</td>
<td>Grazing Reform</td>
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<td>235</td>
<td>Eliminate below-cost timber sales from national forests</td>
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<td>80</td>
<td>End the Boll Weevil Eradication Program</td>
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<td><strong>CUTTING OUT THE PORK</strong></td>
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<td>8,850</td>
<td>Limit federal highway spending to the amount brought in by motor vehicle</td>
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<td>6,250</td>
<td>Reduce mass transit grants; eliminate operating subsidies</td>
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<td>5,150</td>
<td>Scale back Low Income Home Energy Assistance Grants</td>
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<td>2,950</td>
<td>Terminate all highway demonstration projects</td>
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<td>1,390</td>
<td>Eliminate Rural Development Association loans and guarantees</td>
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<td>250</td>
<td>Eliminate redundant solar satellite programs</td>
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<td>0.3</td>
<td>Close under-utilized black lung offices</td>
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<td>**THE DIRTY LITTLE SECRET OF AFFIRMATIVE ACTION FOES: THEY GET BY WITH A</td>
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<td>LITTLE HELP FROM THEIR FRIENDS**</td>
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<td>The Speaker pro tempore (Mr. Nethercutt). Under the Speaker’s announced</td>
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<td>policy of May 12, 1995, the gentlewoman from Colorado [Mrs. Schroeder]</td>
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<td>is recognized during morning business for 5 minutes.</td>
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<td>Mrs. SCHROEDER. Mr. Speaker, I have the great honor of serving on the</td>
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<td>House Committee on the Judiciary, and this has been a very, very difficult</td>
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<td>year, because we have had incoming missiles from every which way attack-</td>
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<td>ing affirmative action. I for one have been a believer in affirmative</td>
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<td>action, because I remember I could not get into a lot of schools I wanted</td>
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<td>to get into as a young woman, because even though I passed all the tests,</td>
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<td>they would say, “Whoops, wrong chromosomes; have a nice day,” and you went</td>
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<td>right out the door. So I have been very interested in this debate on</td>
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<td>affirmative action.</td>
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Well, I am going to do today what one of the ex-mayors of New York used to do. Mayor LaGuardia used to read the newspaper to people, and I think it is time to start reading the newspaper to people, because one of these incoming minorities, after he signed in, came in the form of a vote by the University of California regents. That distinguished panel voted aggressively to back off of affirmative action. To end affirmative action as we know it, and now we know why that group wanted to.

They believe in the old Beatles song, “You get by with a little help from your friends.” Remember that? “I get by with a little help from my friends.” Well, this is what they are all singing.

This Saturday’s Los Angeles Times did a wonderful job of exposing these regents, who are so pure and want a level playing field and all of this other stuff that you have heard about affirmative action. And what you really find as you flip through this newspaper, which is absolutely fascinating, because they go further and document all of the politicians, from Governor Pete Wilson, who led the antiaffirmative action charge in his now historic run for President, and he is no longer there, but from Governor Pete Wilson to many of the regents who voted for this, all the different people that they insisted that the University of California put at the front of the line, even though their grades happened to be lower than many others that they shut the door on because of this, their scores turned out to be lower. It is very interesting reading, and I hope people will look at this.

When some of these young students who got moved to the front of the line because their dad or mom knew the regent or they were business associates or whatever, when they would interview some of these young students, some them said very clearly, “But, of course, this is what is going on. This is America. It is who you know, not what you know.”

Now, most minorities and women knew that. They knew that if they did not know somebody big, they were not going to get in. Actually some of them, they did not even need bother apply, because they were not going to get through the barrier. People could not look beyond their skin color, religion or sex.

So we are working hard to try and have a wakeup call to people, to say look, affirmative action is not perfect, but we ought to fix it, and we ought to be working on what you know, not who you know. But when you look at these regents, it is so clear by this record that special privilege is something that they want to continue. They want to continue with it, and they see affirmative action challenging that.

One of the regents who aggressively, aggressively fought affirmative action, was a guy named Kolbig. Now, this guy got in over 35 different young people, according to the L.A. Times, that were not as qualified. One score was lower than 6,000 other young people who were turned away, but he got in. It is who you know, not what you know.

When you look at all of the others, they all happen to be sons and daughters of the famous. You can look at the community that these different regents knew, or relatives, it is amazing how thick blood can run, or prominent politicians or relatives of prominent politicians or large fund raisers or whatever. But that is what we have said the American dream is about. So as you listen to this raging debate about affirmative action, we really ought to put it into some kind of context. What we really want to make sure is that the dream is attainable for everyone, no matter what their background, and it is really honest-to-goodness attainable. And if we go back to this who you know, it is not. You cannot say it is one thing, and then have it operating in an entirely different way.

The young people of America know that, and they know how fraudulent it is. You have so many students protest in California on the campuses on this. I hope all students put serious attention to this, and we do not get caught up in undoing something so important.

GOOD NEWS AND BAD NEWS ON THE BUDGET

The SPEAKER pro tempore. Under the Speaker’s announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, there is good news and bad news in the President’s budget that we received today. Let me go with some of the bad news first. Some of the bad news is that he has greater tax increases and that he has more spending for the Federal Government. In other words, some of the same old policy of tax and spend. In fact, though he has a temporary tax cut, the tax cut is done away with by the year 2002, and he has actually a tax increase of over $10 billion by the time he gets to 2002.

Now, I think that old tax and spend and borrow philosophy is the bad news. Here is the good news. It is the Republicans, by hanging tough, have now changed the frame of the debate in Washington, so the President’s budget still says through their figuring that this budget balances by the year 2002. And that is good news.

Let me point out why I think it is such good news. It is because borrowing has obscured the true size of Federal Government. If the American people had to pay the taxes that are required for this huge overblown, overregulating Government that we have now, they would not stand for it. They would say, “Wait a minute. Get rid of this fraud and abuse. Get rid of some of these programs. These people do not like you talking 50 percent of every dollar we earn for taxes at the local, State, and national level.”

Let me display this chart a little bit that shows the pie of the way we divide up Federal expenditures. Now, for this current fiscal year, it is a little over $1.5 trillion. The blue portion of this pie that now represents about 50 percent of total government spending is in the so-called entitlement spending. That means if you achieve a certain criteria of age or poverty, the money is automatically going to be there. The Congress does not appropriate that money every year. The only way we can reduce these welfare entitlement programs is having the President sign a bill, or override his veto.

So if we are going to achieve a balanced budget, that means that we are going to have to achieve some changes in the welfare and entitlement programs. Some of the welfare recipients are going to have to start working. Our welfare programs have been successful in transferring wealth, but, too often in the process, we have taken away their self-respect. We have taken away their drive to get up every morning, even when they do not feel like it, and go to work and contribute to the economy of the United States. So they have been recipients of other taxpayer spending.

That has to be changed. We have sent one bill to the President. He has vetoed it. We sent another welfare reform bill to the President, and he has vetoed it. What we have got to do is having cooperation, or the kind of a President that is going to say yes, some of these changes need to be made.

Let me just briefly go around the rest of this pie chart. We have got interest on the Federal debt. The Federal debt is now about $5 trillion. That interest is also on automatic pilot. We have got the defense in green. The defense programs now, even the hawks and the doves, the Republicans and the Democrats, the liberals and the conservatives, only disagree on about plus or minus 8 percent deviation. In other words, everybody agrees we need a certain amount of defense in this country, so there is very little flexibility.

What is left? What is left for Congress, what they have control of, is the 12 appropriation bills that represent the discretionary spending outside of defense. In this little red pie chart area, we have been successful in the last 14 months of cutting $40 billion out of spending. That is a good start. And the reason we have accomplished this, the reason the President and the Democrats and the liberals are now at least saying we need a balanced budget, is because we have changed the frame of the debate by saying look, we are not going to pass this kind of increase. Even if you veto it, Mr. President, even if you shut down Government. And are not going to give you a clean debt ceiling. Congress is more concerned with the debt of this country going over $5 trillion, unless we make some of those changes.
Here is my point, Mr. Speaker: If we continue to stick to our guns, if we continue to hang tough, using the leverage that we have of increasing the debt limit, of being very frugal in the appropriation bills that we pass, we can do it. It is not this overspending and overborrowing. Borrowing has obscured the true size of Government. It needs to be changed. Let us hang tough, let us stick in there, let us do it.

**UNITED STATES-TAIWAN-CHINA RELATIONS**

The Speaker pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Guam [Mr. Underwood] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today the House will take up later on House Concurrent Resolution 148, a concurrent resolution expressing the sense of Congress that the United States is committed to the military stability of the Taiwan Straits and to the defense of Taiwan against invasion, missile attacks, or blockade by the People's Republic of China. A House resolution of this nature is timely. It coincides with meetings today between United States and Taiwanese officials to discuss Taiwan's defense needs and possible United States weapons sales in a regularly scheduled annual consultation.

Consideration of this resolution also comes at a time of increased military maneuvers by the People's Republic. Over the past few months, China has conducted missile tests off the coast of Taiwan, including missile firings which have landed adjacent to Taiwanese major ports and live ammunition fire operations in the Straits.

Yesterday China upped the ante by declaring that they will go forward with planned war games around islands it controls and ordered residents to evacuate. The PRC also announced a new series of exercises in a large part of the Taiwan Straits and has warned international shipping and aviation to stay away from the region.

The reason for the PRC's escalation is clear: It is an orchestrated campaign to intimidate Taiwanese voters and to influence the outcome of Taiwan's first direct Presidential elections this coming March. Resolution H. Con. Res. 148 under consideration today rejects this type of coercion and supports the historic democratic election in Taiwan this weekend. It reinforces the Clinton administration's support for democracy and stability in the region and peaceful resolution of the current dispute.

As the Member of Congress whose district is closest to this conflict and directly impacted by the outcome, I am mindful of its implications for Guam. While many have argued that my island could benefit from some of this instability, I reject this line of thinking. Even though some short-term economic gain may result from capital diverted from the region to Guam, our long-term economic growth will suffer without economic prosperity in the Pacific Rim and Pacific Basin nations and territories.

Guam's economy is tourist driven, roughly 1 million of whom arrive from the United States each year. Over the past 10 years, Korea, Japan, and Hong Kong account for more than 60 percent of Taiwanese exports. We can only imagine what would happen if the 19th largest economy in the world was cut off from the rest of the world by an invasion, blockade or missile attack. China would not only affect Taiwan, but also the United States and the rest of the region.

Economic growth throughout the United States would be jeopardized if the flow of exports to the region is disrupted in any way. Over 40 percent of all United States trade involves the Asia-Pacific region. U.S. trade in the region now exceeds $370 billion, which is 76 percent greater than U.S. trade with Europe. According to estimates, 2.8 million American jobs depend on United States exports to Asia.

Taiwan has become a major trading partner of the United States and all the major economies in the region. The two-way trade with the United States is roughly $43 billion. Furthermore, United States, Japan, and Hong Kong account for more than 60 percent of Taiwanese exports. We can only imagine what would happen if the 19th largest economy in the world was cut off from the rest of the world by an invasion, blockade or missile attack. When the peso collapsed in Mexico last year, shock waves went throughout economies and stock markets as far away as Asia. A disruption of trade in Taiwan could have even greater consequences.

Over the past 50 years, U.S. engagement in Asia and the Pacific has ensured a stable political and military environment and made possible the tremendous economic growth in the Pacific region. We should welcome the Clinton administration's dispatch of the Nimitz and the Independence. It sends Beijing a strong signal that the United States is committed to regional stability and economic growth. The resolution before the House only strengthens this commitment.

It is my hope that when the current dispute is resolved, Congress and the administration and the American people will wake up to a very new geopolitical reality. The Asia-Pacific region has become the most dynamic region in the world, and all major indicators point to the Asia-Pacific region as the most vibrant region in the next century. The region is home to the seven largest economies in the world, the largest population, and the greatest volume of trade.

Let us not turn our back on Taiwan. Let us support them, and let us support the resolution.

**SUPPORT THE TRAVEL AND TOURISM PARTNERSHIP ACT**

The Speaker pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. Roth] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, I rise today to urge support for the travel and tourism industry; that is, the Travel and Tourism Partnership Act. Travel and tourism is America's and the world's largest industry, or it will be in 4 years. Today, travel and tourism employs some 7 million people directly, and some 6.5 million people indirectly in the United States.

In the next 2 months, before the Travel and Tourism Administration closes down at the Commerce Department, I encourage my colleagues to focus on this industry and the jobs it creates, what it does to keep our taxes lower for all Americans, and what it is doing for America as far as our economy is concerned.

The travel and tourism industry is one that has been neglected too long by this Congress. Mr. Speaker, Members debate frequently here on the floor on what can do to promote good paying jobs, to keep our economy strong, how to revitalize our cities, and how to create the opportunities that our young people need and how to rejuvenate our local economies. The question always comes down to what can we do as a Congress to create more jobs?

One of the problems, of course, in the inner cities, is that businesses are closing down, opportunities have been lost, and neighbors are packing up and moving away. But today it is not only a problem for inner cities, it is also a problem for small towns.

In rural communities all across America where farms and industries once supported a main street bustling with restaurants, hardware stores, five-and-dimes, grocery stores, service stations, hotels, you name it, some of these small towns have been very hard hit.

But what has kept our hometowns and small towns from fading away in America has been one industry; it has been the travel and tourism industry. The travel and tourism industry many times has kept alive our small towns, our rural towns.

Tourism is today America's second largest employer. When we help tourism, it is like starting a downtown revitalization project or helping a small town anywhere in America.

With less than 2 months to go before the USTTA shuts its doors forever, it is time for Members to do two things, and I think it is imperative for us to do that: One is to recognize the vital role that tourism plays in our districts, and the other is to become the catalyst for further growth by helping travel and tourism.

We have a bill before Congress that is an outgrowth of the travel and tourism...
White House conference that we had here in October. We had some 1,700 leading people in travel and tourism come to Washington at the end of October, and they asked Congress for legislation dealing with a partnership act which would allow travel and tourism industry to work together. This would be really a prototype for legislation in the future.

We have the bill before us, H.R. 2579. This bill allows America to compete not only in our country, but also internationally with travel and tourism industry. Again, it is the outgrowth of the White House Conference on Travel and Tourism. It is a real job creator. There is not a bill before Congress that will create as many jobs as the Partnership Act, H.R. 2579, so I am asking Members to sign on. It is a real economic stimulus, especially for our local communities.

We now have 196 cosponsors. We want to do what is said to be impossible. We want to reach 218. So, you see, we are in striking distance. We are striving to achieve the ultimate goal, which is 218 cosponsors. I am asking all Members to become involved.

We have come a long way. We have made strides that others have said would be unachievable. But with all our success, we have a long trail ahead of us. We must get the job done. Time is of the essence.

Mr. Speaker, I ask all Members to focus on travel and tourism, because of what it means to our economy and what it means to jobs for all Americans. It is time for us to focus on this emerging industry. After all, travel and tourism, telecommunications, and information technology are the three greatest job producers of the 1990's and the 21st century. If we in Congress are forward looking and if we in Corning are going to focus on what has to be done for our economy and for the future of this country, then we have got to focus on travel and tourism, and we have got to do that today, because we have only 2 months before USTTA closes down.

So I ask all Members to focus on travel and tourism. Let us complete the big job we started. I ask all Members to help by cosponsoring this legislation today.

Mr. Speaker, I thank you for giving me the time to express my concerns about travel and tourism this afternoon.

CUTS IN EDUCATION ARE HITTING HOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to focus on education this afternoon because I am very concerned about the consequences of the House Republican leadership and their spending proposals with regard to education, the cuts that they have implemented or they are trying to implement in education.

Especially what we are seeing now is that these cuts are hitting home. I am going back to my district, and I know that our other colleagues have heard from their districts and their hometowns, are hearing back from the school boards and from local residents about the fact that teachers now have to be laid off or taxes have to be raised in order to provide for education programs. The Federal Government will no longer fund under these Republican proposals.

I have said before that education is one of the priorities that the President and the Democrats in Congress have stressed should not be severely impacted during these constant budget battles on the floor. Yet once again we face the situation where the House passed a spending bill a few weeks ago for the remainder of this fiscal year that would severely cut, provide the largest cut in educational programs in the history of the Federal Government.

This is basically amounting to a 13 percent reduction from the last fiscal year in education programs. The Senate, fortunately, as I have mentioned before, when this bill went over to the Senate, tried to restore most of this, about $2.5 billion in education funds. However, the Senate bill will not support the President, Gingrich and the Republican extremists, the Republican leadership, do not go along with the Senate version. So we have to constantly push to say that the House version that makes all these cuts in education funding is not the way to go, and that we as Democrats support the Senate version and the President supports the Senate version to put back a lot of this education money.

Now what does this all mean? A lot of times on the floor of the House we talk about money or about amounts of money or percentages, and some people wonder what does it mean to me locally? Well, it means a lot. I think we have got a very good glimpse of that today, or I should say yesterday, in the New York Times. The New York Times had an article in yesterday's paper, "Federal Budget Impasse Hits Home With the Threat of Layoffs in School Districts."

It takes us to a relatively small town in upstate New York, Schenectady. There they are starting to send out notices to the teachers to tell them they are going to lay off because of the cutsbacks in Federal funding. I just wanted to read some sections of this article, if I could, because I think it is so indicative of what the impact is of these House Republican cuts in education funding. In the small town of Scotia, Ms. Mcananey and her colleagues at the Pleasant Valley Elementary School in Schenectady who:

. . . have tended to view the budget stalemate in Washington as a distant drama that has mainly left funding of the nation's parks and museums and a handful of Government agencies.

But earlier this month, this faraway crisis hit home: the superintendent's office notified Ms. Mcananey that she would be among 16 teachers and aides in the city school district who face the risk for layoffs in the fall because the district had no idea how much money it would receive from the Federal or state governments.

She says that "The uncertainty is the most frustrating part of this whole thing."

This is what we are talking about. This week, this Federal Government is operating with a stopgap funding measure that extends for 1 week. This Friday against the Government or certain agencies of the Government, including the Education Department, will close down if we do not pass another bill extending funding for another week or another month. The process has to stop, because with these stopgap measures and taking the education funding from week-to-week, which is what the Republican leadership has been doing, there is so much uncertainty back in our hometowns and throughout this country about education funding that they do not know. What they have to do is essentially plan for the worst, lay off teachers, particularly those funded through title I for various programs, and tell them and assume they are not going to have the money for the next fiscal year. The only way that they can avoid that is if they go and take their local property taxes in order to keep some of these teachers and some of these programs going.

I went on further in the article, I thought it was particularly interesting, because further on in this New York Times article they have another individual who is also from Schenectady, who talks about how Congress and the Federal legislators are not paying attention to what is happening in the small towns. This gentleman is quoted as saying that "I don't think those people realize how their fighting is hurting ordinary people like myself." ** Maybe they should come into a school to see the problems they are creating every day."

He says, "It has reached the point that people cannot even plan."

Once again, I think that is the problem here. We keep talking about this Federal budget and the Republican leadership keeps saying that we can cut this money out of education programs, it will not matter. Let me tell you, it does matter. We are going to see more and more that it matters in coming weeks if the Republican leadership does not turn around and restore this education funding.

REMOVAL OF NAME OF MEMBER AS COPSPONSOR OF H.R. 2748

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2748.

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

There was no objection.
HEALTH CENTERS CONSOLIDATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

TRIBUTE TO REPRESENTATIVE JIM BUNNING

Mr. RICHARDSON. Mr. Speaker, I am going to talk about a bill I have introduced to reauthorize community health centers. Before I do that, there are three brief items I wanted to make my colleague aware of.

I would also like to join in congratulating our colleague from Kentucky, JIM BUNNING, recently elected to the Baseball Hall of Fame. It is about time. JIM BUNNING, an outspoken politician. WHo's he become second-inning, he was a stirring speaker. He told it like it is. The sports writers kept him off the Hall of Fame for years. They finally rectified that. About time. A great pitcher. For 11 years, he never missed a start.

Now, our hope, especially the demonstrators, baseball team, is that JIM BUNNING will now pitch in the World Series. JIM BUNNING did so 3 years ago. I am proud to announce that the great JIM BUNNING has lost his fast ball. Of course, he is in his fifties or sixties. We hope JIM is encouraged to play ball again. But congratulations to the great JIM BUNNING.

Mr. Speaker, I include for the RECORD the following statistics:

JIM BUNNING, JAMES PAUL (JIM) RHP

President and the Secretary of Defense are committed to making health care insurance more accessible through the Kennedy-Kassebaum bill, we must still face the fact that millions of Americans cannot afford health care insurance or basic health care. In fact, an estimated 43 million Americans will be without health care coverage this year.

This consolidation is going to reduce paperwork and administrative costs, while still maintaining community-based systems of health care to address the needs of medically underserved communities in vulnerable populations.

Federal health center programs have been highly successful in treating some of the most needy populations still at risk today. Although this body and the President are committed to making health care insurance more accessible through the Kennedy-Kassebaum bill, we must still face the fact that millions of Americans cannot afford health care insurance or basic health care. In fact, an estimated 43 million Americans will be without health care coverage this year.

Community health centers provide service to those needy Americans who have no other source of health care; 212 million people live in rural areas that lack access to a health care provider. Private practice in these underserved areas is not economical because of low incomes and low population density.

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In my State of New Mexico, Federal health centers serve 156,000 patients each year. My State has 56 clinics in 27 of the State's 33 counties. Many of the States in this country that are rural probably have a similar percentage.

In most areas these clinics are the sole providers of health care in the county. These clinics are usually also the only providers with a sliding fee scale, which means they provide both geographic and economic access to health care for many uninsured or geographically isolated New Mexicans.

Although they serve much smaller populations, community health centers for migrant populations, the homeless and public housing residents, provide necessary services to many medically underserved populations.

Last year a network of 122 migrant health centers across the country provided basic health care services to 600,000 migrant and seasonal farm workers. Mr. Speaker, this a good bill. It should be reauthorized. I invite co-sponsors to the Kassebaum-Richardson bill.

UNITED STATES MUST BE CLEAR ABOUT ITS POSITION REGARDING DEMOCRACY IN TAIWAN

The SPEAKER pro tempore. Under the Sergeant at Arms, pursuant to the announcement of policy of May 12, 1995, the gentleman from California [Mr. Cox] is recognized during morning business for 5 minutes.

Mr. COX of California. Mr. Speaker, I would like to respond to the preceding speaker's remarks concerning the events now taking place in the Taiwan Strait. It is very, very important that this Congress is treating this issue today on the floor. It is very, very important that the United States of America--take clear to the People's Republic of China that a war of aggression waged against the democracy on Taiwan will not be accepted, not by the United States, not by the free world, and that is the world that Taiwan is joining, because right now, in the days ahead, Taiwan is preparing for the first ever free, fair, open, and democratic elections of a head of government in nearly 5,000 years of Chinese history.

This is an extraordinary achievement which all of us applaud, and we should. Communism, which continues to reign in the People's Republic of China, is the antithesis of democracy. Wei Jingsheng, who was recently sentenced to prison for his role as a democracy activist in the People's Republic, is a means to show who is the most muscular, who is the most Communist, who is the most opposed to democracy.

As they push and push and push, they must understand that there is a line beyond which they must not go, and that is launching a military assault against Taiwan. If the United States is ambiguous on this point, we risk war through weakness. We will not have war. We will have peace if we are quite clear in our foreign policy. But there is nothing to be gained and everything to be lost from saying we are not sure what would happen if the People's Republic of China were to launch a military invasion of Taiwan, because the truth is we do know the answer to that, and we ought to tell Beijing first before it happens. The People's Republic of China is our sixth-largest trading partner. Taiwan is America's seventh-largest trading partner. Because China's PRC runs a huge trade deficit with America, it is true that Taiwan actually buys more from the United States than does the Communist government in China. Because they are respectively our sixth- and seventh-largest trading partners, we have nothing to gain from a war in the Taiwan Strait.

We in America must be the peacekeepers, and there is only one way for the world's only superpower to maintain peace here, and that is to be clear.

We have no diplomatic that can help us once there is a war that is started on a mistaken premise that the United States will not respond. But we do have a means--because of our relationship with both Taiwan and the People's Republic of China--have a means to keep the peace, and that is to let them know that America stands by its friendship with the peaceful government on Taiwan and that America make clear to the People's Republic of China, must not be a threat to the free government on Taiwan.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

SUMMER JOBS PROGRAM CRITICAL FOR OUR YOUNG PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there are some in this House who would want to endanger the young people of America to bear the additional burden of being denied and deprived of a job and of a chance. These Members talk about the dilemma of teenagers, teenage pregnancy. They talk about the horror of teen violence. They talk about the plague and the scourge of drugs in our communities. Yet those same Members in the House Labor-HHS appropriation bill voted to eliminate the very program that serves to help prevent those problems, summer jobs. If those Members have their way, some 615,000 youth will not have a work experience, nor will they have educational assistance, in some 650 communities across the United States.

Recently, however, the Senate, by an overwhelming majority, some 84 to 16, Republicans and Democrats alike, voted to continue the Summer Youth Employment Program by restoring $635 million in funds. The House should follow the Senate in this critical matter.

While funding under the Senate program obviously is at 75 percent of the level it was when George Bush was President, nevertheless our youth indeed would have jobs, and that is the critical point.

Mr. Speaker, the Summer Youth Employment Program has worked, has served youths very well since 1964. This is a perfect program, but it is a program that should be made stronger, not necessarily ended. It has been going on for 30 years, and it has meant the difference in the lives of millions of young people.

This program does not provide charity; it provides a chance. Very often this is the first opportunity young people have to get a job, to obtain employment experience, to learn the work ethic through summer jobs programs.

A job gives an individual dignity, a sense of contributing, pride in one's self, and the resources to purchase needed goods and services. A job gives an individual worth and value.
On the other hand, Hippocrates recognized some 400 B.C. that "Idleness and lack of occupation tend toward evil."

Unemployment rates among our youth is at 17.5 percent. That is three times as high as is in our general population. The unemployment rate for African-American teenagers is almost at 40 percent, and without the summer program, it would be almost 50 percent. If some in Congress have their way, Mr. Speaker, for every employed African-American youth, there would be one unemployed African-American teenager. Surely in 1996 Congress could recognize the wisdom of Hippocrates, which has survived throughout the years.

Also, Mr. Speaker, it costs so little to give a youth a chance, but it costs society so much when we do not give the youth a chance. Last year, the summer program cost less than $1,500, less than $1,500. In contrast, conservatively it means that it costs $70,000 in prison construction and welfare spending when you have a student dropping out of high school from the ages of 18 to 54. Contrast that, $70,000 with $1,500. It cannot be disputed that there is a link between poverty and joblessness, and there is a link between joblessness and those who wind up in prison and those who wind up on our welfare rolls.

If we really want to move from welfare to work, let us give our young people a chance. Let them work. If you really want to fight criminal behavior, let us give our young people an alternative. Let them work. They want to work.

Last year there were two applications for every job available, and there were not enough jobs to go around. The summer employment program is broad-based, both in urban and rural communities. Indeed, there are more youth in rural communities than in urban communities. These young people usually get this money for critical needs, for going back to school, for clothing and special school items.

Mr. Speaker, we can spend more money to build more jails, open more courts, incarcerate more youth, or we can spend less money, less money, build fewer jails, and employ our young people and give them opportunities. We can get less for more by ignoring the problem, or we can get more for less by giving young people a chance.

Charity is getting something for nothing. A chance is an opportunity to become something rather than nothing. Most American youth I know want to have that chance. When we decide the spending for the rest of the year, I hope we do not disregard our Nation's youth.

Mr. Speaker, remember, idleness breeds evil.

RECESS

Mr. Speaker, I yield.

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule 1, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

PRAYER

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

We pray with the psalmist of old when we ask that You would teach us, O God, to number our days so that we gain hearts of wisdom. As the time goes by and the days become years and we add so many experiences to our life's work, may we learn discernment and sagacity in the ways of the world and may we foster patience and comprehension in our own hearts, and so make judgments of justice and mercy. Bless us, O God, this day and every day, we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule 1, the Journal stands approved.

THREAT OF A GOVERNMENT SHUTDOWN

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

Mr. LINDER. Mr. Speaker, President Clinton is fighting, threatening a Government shutdown, for $7 million more to send to foreign countries to educate their students on the environment and rainfall measurement techniques. He wants to give $10 million more to the National Endowment for the Arts. He wants more money to establish a new Federal program to help guide people through the 160 Federal job training programs. Only the Clinton administration would want to create a new program to make the maze of 160 overlapping programs understandable. Further, Clinton wants $2 million for the Ounce of Prevention Council which in a year and a half has produced one glossy magazine and administered zero grants. White House Chief of Staff Leon Panetta's wife works for this program and is paid $200,000.

It is simply hypocritical to say you are for a balanced budget and then demand $8 billion for more spending. In January, the President said, "The era of Big Government is over." He also vowed to never shut down the Government again. Unfortunately, he has abandoned these pledges already to return to the traditional liberal tax and spend philosophy. That the President would support paying Mrs. Leon Panetta $300-a-day to produce one magazine but is not willing to give Americans families a $500-tax cut is the height of arrogance.

THE COURTS IN AMERICA

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

Mr. TRAFICANT. Mr. Speaker, 10 years ago Terry Clark was sentenced to death for killing a 9-year-old girl. Clark admitted he did it. He said, I grabbed her from her bike. I raped her. Then I shot her in the head three times.

The death sentence was overturned on a technicality. But now, once again, a New Mexico jury has sentenced Clark to death. This time Clark says, "Do not kill me. It will serve no purpose and you will destroy the health of my aged mother."

Mr. Speaker, did Clark ever consider the health of the victim's family or the victim? Unbelievable here, Mr. Speaker.

The father now says, lethal injection is too good for this bum. And I agree.

A New Mexico jury has sentenced Clark, after 10 years, killing a 9-year-old helpless victim, is still drawing breath in America, there is something wrong with the courts of America.

It is time for Congress to say, good night sweet prince, Clark. It is time for you to meet your maker, Jack. You do not go around killing people in America.

LAST STAND FOR BIG GOVERNMENT

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

Mr. SEASTRAND. Mr. Speaker, call it Big Government's $8 billion last stand. It comes right on time, less than 3 months after President Clinton declared the era of Big Government is over. Well, of course, the President's pledge has not been fulfilled. Big Government's reign. We cannot forget the President's $16 billion pork barrel stimulus package, raising taxes to pay for more social spending. And even
March 19, 1996

THE PEOPLE SHOULD KNOW WHO TRUSTS TERRORISTS

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

Mr. BRYANT of Texas. Mr. Speaker, last Wednesday on this floor the distinguished gentleman from Illinois [Mr. Hyde] made the following statement, that he had overhead a Republican colleague saying something to the effect that the President, in his remarks, did not trust his own Government. Mr. Speaker, this has to be one of the most morally reprehensible statements I have ever heard made by any public official. For any Member of this body to say that he would trust a terrorist organization that proudly kills innocent women and children more than he trusts his own Government has no right to be a part of this Government.

Mr. Speaker, Secretary O'Leary, the congenital flier, has some bad travel habits. It is time to revoke her free flight status. It is indefensible practice of furloughing DOE workers while spending lavishly on those feel-good self-help workshops and on her personal travel budget.

MAHMOUD ABDUL-RAUF'S FREEDOM OF SPEECH

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

Mr. FUNDERBURK. Mr. Speaker, the actions of NBA basketball player, Chris Jackson, now Mahmoud Abdul-Rauf, are despicable. This supehrb, NBA star should be thankful for the opportunity he can free enterprise bestowed on him. Instead he refused to stand and show respect for the Stars and Stripes during the national anthem. He said he could not do so because "Old Glory is a symbol of tyranny and oppression." He earns $2.6 million per year—over $31,000 per game. If that is "tyranny and oppression" there are many waiting in line to be oppressed. Now, Abdul-Rauf says he wants to move to Canada. Maybe he will be willing to pay back the cost of his education at LSU and his salary from the Denver Nuggets—all conspirators in his "tyrannical and oppressive" United States. Mr. Speaker, I lived for 6 years in a Communist regime where real tyranny and oppression existed. America is paradise. Millions of Americans have fought and died to protect Abdul Rauf's freedom of speech. If Abdul-Rauf believes the flag represents tyranny and oppression, I say let him try Iran and see if they will tolerate his disrespect and pay him millions to play basketball. When this poor "oppressed" millionaire leaves, I'll say good riddance.

SECRETARY O'LEARY

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

Mr. TIAHRT. Mr. Speaker, Steven Covey has the seven habits of highly effective people. Let me propose the seven habits of a highly ineffective Energy Secretary.

First, always have Madonna's jet on the Red kids live at any time.

Second, make sure you have plenty of champagne and caviar on ice.

Third, make sure you always have a five-star hotel and restaurant booked.

Fourth, always take a huge entourage with you on your trips. Remember, the more the merrier.

Fifth, lavishly spend as much taxpayer money as you can on those feel-good self-help workshops.

Sixth, even if you run out of money, you can always run a nuclear storage program or just furlough your employees.

Seventh, if you run into any trouble, just blame Congress.

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THE PRESIDENT HAS THE SAME OLD REMEDIES ON THE BUDGET

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

Mr. LEWIS of Kentucky. Mr. Speaker, today the Clinton administration introduced its budget for 1997. I'm sure that liberals all across Washington are pleased to see more taxes, more money for the Federal bureaucracy, and more of the status quo. Mr. President, the rest of America, I suspect, will not be as enthusiastic. Bill Clinton has no plan to save Medicare, he has no plan to reform welfare, and he offers the same old big government remedies that have failed for the last generation. Mr. Speaker, just a few weeks ago, Bill Clinton asked Congress to give him $8 billion in additional spending for his liberal constituencies. Now, he is asking for billions and billions more. Today, the national debt stands at 5 trillion, 25 billion, and 165 million dollars. It's time for Bill Clinton to stop playing political games with our children's future. Clinton's new budget offers crystal clear proof that there is no reason to believe that he wants to balance the budget.

FIFTH ANNIVERSARY OF THE PERSIAN GULF WAR

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

Mr. HALL of Texas. Mr. Speaker, 5 years ago the United States fought a war in the Persian Gulf to safeguard our access to a plentiful supply of crude oil in the Middle East. In 1991, the United States had a lot at stake in the Persian Gulf, and since then not much has changed. This country must make it a top priority to protect its access to a plentiful supply of crude oil— which is why we went to war in the first place. This Nation will fight for energy.

The gulf crisis prompted a need for dramatic changes in U.S. energy policy. Since this time, we have made considerable movement forward by allowing the export of crude oil in Alaska, and providing drilling and exploration incentives for offshore drilling. I applaud...
my colleagues and the leaders of this country in the advancements we have made to this precious industry, but we must not stop there. We must continue to strive toward more U.S. oil and gas production and guard against the interruption of these supplies in the future. If we fail to recognize the dangers of an increased reliance on imported oil, this country could once again find itself in the same predicament we were in with the Middle East in 1973.

At a time when Washington is trying to balance the budget and promoting ways to stimulate the economy, Congress and the leaders of this Nation must take a hard look at the domestic oil and gas industry for answers. In the end, this Nation's economy will reap the benefits of a strong domestic industry instead of suffering the consequences of our dangerous dependence on foreign oil.

PRESIDENT CLINTON SUPPORTS BIG GOVERNMENT

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

Mr. FORBES. Mr. Speaker, less than 3 months ago President Clinton, who brought us Goals 2000, AmeriCorps, a $260 billion tax increase to pay for more Federal spending, a plan for Government-run health care, a $16 billion pork-barrel stimulus package, and to cap it all off $90 billion in new debt, stood in this room and with a straight face spoke these words: "The era of big government is over."

Well, well, well, and how is President Clinton hoping to end the era of big government today? Let us see, he is mandating, as his price to keep the Government open, $8 billion more—that is right $8 billion—in new big government spending.

Mr. Speaker, the President may have declared the end of an era, but that is about all he did today; he did not get too large, that they can get too large, do not get too large, Republicans have done their part. We have saved American taxpayers more than $20 billion in the past year. But make sure you look beyond the words and observe the actions—Bill Clinton is big government's last line of defense, and he has got an $8 billion plan to prove it.

GIVE AMERICA'S CHILDREN A 21ST CENTURY EDUCATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, 27 House Republicans joined Democrats and endorsed the Senate's plan to add $2.6 billion back into education funding.

Many of us have been urging Speaker Gingrich to follow the Senate's lead and restore these funds.

We welcome the support from our 27 Republican colleagues. Their letter said that education must be one of our Nation's top priorities and the Senate has taken responsible action to protect our children's future.

I agree and I can tell you that in my State of Connecticut, these cuts would be disastrous. Educators in Connecticut are staring down the barrel of a gun because they face a March 30 deadline for notifying teachers of layoffs if Federal funds are not available.

Mr. Speaker, I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to

BILL CLINTON'S VIEW OF AMERICA: MORE TAXES, MORE SPENDING, MORE GOVERNMENT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, today the President is going to release his budget. Unfortunately, his view of America is more taxes, more spending, and more government.

This is a fact, it is not partisan rhetoric, and we should not be surprised. In the past 3 years President Clinton has passed the largest tax increase in history, vetoed welfare reform, not once, but twice, vetoed tax benefits for families and businesses, vetoed the first balanced budget in 26 years, and allowed Medicare to go bankrupt.

Now he simply wants $8 billion more in new spending this year and a 4-percent increase in spending next year; all this despite his rhetoric that the era of big government is over. This President has proven he cannot manage his own bureaucracy. He has shown by his actions he is not ready to give the people of this country the ability to achieve their own American dream.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. HUTCHINSON) laid before the House the following communication from the Clerk of the House of Representatives:

PROPOSED AGREEMENT FOR CO-OPERATION BETWEEN GOVERNMENT OF THE UNITED STATES AND GOVERNMENT OF ARGENTINE REPUBLIC CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-188)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute.
transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Concerning the IAEA, Argentina, has made the following major non-proliferation commitments:

- It brought the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) into force for itself on January 14, 1994;
- It became a full member of the Nuclear Suppliers Group in April 1994; and
- It acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on February 10, 1968.

Once Argentina's commitment to full-scope IAEA safeguards was clear, and in anticipation of the additional steps subsequently taken by Argentina to adopt responsible policies on nuclear non-proliferation, the United States entered into negotiations with Argentina on a new agreement for peaceful nuclear cooperation and reached an ad referendum agreement on a text on September 3, 1992. Further steps to conclude and adopt the agreement were interrupted, however, by delays (not all of them attributable to Argentina) in bringing the full-scope IAEA safeguards agreement into force, and by steps, recently completed, to resolve issues relating to Argentina's eligibility under section 123 of the U.S. Atomic Energy Act to receive U.S. nuclear exports. As the agreement text initialed with Argentina in 1992 continues to satisfy current U.S. legal and policy requirements, no revision has been necessary.

The proposed new agreement with Argentina permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It permits exchange of rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

From the U.S. perspective the proposed new agreement improves on the 1969 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguards; perpetuity of safeguards; a ban on "peaceful" nuclear explosions; a right to require the return of exported nuclear items; in certain circumstances, a guarantee of adequate physical protection; and a consent right to enrichment of nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 18, 1996.

THE BUDGET FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and ordered to be printed:

To the Congress of the United States:

The 1997 Budget, which I am transmitting to you with this message, builds on our strong economic record by balancing the budget in seven years while continuing to invest in the American people.

The budget cuts unnecessary and duplicative programs, and in certain areas—such as protecting senior citizens, working families, and children—it reforms welfare to make work pay and provides tax relief to middle-income Americans and small business.

Three years ago, we inherited an economy that was suffering from short- and long-term problems—problems that were created or exacerbated by the economic and budgetary policies of the previous 12 years.

In the short term, economic growth was slow and job creation was weak. The budget deficit, which had first exploded in size in the early 1980s, was rising to unsustainable levels.

Over the longer term, the growth in productivity had slowed, and, in the early 1970s and, as a result, living standards had stagnated or fallen for most Americans. At the same time, the gap between rich and poor had widened.

Over the last three years, we have put in place budget and economic policies that have fundamentally changed the direction of the economy—for the better. We have produced stronger growth, lower interest rates,
stable prices, millions of new jobs, record exports, lower personal and corporate debt burdens, and higher living standards.

Working with the last Congress in 1993, we enacted an economic program that was worked better than even we projected in spurring growth and reducing the deficit. We have cut the deficit nearly in half, from $250 billion in 1992 to $164 billion in 1995. As a share of the Gross Domestic Product, we have cut the deficit by more than half in three years, bringing the deficit to its lowest level since 1979.

While cutting overall discretionary spending, we also shifted resources to investments in our future. With wages increasingly linked to skills, we invested wisely in education and training to help Americans acquire the tools they need for the high-wage jobs of tomorrow. We also invested heavily in science and technology, which has been a strong engine of economic growth throughout the Nation’s history.

For Americans struggling to raise their children and make ends meet, we have sought to make work pay. We expanded the Earned Income Tax Credit, providing tax relief for 15 million working families. And we have given 37 States the freedom to test ways to move people from welfare to work while protecting children.

As the economy has become increasingly global, we have acted at home dependably in opening foreign markets to American goods and services. With this in mind, we secured legislation to implement the General Agreement on Tariffs and Trade and the North American Free Trade Agreement, and we have completed over 80 other trade agreements. Under our leadership, U.S. exports have grown to an all-time high.

With these policies, we have helped pave the way for a future of sustained economic growth, low interest rates, stable prices, and more opportunity for Americans of all incomes. But our work is not done.

Looking ahead, as I said recently in my State of the Union address, we must answer three fundamental questions: First, how do we make the American dream of opportunity for all a reality for all Americans who are willing to work for it? Second, how do we preserve our old and enduring values as we face the future? And, third, how do we meet these challenges together, as one America?

This budget addresses those questions.

### Creating an Age of Possibility

I am committed to finish the job that we began in 1993 and finally bringing the budget into balance. In our negotiations with congressional leaders, we have made great progress toward reaching an agreement. We have simply come too far to let this opportunity slip away.

A balanced budget would reduce interest rates for all Americans, including the young families across the land who are struggling to buy their first homes. It also would free up funds in the private markets with which businesses could invest in factories and equipment, or in training their workers.

But we have to balance the budget the right way—by cutting unnecessary and lower priority spending; investing in the future; protecting senior citizens, working families, children, and other vulnerable Americans; and providing tax relief for middle-income Americans and small businesses.

My budget does that. It strengthens Medicare and Medicaid, on which millions of senior citizens, people with disabilities, and low-income Americans rely. It reforms welfare. It cuts other entitlements. And it cuts deeply into discretionary spending.

But while cutting overall discretionary spending, my budget invests in education and training, the environment, energy, law enforcement, and other priorities to help build a brighter future for all Americans. We should spend more on what we need, less on what we don’t.

### Projecting American Leadership

Across the globe, we live in a time of greater opportunity and greater challenge. With the end of the Cold War, the world looks to the United States for leadership. Providing it is clearly in our best interest. We must not turn away.

My budget provides the necessary resources to advance America’s strategic interests, carry out our foreign policy, open markets abroad, and support U.S. exports. It also provides the resources to confront the emerging global threats that have replaced the Cold War as major concerns—regional, ethnic, and national conflicts; the proliferation of weapons of mass destruction; international terrorism and crime; narcotics trading; and environmental concerns.

On the diplomatic front, our successes have been numerous and heartening, and they have made the world a safer and more stable place. Through our leadership, we are helping to bring peace to Bosnia and the Middle East, and we have spurred progress in Northern Ireland. We also encouraged the movement toward democracy and free markets in Russia and Central Europe, and we led a successful international effort to defuse the nuclear threat from North Korea.

On the military front, we have deployed our forces where we could be effective and where it was in our interest to promote stability by ending bloodshed (such as in Bosnia) and suffering (such as in Rwanda). We also have used the threat of force to ease tensions, such as to unseat an unwelcome dictatorship in Haiti and to stare down Iraq when it threatened again to move against Kuwait.

This budget provides the funds to sustain and modernize the world’s strongest, best-trained, best-equipped, and most ready military force.

Through it, we continue to support service members and their families with quality-of-life improvements in the short term, while planning to acquire the new technologies that will become available at the turn of this decade.

### Creating Opportunity and Encouraging Responsibility

The Federal Government cannot—by itself—solve most of the problems and address most of the challenges that we face as a people. In some cases, it must play a lead role—whether to ensure the guarantee of health care for all Americans, expand access to education and training, invest in science and technology, protect the environment, or make the tax code fairer. In other cases, it must play more of a partnership role—working with States, localities, non-profit groups, churches and synagogues, families, and individuals to strengthen communities, make work pay, protect public safety, and improve the quality of education.

To restore the American community, the budget invests in national service, through which 25,000 Americans this year are helping to solve problems in communities while earning money for postsecondary education or to repay student loans. We want to create more Empowerment Zones and Enterprise Communities to spur economic development and expand opportunities for the residents of distressed urban and rural areas. We want to expand the Community Development Financial Institutions Fund to provide credit and other services to such communities. With the same goal in mind, we want to transform the Department of Housing and Urban Development into an agency that better addresses local needs. And we want to maintain our relationship with, and the important services we provide to, Native Americans.

In health care, our challenge is to improve the existing and largely successful system, not to end the guarantees of coverage on which millions of vulnerable Americans rely. My budget strengthens Medicare and Medicaid, ensuring their continued vitality. For Medicare, it strengthens the Part A trust fund, provides more choice for seniors and people with disabilities, and makes the program more efficient and responsive to beneficiary needs. For Medicaid, it gives States more flexibility to manage their programs while preserving the guarantee of health coverage for the most vulnerable Americans, retains current nursing home quality standards, and makes the program more efficient and responsive to beneficiary needs. For Medicaid, it gives States more flexibility to manage their programs while preserving the guarantee of health coverage for the most vulnerable Americans.

In education, the budget invests in early childhood programs, the most important way we can ensure the continued vitality of America’s schools; strengthens the Pell Grant to make college more affordable; expands access to education; and makes the tax code fairer. In other cases, it must play a lead role—whether to ensure the guarantee of health care for all Americans, expand access to education and training, invest in science and technology, protect the environment, or make the tax code fairer. In other cases, it must play more of a partnership role—working with States, localities, non-profit groups, churches and synagogues, families, and individuals to strengthen communities, make work pay, protect public safety, and improve the quality of education.

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with AIDS, and research and regulatory activities that promote public health.

Because American's welfare system is broken, we have worked hard to fix those parts of it that we could without congressional direction. For example, we have given 37 States the freedom to test ways to move people from welfare to work while protecting children, and we are collecting record amounts of child support. But now, I need the help of Congress. Together, in 1993 we expanded the Earned Income Tax Credit for 15 million working families, remedying work over welfare. Now, my budget overhauls welfare by setting a time limit on cash benefits and imposing tough work requirements, and I want to see with bipartisan legislation that requires work, demands responsibility, protects children, and provides adequate resources to get the job done right—with child care and training, giving parents tools they need to get and keep work.

More and more, education and training have become the keys to higher living standards. While Americans clearly want States and localities to play the lead role in education, the Federal Government has an important supporting role to play—from funding preschool services that prepare children to learn, to expanding access to college and worker retraining. My budget continues the strong investments that we have made to give Americans the skills they need to find and keep good jobs. And, with my ongoing investments, my budget proposes a Technology Literacy Challenge Fund to bring the benefits of technology into the classroom, a $1,000 merit scholarship for the top five percent of graduates in every high school, and more Charter Schools to let parents, teachers, and communities create and maintain their own children's needs.

As Americans, we can take pride in cleaning up the environment over the last 25 years, with leadership from Presidents of both parties. But our job is not done—not with so many Americans breathing dirty air or drinking unsafe water. My budget continues our efforts to find solutions to our environmental problems without burdening business or imposing unnecessary regulations. We are providing the necessary funds for the Environmental Protection Agency's operating program, for our national parks and forests, for my plan to restore the Florida Everglades, and for my "brownfields" initiative to clean up abandoned, contaminated industrial sites in distressed urban and rural communities. And we are continuing to reinvent the regulatory process by working collaboratively with business, rather than treating it as an adversary.

With science and technology (S&T) so vital to our economic future, our national security, and the well-being of our people, my budget continues our investments in this crucial area. To maintain our investments, I am asking Congress to fulfill my request for basic research in health sciences at the National Institutes of Health, for basic research and education at the National Science Foundation, for research at other agencies that depend on S&T for their missions, and for cooperative research projects with universities and industry, such as the industry partnerships created under the Advanced Technology Program.

To attack crime, the Federal Government must work with States and communities to go beyond words and lead on others. To help communities, we continue to invest in the Community Oriented Policing Services (COPS) program, which is putting 100,000 more police on the street. We are helping States build more prisons and jail space, better enforce the Brady bill that helps prevent criminals from buying handguns, and better address the problem of youth gangs. At the Federal level, we are leading the fight to stop drug dealers from bringing drugs to our country and expand drug treatment efforts, and we are stepping up our efforts to secure the border against illegal immigration while we help to defray State costs for such immigration.

For families, of course, the first challenge often is just to pay the bills. My budget proposes tax relief for middle-income Americans and small businesses. It provides an income tax credit for each dependent child under 13; a deduction for college tuition and fees; and expanded, individual retirement accounts to help families save for future needs and more easily pay for college, buy a first home, pay the bills during times of unemployment, or pay medical or nursing home costs. For small business, it offers more tax benefits to invest, provides estate tax relief, and makes it easier to set up pensions for employees. It also would expand the tax deduction to make health insurance for the self-employed more affordable.

As we pursue these priorities, we will do so with a Government that is leaner, but not meaner, one that works efficiently, manages resources wisely, focuses on results rather than merely spending money, and provides better service to the American people. Through the National Performance Review, led by Vice President Gore, we are making real progress in creating a Government that "works better and costs less."

We have cut the size of the Federal workforce by over 200,000 people, creating the smallest Federal workforce in 30 years, and the smallest as a share of the total workforce since before the New Deal. We are ahead of schedule to cut the workforce by 272,900 positions, as required by the 1994 Federal Workforce Restructuring Act that I signed into law.

Just as important, the Government is working better. Agencies such as the Social Security Administration, the Customs Service, and the Veterans Affairs Department are providing much better service to their customers. Across the Government, agencies are using information technology to deliver services more efficiently to more people.

We are continuing to reduce the burden of Federal regulation, ensuring that our rules serve purpose and do not unduly burden businesses or taxpayers. We are eliminating 16,000 pages of regulations across Government, and agencies are improving their rule-making processes.

In addition, we continue to overhaul Federal procurement so that the Government can buy better products at cheaper prices from the private sector. No longer does the Government pay outrageous prices for hammers, ashtrays, and other small items that it can buy cheaper at local stores.

As we look ahead, we plan to work more closely with States and localities, with businesses and individuals, and with Federal workers to focus our efforts on improving services for the American people. Under the Vice President's leadership, agencies are setting higher and higher standards for delivering faster and better service.

CONCLUSION

Our agenda is working. We have significantly reduced the deficit, strengthened the economy, invested in our future, and cut the size of Government while making it work better for the American people.

Now, we have an opportunity to build on our success by balancing the budget the right way. It is an opportunity we should not miss. William J. Clinton.

March 1996.

ANNUncIATION BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

PERMISSION FOR SUNDAY COMMITTEES AND THEIR SUB-COMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SMITH of Texas. Mr. Speaker, I and unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations,
CONGRESSIONAL RECORD – HOUSE
March 19, 1996

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993, as amended.

The Clerk reads as follows:

H.R. 2937

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) In General—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such fees and costs as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) Verification Required.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) No Inference of Liability.—Liability of the United States shall not be inferred from enactment of or payment under this Act.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the ‘‘General Counsel’’ under the heading ‘‘Office of the Secretary’’ in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Office employment of that individual on May 19, 1993.

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

There was no objection.

The Speaker of the House. Is there a request of any Member?

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Speaker of the House. The gentleman from Texas?

Mr. SMITH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Clinger], chairman from Massachusetts [Mr. Frank] and the gentleman from Texas [Mr. Smith] and the gentleman from Texas [Mr. Smith] and the gentleman from Massachusetts [Mr. Frank] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. Smith].

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2937 would reimburse the legal expenses incurred by former employees of the White House Travel Office due to their dismissal on May 19, 1993. The Secretary of the Treasury would reimburse such costs out of money not otherwise appropriated.

On May 19, 1993, all seven White House Travel Office employees were fired. We now know that the employees’ firing and the subsequent FBI investigation was actually instigated by individuals who were pursuing travel and aviation business controlled within the White House. As a result of the actions of those individuals, the seven employees suffered public and private humiliation. They incurred extensive legal expenses in their attempt to defend themselves.

Today, after the conclusion of all the investigations, no one has been found guilty of any of the charges. Both a GAO report and a White House management review acknowledged that the actions of people within the White House, the public acknowledgment of a criminal investigation, and the investigation itself tarnished the employees’ reputations and caused them to incur considerable legal expenses.

On the bases of these facts, the committee feels that in the interest of equity, these particular individuals’ attorney fees should be reimbursed.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I appreciate the very thoughtful manner in which the chairman of the subcommittee has managed this at subcommittee. We did adopt a few amendments to tighten it up.

I should note that this is not entirely unprecedented. As a matter of fact, well back in the early 1980’s the Congress appropriated funds to compensate for lawyer’s fees, Hamilton J. Jordan, because when he was working for Jimmy Carter he was, wholly unfairly, accused of things.

At the point the independent counsel statute, then called the special prosecutor statute, had a very, very low trigger, and very irresponsible and inaccurate accusations against Mr. Jordan triggered the statute as it was then written. He was then compensated. Indeed, the former Member of the House who is now the Secretary of Agriculture carried the bill at the time because he chaired the appropriate subcommittee, and Mr. Jordan was compensated for his attorney’s fees.

So it is not unprecedented that we compensate people who were unfairly put to the need to hire attorneys. In fact, after the Jordan situation, when Congress reenacted the independent counsel statute in 1982, I believe it was, we raised the trigger because we did not want others to have to go through that. We also included a provision where there which had not been in the original, which which has been in the original, is still lower than in some cases.

Also in the course of that the late Judge George McKinnon, who was a very distinguished head of the special court that appointed independent counsel, developed a lot of law which we alluded to, I believe, in this report and in the discussion in committee to properly distinguish between lawyer’s fees that ought to be compensated and other fees that should not be.

I can think of a lot of things for people. They can write articles; they can be public relations advisers. Judge McKinnon set down some very good criteria for differentiating between those properly compensable fees and other expenses, and I am glad to say that I think we will be building on that in that.

I think the precedent that, having been set before, is useful to follow now, and it is not a binding precedent. No one can then come before us and say, “You must do that.” We are not governed by the rule of stare decisis the way the courts are.

However, I think reaffirming the principle that people who have unfairly been put to significant legal expenses, people who were there not because they happen to be in the way of some investigation as an ordinary citizen, but people who because of their governmental position and because of a variety of factors were put to expenses that they should not have had to have been put to, that it is reasonable to compensate them. It is not the first time we have done it. In my judgment it should not necessarily be the last time, because there are other cases where people are involved.

I think it is appropriate to provide the funds for these people here, and understand that we are once again affirming a principle that people who have been unfairly put to great expenses, particularly people of no great personal wealth, ought to be able to look to this Congress for some compensation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Clinger], chairman of the Committee on National Security, the Committee on Resources, the Committee on Science, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to the rule, the gentleman from Texas?
of the Committee on Government Reform and Oversight.

Mr. CLINGER asked and was given permission to revise and extend his remarks.

Mr. CLINGER. Mr. Speaker, thank the gentleman for yielding time to me.

Mr. Speaker, I want to rise in support of H.R. 2937, which will reimburse the legal expenses incurred by some of the former employees of the White House Travel Office with respect to the firings that took place on May 19, 1993.

Mr. Speaker, I am very pleased to say that the White House has indicated that President Clinton will sign this legislation. I am particularly appreciative of the extraordinary assistance of my colleagues on the Committee on the Judiciary and the support of my colleagues on the minority side of the aisle, and I urge my colleagues to support this vital legislation.

As hard as it may be to believe, nearly 3 years have passed since that late morning of May 19 when five White House Travel Office employees were fired summarily by Mr. David Watkins in order to be out of the White House by noon.

Two of their colleagues were not present for what Mr. Watkins characterized as a surgical procedure. One was on a White House advance trip to South Korea and learned he had been terminated by CNN. The other, who was told in a personal conversation in Ireland, was called by his son in Ireland and told, “Dad, Tom Brokaw said you were fired.” So this was really the beginning of what was a nightmare, really, for these seven individuals, their families, and their friends. It was a nightmare from which they are only now really beginning to see the light.

I understood and I think most of us here in the Congress understood all along that the Travel Office employees served at the pleasure of the President; so, I was not surprised that the Travel Office employees themselves, as a matter of fact, understand that they served at the pleasure of the President. But from the very first, the manner in which these men were fired raised troubling questions.

In particular, the White House’s May 19, 1993 statement that the FBI was launching a criminal investigation of the Travel Office was really, I think, highly inappropriate and improper. While that was the most troubling event, it was not the only high point.

Mr. CLINGER. Mr. Speaker, thank the gentleman for yielding time to me. Mr. Speaker, I want to say that I have seen a great amount of testimony and other information about the Travel Office matter. This is because I serve on both of the committees represented here today, the Committee on the Judiciary and the Committee on Government Reform and Oversight.

Unfortunately, all of the matters that exist between the administration and the Congress as to the fact that these individuals, these employees of the Federal Government, were not treated fairly; in fact, were mistreated in this whole process. That has been acknowledged by the administration, I think to their credit, to look back at it and say, “We know we didn’t handle this right.” Mr. Speaker, it is also my understanding that the President does intend to sign this bill, should it reach his desk. I urge support for this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I want to urge all Members to vote in favor of this legislation, and some Members of Congress believe that is not the case, so there is still an area of contention between the two branches of government.

But there is no difference of opinion between the administration and the Congress as to the fact that these individuals, these employees of the Federal Government, were not treated fairly; in fact, were mistreated in this whole process. That has been acknowledged by the administration, I think to their credit, to look back at it and say, “We know we didn’t handle this right.” Mr. Speaker, it is also my understanding that the President does intend to sign this bill, should it reach his desk. I want to urge all Members to vote in favor of this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of the Committee on Government Reform and Oversight, the gentleman for yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. CLINGER pursued this matter of the unfair treatment of employees in the Travel Office at the White House when...
all doors were blocked as to what really happened. Today, after several years of pursuit of the truth, a basic characteristic of the American people, which is fairness, has finally come into play. I have sat for hours through the testimony of those involved. Chairman Clinger has been a great leader in this effort to secure long-overdue justice for those employees who worked effectively to meet the travel needs of the various reporters who accompanied the President on his frequent international trips. A few of these employees served both Democratic and Republican Presidents since the early 1960s.

Suddenly, the new Clinton administration fired them. White House employees serve at the pleasure of the President. Instead White House agents abused their authority and abused these employees. This is not new. Occasionally a White House aide has abused the power of his or her office. Too often, immature individuals who have been successful during the campaign have been asked to join the White House staff. They cause Presidents a lot of difficulty. This is that kind of a case.

President Clinton was ill-served in this matter by the aggressiveness and eagerness of a few members of his staff. As I noted, they misused their authority. They treated the employees of the Travel Office very unfairly. They made false accusations about very loyal employees. They misused the Federal Bureau of Investigation. As was noted, there has been a sudden loss of records as well as memory.

Travelgate is a sordid chapter in the history of White House staffs. Thus, I am delighted that the Committee on the Judiciary has reported this bill. I urge my colleagues in both parties to adopt it and end this case. At least we will have tried to make whole as to their legal fees to defend themselves the various persons whose lives have been very sadly and badly disrupted by these improper and unjustified activities.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. Davis].

Mr. DAVIS. Mr. Speaker, I rise in support of this bill. We had here Federal employees, career employees, who were dismissed from their jobs, put, sitting in endless lines waiting without seats or seating and summarily dumped onto the Ellipse, out of sight of the press corps, where they could not comment on the firings.

Some of these employees had worked at the White House since the Kennedy administration for Presidents of both parties. Some of their families learned about these firings through the television, which, according to the White House official told that these employees were fired due to embezzlement and severe financial irregularities. We know now that these career civil servants did no wrong. In fact, they were good at what they did. They simply got in the way of larger political and patronage objectives of the White House.

The White House had every right to terminate these individuals if they wanted to. That is not the issue in this case. The problem is instead of 'fessing up, the deed that this was a political firing, documents were leaked to the press in an attempt to create the illusion that these firings were somehow for cause. They even tried to trump up criminal allegations against one of them several weeks of trial, was acquitted in less than 2 hours by a jury of his peers.

Mr. Speaker, this bill is an attempt to pay the legal bills of those wrongly accused. It can never mitigate the suffering they and their families endured, but I ask the support of my colleagues for this bill, and I say thank you to these employees for a job well done. This, in a small way, is our way of thanking those employees for the service they gave.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Waxman], the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me. I am not the ranking member, but I am a member of the Committee on Government Reform and Oversight.

Mr. Speaker, I have sought to put some perspective to this debate. We are faced with an anomalous situation. We are singling out seven Federal employees for special and unprecedented treatment by compensating them for their legal expenses.

The House of Representatives has taken great pride in the fact that we are now going to operate under the rules that apply to other employers. That started in January of this year. In December House employees were summarily fired, and some of them apparently were fired because they were Democrats. They were, many of them, career people who had been here for a very long period of time. They are out. They do not have a job. No one is seeking to compensate them.

What we are faced with in this case is not compensating people for losing their jobs, because six of the seven travel office employees got jobs right away. What we are seeking to do is to pay for their legal fees. That might be the right thing to do, but it might have been the right thing to do when Federal employees were targeted and smeared by Senator McCarthy and other special interest groups over the years. It might be the right thing to do for many in the Clinton White House, employees who face hundreds of thousands of dollars in legal bills.

Yesterday an article in the Legal Times noted, and I want to quote this:

At last count, nearly 40 current and former officials of the Clinton White House alone have found it necessary to retain counsel.

The essential problem is that anyone taking a senior governmental position these days, especially in the White House, may end up in need of legal counsel, no matter how honor-a ble laws (or the conduct of others) he or she seek himself. That wasn't true 20 years ago. It is a consequence of our current culture, of hair-trigger resort to criminal investigations as the ultimate weapon in partisan warfare.

Mr. Speaker, there have been a growing number of investigations by appointed investigators, as well as congressional ones, much of which, in my opinion, have been motivated by partisan considerations.

Mr. Speaker, under President Clinton, came in and looked at the travel office and they had an independent review by the Peat, Marwick accounting firm that said there was a shambles in the travel office operations. Mr. Watkins was yet on the way. Mr. Watkins has not been charged with any crime. Should we be compensating him for his attorney's fees?

Many lawyers in this House know the adage, 'tough cases make bad law.' Unless we use H.R. 2937 as a precedent for future Federal employees, this will indeed be a bad law. We should never single out one group for special treatment, even if they have a meritorious claim, while ignoring others in similar situations.

Mr. Speaker, I hope in passing H.R. 2937 the majority will also commit to supporting future legislation that provides such compensation to other Federal employees. That is the precedent we are taking in adopting this legislation. It is one that I hope the Judiciary Committee thought through quite carefully, because it may be one that will incur the taxpayers of this country an enormous amount of expenses, for not just these seven people but others who have as meritorious, if not more meritorious, a claim that for their Government service and for having to deal with accusations and investigations, for which they had to hire lawyers just to protect themselves in case someone later wanted to come back and second-guess them on anything they might have said or anything they might have done.

Mr. Speaker, I thank the gentleman for giving me this time to state my position and I hope Members will be very thoughtful about the consequences of legislation that we are looking at today.
Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to respond briefly to comments made by the gentleman from California [Mr. WAXMAN]. He is certainly very correct when he said that the administration had the power legally to discharge all of the White House travel employees upon their own admission. But some of them had they wanted to. If they had just done that, we would not be here today.

Mr. Speaker, the fact of the matter is that in a number of positions they do change politically, from Republican to Democrat, from Democrat to Republican, sometimes even within a party if different individuals take charge. That is part of the system, whether we all approve of it or not. The problem is that is not what happened here.

Mr. Speaker, what happened here is that these individuals were virtually slandered by public accusations of financial mismanagement as the reason why they were, in fact, discharged. Those have never been supported. I do not believe there was officially any part of the White House Travel Office.

Mr. WAXMAN. If the gentleman will yield, there was an official audit by Peat Marwick.

Mr. SCHIFF. I will yield in a moment to the gentleman. I believe it was a management study.

Mr. Speaker, in any event, the General Accounting Office took a look at the White House Travel Office and the first thing they found was financial discrepancies in the sense of deposits not being entered in the checkbook and so forth. Nobody has been fired in the White House Travel Office over that. The point is that was never the reason why these employees were discharged. Therefore, I’ll give credence of that throughout all of the testimony.

Mr. Speaker, I just want to say before I yield to the gentleman from California that with respect to Mr. Watkins’ legal fees, I do not know what will come out of that. Maybe at some point Mr. Watkins can come to the Congress also. I can say, however, because I attended the hearings that this matter continues to be alive in the White House, and I would not repeat this. But an error having been made, then I think people ought to be compensated, and we ought to recognize that that opportunity will exist in the future if other people can make a strong case.

Mr. Speaker, what all of the Members here seem to be saying is that if they simply fired them for political reasons, that would have been OK.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume for what I believe will be my final comments, although I make no guarantee.

Mr. Speaker, I want to say first that I appreciate the gentleman from New Mexico’s point as a member of the Committee on the Judiciary. I think he has made the only appropriate statement we could not set precedents here in the way a legal court does. No Congress binds a future Congress.

Mr. Speaker, the Congress retains always not the right but the responsibility to make judgments, case by case, and I think the gentleman from New Mexico has fairly pointed out, should some other individuals come before the Congress and be able to make claims that Congress finds similarly meritorious, our court does. No Congress binds a future Congress.

Mr. Speaker, the Congress retains always not the right but the responsibility to do justice for everyone. I have my bias because I served on the Administrative Law Subcommittee which dealt with claims, on the Immigration Subcommittee, been part of bringing to this floor legislation that made some people whole when other people similarly situated were not made whole. We do not set precedents here in the way a legal court does. No Congress binds a future Congress.

Mr. Speaker, we unfortunately rarely can do justice for everyone. I have my self, because I served on the Administrative Law Subcommittee which dealt with claims, on the Immigration Subcommittee, been part of bringing to this floor legislation that made some people whole when other people similarly situated were not made whole. I do have to differ a little bit with the argument that says, well, we should not do it for anybody if we cannot do it for everybody.

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Mr. Speaker, unfortunately, we can never do it all, and I think it would be a mistake to say either we do all of it or we do none of it.

Mr. Speaker, I thank the gentleman from New Mexico, who I think stated it the best way we can. This neither sets a precedent nor precludes someone. Any new case will be judged on the same merits, and I must say I think that we have dealt with this in a non-partisan and fair manner. I believe other people who might find themselves as claimants can be assured similarly.

The one thing I would take issue with was one of the previous speakers referred to this as a sordid enterprise at the White House, and I would disagree with that. I think the administration made an error. I think it was an error in several ways, in part because it happened early in the administration. I am convinced that they would not repeat this. But an error having been made, then I think people ought to be compensated, and we ought to recognize that that opportunity will exist in the future if other people can make a strong case.

Mr. Speaker, what all of the Members here seem to be saying is that if they simply fired them for political reasons, that would have been OK.

Mr. WOLF. Mr. Speaker, I rise in strong support of the bill. There is a precedent, I would tell the gentleman from California. This legislation builds upon an amendment that we adopted in a 1995 transportation appropriation bill where we provided $150,000 to defray the cost of these individuals one other time, and I think it was a unanimous vote here in the Congress.

Second, it is the old saying, everything that goes around comes around, and what the Clinton administration did was to bludgeon these people. These were all career Federal employees, and what the gentleman from California [Mr. WAXMAN], said is this one thing. There is too much in this town of filing suits and charges back and forth. It really began against Ed Meese. Ed Meese had to pay a horrible, horrible price. He eventually was paid for it, and what the Clinton administration did was to bludgeon these people.

Mr. Speaker, Billy Dale supported Clinton. Billy Dale was just a career person just trying to do his job, and I will say the only thing I agree with what the gentleman from California [Mr. WAXMAN], said is this one thing. There is too much in this town of filing suits and charges back and forth. It really began against Ed Meese. Ed Meese had to pay a horrible, horrible price. He eventually was paid for it. We all know what the Clinton administration did was to bludgeon these people.

Mr. Speaker, what all of the Members here seem to be saying is that if they simply fired them for political reasons, that would have been OK.

Mr. Speaker, I yield back the balance of my time.
of view but I think from a moral point of view. The passage of this bill should send a message to everyone in this city and this country that these people were innocent, and also for their families and future generations know that they were innocent. I do not believe this legislation provides reimbursement for those expenses. Because H.R. 2937 is limited to costs associated with the employees’ termination. Mr. Dale was indicted and acquitted for activities that took place prior to this administration, and therefore could not be related to the termination as required by the law. In fact, an examination of the facts which are conveniently ignored by the majority suggested, first improprieties in Billy Dale’s running of the Travel Office had been rumored for years, and the Clinton White House had plenty of reasons to be suspicious of him; second, the Peat Marwick review provided ample evidence of financial mismanagement on Dale’s part; and third, there were significant grounds to suspect that he may have been embezzling funds from the Travel Office.

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check written against the Travel Office's Riggs Bank account totaling $23,000 made out to cash and signed by Mr. Dale, only $2,000 was reflected in the petty cash fund. Of the $2,000 entry to the petty cash fund, the corresponding check from the Riggs account was found at Marwick's desk. Mr. Dale's explanations for this were further described in later interviews. Mr. Dale never informed the Peat Marwick review, despite being interrogated by FBI officials that Saturday evening. According to the GAO interview with Herman, the FBI agents were specifically concerned with first, the eight incomplete transactions; second, the weak controls; and third, the $2,800 in Billy Dale's credit card statement, which was never explained.

When asked at the Government Reform Committee hearing why he never told his colleagues or even his wife about this unusual and ultimately disastrous, if not criminal, practice, Mr. Dale stated that no one ever asked him. Of the $2,000 entry to the petty cash fund, the FBI had many reasons to suspect Mr. Dale may have been involved. During the course of the FBI investigation, the FBI found that he had secretly been depositing Travel Office funds into his personal bank account. That evidence was reviewed by career attorneys in the Public Integrity Section of the Department of Justice, and presented to a Federal grand jury who voted to indict Mr. Dale. As I stated earlier, there is no evidence of either prosecutorial misconduct or political interference with the criminal case. For these reasons, I do not believe that Mr. Dale under this legislation is entitled to be reimbursed for legal expenses stemming from the criminal charges filed against him.

Mr. Herman's interview with GAO, Mr. Herman questioned whether Mr. Dale had the opportunity to place the funds in the drawer between Friday and Saturday. Mr. Herman stated that he did.

The FBI later learned that late on the previous Friday, after being confronted with the discrepancies in the petty cash log, Mr. Dale had withdrawn $2,500 in cash from his White House Credit Union account, and another $400 from an automated teller machine.

Mr. Herman provided a progress report of the Peat Marwick review to two FBI officials at that Saturday evening. According to the GAO interview with Herman, the FBI agents were specifically concerned with first, the eight incomplete transactions; second, the weak controls; and third, the $2,800 in Billy Dale's credit card statement, which was never explained.

Mr. Dale never disclosed his secret deposits.

The FBI found this evidence to be sufficient to initiate a criminal investigation against Mr. Dale. However, it should be noted that during the Peat Marwick review, despite being interrogated for more than 2 hours about his financial management of the Travel Office, Mr. Dale never informed the Peat Marwick reviewers that he had been depositing Travel Office funds into his personal checking account. The discovery that Mr. Dale deposited $50,000 of Travel Office funds into his personal bank account was the basis for the criminal charges against him.

When asked at the Government Reform Committee hearing why he never told his colleagues or even his wife about this unusual and ultimately disastrous, if not criminal, practice, he stated that no one ever asked him. Of course, it would never cross most people's minds to ask the director of a Federal office if he was depositing office funds into his personal bank account. Yet, the Peat Marwick review, despite being interrogated for more than 2 hours about his financial management of the Travel Office, Mr. Dale never informed the Peat Marwick reviewers that he had been depositing Travel Office funds into his personal checking account. The discovery that Mr. Dale deposited $50,000 of Travel Office funds into his personal bank account was the basis for the criminal charges against him.
This compact shall become effective when ratified by the States of Vermont and New Hampshire and approved by the United States Congress.

**SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be impaired or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

**SEC. 3. INCONSISTENCY OF LANGUAGE.**

The validity of this compact shall not be affected by any insubstantial difference in its form or language as adopted by the two States.

**SEC. 4. INCONSISTENCY OF LANGUAGE.**

The validity of this compact shall not be affected by any insubstantial difference in its form or language as adopted by the two States.

**SEC. 5. CONSTRUCTION AND SEVERABILITY.**

Which forms the subject of the compact. Each municipality shall be responsible for applying for Federal and State grants for distribution facilities to be located within its municipal boundaries.

"(2) Municipalities are hereby authorized to raise and appropriate revenue for the purpose of financing the planning, design, and construction cost of public water supply facilities constructed and operated as joint facilities pursuant to this compact.

"(f) CONTENTS OF AGREEMENTS.—Agreements entered into pursuant to this compact shall contain at least the following:

"(1) A system of charges for users of the joint public water supply facilities.

"(2) A uniform set of standards for users of the joint public water supply facilities.

"(3) A provision for the pro rata sharing of operating and maintenance costs based upon the ratio of actual usage as measured by devices installed to gauge such usage with reasonable accuracy.

"(4) A provision establishing a procedure for the arbitration and resolution of disputes.

"(5) A provision establishing a procedure for the carriage of liability insurance, if such insurance is necessary under the laws of the State.

"(6) A provision establishing a procedure for the modification of the agreement.

"(7) A provision establishing a procedure for the adoption of regulations for the use, operation, and maintenance of the public water supply facility.

"(8) A provision setting forth the means by which the municipality that does not own the joint public water supply facility will pay the other municipality its share of the maintenance and operating costs of said facility.

"(g) APPLICABILITY OF STATE LAWS.—Cooperative agreements entered into by municipalities under this compact shall be consistent with, and shall not supersede, the laws of the State in which such municipality is located. Notwithstanding any provision of this compact, actions taken by a municipality pursuant to this compact, or pursuant to an agreement entered into under this compact, including the incurring of obligations or the raising and appropriating of revenue, shall be valid only if taken in accordance with the laws of the State in which such municipality is located.

**CONSTRUCTION**

"Nothing in this compact shall be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity.

**ARTICLE III**

**EFFECTIVE DATE**

"This compact shall become effective when ratified by the States of Vermont and New Hampshire and approved by the United States Congress.
the property taxpayers of Northumberland or Groveton, NH, would be hit with an unnecessary increase in their taxes for 1996.

I am glad to have been able to work with my colleague from Vermont. I hope we can move this bill as fast as possible.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to re-vise and extend their remarks on House Joint Resolution 129 the joint resolution now being considered.

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

There was no objection.

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

Mr. GEKAS. Mr. Speaker, I would like to thank Mr. REED. Mr. Speaker, reserving my time.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representives of the United States of America in Congress assembled:

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Vermont-New Hampshire Interstate Public Water Supply Compact entered into between the States of Vermont and New Hampshire. The compact reads substantially as follows:

"Vermont-New Hampshire Interstate Public Water Supply Compact"

ARTICLE I

"GENERAL PROVISIONS"

(a) STATEMENT OF POLICY.—It is recognized that in certain cases municipalities in Vermont and New Hampshire may, in order to avoid duplication of cost and effort, and in order to assure that economies on a scale, find it necessary or advisable to enter into agreements whereby joint public water supply facilities are erected and maintained. The States of Vermont and New Hampshire recognize the value and of such agreements, and adopt this compact in order to authorize their establishment.

(b) REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

(c) CONTENTS OF AGREEMENTS.—Agreements shall be adopted by the governing body of each municipality in accordance with statutory procedures for the adoption of interlocal agreements between municipalities within each State; provided, that before a Vermont municipality may enter into such an agreement, the proposed agreement shall be approved by the voters.

ARTICLE II

"PROCEDURES AND CONSIDERATIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS"

(a) COOPERATIVE AGREEMENTS AUTHORIZED.—Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance, and operation of public water supply facilities serving all the municipalities who are parties thereto.

(b) APPROVAL OF AGREEMENTS.—Any agreement entered into under this compact shall, prior to becoming effective, be approved by the water supply agency of each State and shall be published jointly by said agencies of both States.

(c) METHOD OF ADOPTING AGREEMENTS.—Agreements shall be adopted by the governing body of each municipality in accordance with statutory procedures for the adoption of interlocal agreements between municipalities within each State; provided, that before a Vermont municipality may enter into such an agreement, the proposed agreement shall be approved by the voters.

(d) FEDERAL GRANTS AND FINANCING.—(1) Application for Federal grants-in-aid for the planning, design, and construction of public water supply facilities other than distribution facilities shall be made jointly by the municipalities from New Hampshire, with the amount of the grant attributable to each State's allotment to be based upon the relative total capacities allocated to the municipalities in the respective State as determined jointly by the respective State water supply agencies. Each municipality shall be responsible for applying for Federal and State grants for distribution facilities to be located within the municipalities boundaries.

(2) Municipalities are hereby authorized to raise and appropriate revenue for the purpose of contributing pro rata to the planning, design, and construction cost of public water supply facilities constructed and operated as joint facilities pursuant to this compact.

(3) The term 'water supply agencies' means the agencies with the States of Vermont and New Hampshire possessing regulating authority over the construction, maintenance, and operation of public water supply facilities and the agencies of each State from their respective State for the construction of such facilities.

(4) The term 'governing body' shall mean the legislative body of the municipality, including, in the case of a town, the selectmen or town meeting, and, in the case of a city, the governing body of the city or the council and aldermen or any similar body in any community not inconsistent with the intent of this definition.

(5) CONTENTS OF AGREEMENTS.—Agreements entered into pursuant to this compact shall contain at least the following:

(1) A system of charges for users of the joint public water supply facilities.
"(2) A uniform set of standards for users of the joint public water supply facilities.
"(3) A provision for the pro rata sharing of operating and maintenance costs based upon the rate of public usage as measured by devices installed to gauge such usage with reasonable accuracy.
"(4) A provision establishing a procedure for the arbitration and resolution of disputes.
"(5) A provision establishing a procedure for the carriage of liability insurance, if such insurance is necessary under the laws of either State.
"(6) A provision establishing a procedure for the modification of the agreement.
"(7) A provision establishing a procedure for the adoption of regulations for the use, operation, and maintenance of the public water supply facilities.
"(8) A provision setting forth the means by which the municipality that does not own the joint public water supply facility will pay the other municipality its share of the maintenance and operating costs of said facility.

**A.**

**APPLICATION OF STATE LAWS.—Cooperatives established by entry into municipalities under this compact shall be consistent with, and shall not supersede, the laws of the State in each which such municipality is located.**

**ARTICLE III**

**EFFECTIVE DATE**

"This compact shall become effective when ratified by the States of Vermont and New Hampshire and approved by the United States Congress."

**SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

**SEC. 3. CONSTRUCTION AND SEVERABILITY.**

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any section of this compact, or any provision thereof, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

**SEC. 4. INCONSISTENCY OF LANGUAGE.**

The validity of this compact shall not be affected by any insubstantial difference in its form or language as adopted by the two States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 129) was laid on the table.

**SENSE OF CONGRESS REGARDING UNITED STATES SUPPORT OF TAIWAN**

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 148) expressing the sense of the Congress that the United States is committed to the defense of the Taiwan Straits and United States military forces should defend Taiwan in the event of invasion, missile attack, or blockade by the People's Republic of China, as amended.

The Clerk read as follows:

Whereas the United States began its long, peaceful, and friendly relationship with the Republic of China on Taiwan in 1949; Whereas since the enactment in 1979 of the Taiwan Relations Act, the policy of the United States has been based on the expectation that the future relationship between the People's Republic of China and Taiwan will be determined by negotiations and by mutual agreement between the parties; Whereas the People's Republic of China's intense efforts to bring about the reunification of China have reached a level that threatens to undermine stability throughout the region; Whereas, since the beginning of 1996, the leaders of the People's Republic of China have frequently threatened to use military force against Taiwan; Whereas for the past year the People's Republic of China has conducted military maneuvers designed to intimidate Taiwan both during its democratic legislative elections in 1995 and during the period preceding democratic presidential elections in March 1996; Whereas these military maneuvers and tests have included the firing of 6 nuclear-capable missiles approximately 100 miles north of Taiwan in june 1996; Whereas the firing of missiles near Taiwan and the interruption of international shipping and aviation lanes threaten both Taiwan and the political, military, and commercial interests of the United States and its allies; Whereas in the face of such action, Taiwan is entitled to defend itself from military aggression, including through the development of an anti-ballistic missile defense system; Whereas the United States and Taiwan have enjoyed, and we enjoy, an unbroken friendship, which has only increased in light of the remarkable economic development and political liberalization in Taiwan in recent years; Whereas Taiwan has achieved tremendous economic success in becoming the 19th largest economy in the world; Whereas Taiwan has reached a historic turning point in the development of Chinese democracy, as on March 23, 1996, it will conduct a free, fair, direct, and popular election of a head of state in over 4,000 years of recorded Chinese history; Whereas for the past century the United States has provided political, economic, and military assistance to Taiwan; Whereas the Taiwan Relations Act directs the President to inform the Congress promptly of any threat to Taiwan's security and provides that the President and the Congress shall determine, accord to constitutional processes, appropriate United States action in response; and Whereas the Taiwan Relations Act of 1979 rests on the principles that the United States and China are entitled to negotiate whatever terms they may choose and that the United States action in response; and

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) The People's Republic of China should immediately live up to its commitment to the United States to work for a peaceful resolution of any disagreement with Taiwan, and accordingly desist from military actions designed to intimidate Taiwan; and

(2) The People's Republic of China should engage in negotiations to discuss any outstanding points of disagreement with Taiwan without any threat of military or economic coercion against Taiwan; and

(3) Taiwan has stated and should adhere to its commitment to negotiate its future relations with the People's Republic of China by mutual decision, not unilateral action; and

(4) The United States should maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, defense, or economic well-being of the people on Taiwan, consistent with its undertakings in the Taiwan Relations Act; and

(5) The United States should maintain a naval presence sufficient to keep open the sea lanes in and near the Taiwan Strait; and

(6) in the face of the several overt military threats by the People's Republic of China against Taiwan, and consistent with the commitment of the United States under the Taiwan Relations Act, the United States should supply Taiwan with defensive weapon systems, including naval vessels, aircraft, and air defense, all of which are crucial to the security of Taiwan; and

(7) the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, and consistent with its friendship with and commitment to the democratic people of Taiwan, should assist in defending them against invasion, missile attack, or blockade by the People's Republic of China.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I want to commend the chairman of the Asia and Pacific Subcommittee, Mr. BERREUTER, and the ranking minority member, Mr. BERNAN for bringing this important resolution before us.

Mr. Speaker, the administration is focused on promoting the concept that its policy toward China is one of constructive engagement and that it would be folly to attempt to isolate or contain China. It is true that we must engage the dictators in Beijing. The trouble is that the administration mistakes appeasement for constructive engagement.

Time and time again, the administration has ignored Beijing's violations of MOU's and international agreements and its callous disregard for human rights and weapons proliferation. This is not constructive engagement. This is appeasement and it is directly responsible for the current crises that we face.
The administration must stop sweeping aside China's violations of its many agreements with the United States by dismissing enforcement as an attempt to isolate or contain China.

Accusations about isolation, containment, and political transition. It is simply impractical to avoid listing questions of how to deal pragmatically and effectively with a totalitarian government with enormous resources to cause havoc.

If China violates an agreement it must be held accountable. Accountability is essential to the concept of democracy and dictatorial styles are fundamentally different and will always clash.

House Concurrent Resolution 148 is a fundamental first step in making it clear where the United States stands on the vital issue of Communist China's threats against democratic Taiwan.

If the administration remains incapable of constructively engaging China regarding other American interests such as nuclear weapons proliferation, human rights violations, and trade, then the Congress will step in again so that serious situations like the current one do not repeat themselves.

In 1990, Secretary of State Dean Achseon was vague about our Nation's commitment to South Korea, which tempted the North to attack. The Korean war might not have occurred had the United States been more clear about its interests. We now face a similar problem and a similar solution.

Accordingly, I urge my colleagues to support House Concurrent Resolution 148.

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

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

Mr. Speaker, while I have some doubts about the content and timing of this resolution, I do intend to vote for it.

For 24 years, United States policy toward Taiwan has been governed by the one-China policy that has been enunciated and reaffirmed in three communiques. It is legally established in the Taiwan Relations Act. The essence of that policy is the United States acknowledges that all Chinese on either side of the Taiwan Straits maintain there is but one China, and Taiwan is a part of China. We have not specifically disavowed that position. It means that the United States has chosen not to endorse the concept of an independent Taiwan or the concept of two Chinas. That policy has been followed by six Presidents, three Republican and three Democratic.

This is a policy that has helped for the past generation to secure peace and stability and promote remarkable economic growth in East Asia. It is a policy that has enabled Taiwan and China to flourish, and it has served United States interests well. The Taiwan Relations Act, which lays out the legal basis for our relationship with Taiwan, contains no commitment to come to Taiwan's defense in the event of armed military threats or attack by the PRC.

Members should carefully note that there is today no commitment to send troops to defend Taiwan or otherwise to use armed forces to repel an attack against Taiwan. The Taiwan Relations Act was carefully written to give the United States maximum flexibility in dealing with Chinese threats to Taiwan.

The resolution before us today sends a somewhat different signal about U.S. policy. It may be only a sense-of-Congress resolution, it may not spell out what the United States must do to assist in defending Taiwan, it may stipulate United States actions to assist in defending Taiwan be in accordance with the Taiwan Relations Act, but the resolution appears to push American policy further than it has ever gone before in a quarter of a century. It appears to increase the United States commitment to defend Taiwan, and many of the cosponsors make this claim for the resolution. It articulates policy in a different way than does the President. It could confuse the people in leadership of Taiwan, of China, and of our many friends in East Asia.

My concern is that because its lack of reference to the one-China policy and because of its rephrasing of the United States commitment to Taiwan, the United States should assist in defending Taiwan. This resolution could be subject to misinterpretation. Now I also have some concerns about the resolution's timing. We are facing a very serious situation in East Asia. Missiles are flying, live ammunition is being fired, sea lanes and air corridors have been shut down. Our friends in Taiwan feel, with justification, that they are being bullied and coerced. Our relationship with China is strained. Our friends in Tokyo and elsewhere in Asia are alarmed by China's provocative actions, but they also worry about our reaction.

This, in short, is a time for restraint and prudence. But, Mr. Speaker, a vote against this resolution sends the wrong message. A vote against this message misleads Beijing about congressional opposition to its recent outrageous actions in the Taiwan Strait. A no vote by Congress, in turn, weakens the PRC leadership to the erroneous conclusion that the Congress is not united in its condemnation of China's bullying tactics, so I plan to vote for the resolution, but with the reservation I have stated.

Let me also say a word to the administration. This resolution indicates that the administration and the Congress are drifting apart on China policy. This resolution illustrates that the administration has been too timid. I believe the President must now explain fully the administration's policy on China. Now is the time for a clear, authoritative statement from the President on what we expect from the United States-China relationship and what we see as China's role in the world. The administration should consider this resolution a wake-up call. The long-standing consensus on China between the Congress and the administration is eroding. The President and the Congress must reforge a consensus policy toward China.

I would like to ask the principal author of the resolution what it means when it says the United States should assist in defending Taiwan? Is that a change in present policy? Does it mean, for example, that we are prepared to commit United States military forces to defend Taiwan under any and all circumstances? I wonder if the gentleman could give us some interpretation of the words "should assist in defending Taiwan?"

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

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

Mr. GILMAN. Mr. Speaker, while the initial sponsor is not on the floor at this time, I will attempt to answer the gentleman's inquiry. I believe what this initiative is that while we are not necessarily sending military forces, it would mean trying to provide essential material and support to Taiwan in the event that they were being invaded.

Mr. HAMILTON. Mr. Speaker, reformatting my time, I think the gentleman see in the resolution any extension of our obligation beyond the Taiwan Relations Act, or just a reaffirmation of it?

Mr. GILMAN. Mr. Speaker, if the gentleman will yield further, I think it is intended to be a reaffirmation of what is set forth in the act.

Mr. HAMILTON. I find the gentleman's response reassuring, and I commend the gentleman for that. I urge the adoption of the resolution.

Mr. Speaker, I submit the following letters for the Record:

Committee on International Relations, House of Representatives,


Dear Mr. Secretary: I am writing to express my concerns about H. Con. Res. 148, relating to U.S. policy toward Taiwan, which was adopted yesterday by the House Committee on International Relations.

In my judgment, this resolution changes in a substantive and obvious way the articulation of a twenty-four-year policy supported by six presidents. The resolution appears to ratchet up our commitment to Taiwan and to
promise a level of support for Taiwan that we have declined to give for the past quarter century. It avoids any reaffirmation of the one-China policy. As a consequence, it appears to create a major difference between the Congress and the executive branch.

I am writing now to ask for more details about your views on this resolution. A representative of the Department of State has testified that the administration does not support this resolution.

Why do you not support the resolution?

Does this mean that you oppose it?

What is the difference between not supporting and opposing?

Is paragraph 7 of the resolved clause the only provision to which the administration objects?

What precisely is the nature of your concerns about this paragraph?

Will the resolution help U.S.-China relations, or act as a hindrance?

If the latter, how much damage will it do to U.S.-China relations?

I would appreciate an answer to this letter by Monday, March 19.

Will the full House be asked to act upon this resolution?

H2344

CONGRESSIONAL RECORD Ð HOUSE

March 19, 1996

Mr. ROHRABACHER. Mr. Speaker, America is now facing a potential military confrontation in the Straits of Taiwan, or the Taiwan Straits as they are called. We should all come together, and that is what this piece of legislation does, to make certain that the Communist regime on the mainland understands that we are united in our opposition to any use of force by the mainland on Taiwan, and that the United States will respond militarily, if necessary, if force is used against the Republic of China on the mainland.

But this situation was a long time in coming. It was a long time in the making. Mistakes have been made, and let us quit making those mistakes.

The official policy of this administration has been strategic ambiguity with the Communist dictatorships on the mainland. Ambiguity with dictatorships does not work. If anything is a lesson we should have learned in the past, it is that. The Chinese communists have more than enough ambiguity for weakness. When this administration decoupled all consideration of trade policy with our discussions with the Communist regime in China on human rights, they did not take that as a sign of good faith on our part. We needed to discuss human rights. They took that as a sign of weakness.

This President proved himself the worst enemy of human rights in his term as President of the United States of America by decoupling consideration of human rights with trade discussions with the largest and most heinous opponent and oppressor of people on this planet, the Communist dictatorship in China.

What we have to do now is to reassert to those dictators on the mainland of China that we side with the democratic people of the world, especially in the Republic of China, and we will not tolerate their expansionism or their threats or any other activities that threaten their neighbors. We are a country that stands for human rights and peace. We must be strong. That is what Beijing needs to hear. That is what this resolution is all about.

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

Mr. Speaker, I think it is important to understand precisely the language of the United States commitment to Taiwan. The Taiwan Relations Act stipulates that it is United States policy to consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a matter of grave concern to the United States.

This act also promises that the United States "will make available to Taiwan such defense articles and defense services as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

Mr. Speaker, that is our commitment.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. ROSE].
CONGRESSIONAL RECORD — HOUSE

March 19, 1996

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

Mr. ROSE. Mr. Speaker, it is, in my opinion, a sad day that we have come to this. It is said that we even have to pass 148 if we want to support it. I support it. I associate myself with the comments of my colleague, the gentleman from New York [Mr. Solomon], and the gentleman from New York [Mr. GILMAN], and the gentleman from Indiana [Mr. HAMILTON], but the gentleman from California [Mr. RHORABACHER], for what they have observed about the situation.

Unfortunately, they are correct. I want to reflect just a moment on a few things that I think our dear friends on the mainland should consider, and that is the reason America was formed as a Nation. After the revolution, Lafayette went back home to France and said, "Freedom has found a home, and it is America." The basic reason this country was organized was to give freedom and liberty a home in the world. To varying degrees, we have lived up to that heritage, some ways, very disappointing to me and many Americans, but basically that is our heritage. And when we give a gift like most-favored-nation status treaty status to a country somewhere in the world, we have a right to demand that in return that gift, that they respect the basic reasons for the founding of our country, that the principles that America believes in, and it is freedom and liberty, and it is human rights.

Unfortunately, the principles of Jefferson, Madison, and Washington went back home to France and said, "There is the fire on the principles for which this country was founded." It is a sad day when we give a gift like that. We have lived up to the principles that America believes in, and it is freedom and liberty, and it is human rights.

Mr. Speaker, please support 148. I regret deeply its necessity. But I would urge all in this body to watch carefully at the final vote on 148, and you will get a clear picture of the depth of the feeling of this Congress, of the American people, as to how we feel about this very important, yet symbolic issue.

Mr. Speaker, please support 148.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Speaker, in less than 96 hours, Taiwan will hold its first direct Presidential election. The election is a culmination of Taiwanese transition from 50 years of authoritarian rule to full-fledged democracy. Freedom and democracy in Taiwan, however, are apparently unacceptable to the People's Republic of China.

Resentful of Taiwan's growing free market economic prosperity, Beijing apparently fears that Taiwan will be seen as a model for political reform on the mainland, and in a blatant show of intimidation the PRC is today conducting yet another in a series of military exercises just miles from Taiwan's largest cities.

House Concurrent Resolution 148 strongly, and in no uncertain terms, condemns China's efforts to intimidate Taiwan. It urges peaceful relations between Beijing and Taiwan and expresses the sense of Congress that the United States should help Taiwan defend itself.

Mr. Speaker, what is at stake here is not just the viability of democracy in Taiwan, but the peace and security of the entire Asiatic region and the world. Beijing's act of aggression must not be allowed to stand, and I urge my colleagues to support the resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the Cox resolution today and commend the chairman for his leadership in bringing this legislation to the floor and the chairman of the full committee for expeditiously getting this through committee. I think this is a very important resolution.

Mr. Speaker, I have been in serious disagreement with the Clinton administration on its China policy in relationship to trade, human rights and proliferation, but I do think on the issue of Taiwan that the administration has been prudent and appropriate. In fact, they have been completely consistent with Mr. Cox's resolution. I believe that we are voting for this resolution in support of the actions of the administration that calls for a peaceful resolution of the reunification issue between China and Taiwan, and that calls for a cessation of the intimidation of the political process and the economic progress on Taiwan.

These missiles, armed missiles, that the Chinese are lobbing at Taiwan, are lobbed not only against Taiwan, but against democracy, and it is important for this body to stand firm in our support of democracy in Taiwan.

I commend the gentleman from California [Mr. Cox].

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], distinguished subcommittee chairman.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, like my colleagues, I am concerned about what is taking place in Taiwan. This is a serious business. This week the people of Taiwan will go to the polls for the first free and open election in Taiwan's history. It is a terrible irony that at the very moment when democracy triumphs, Taiwan is facing the greatest threat in a generation.

This resolution that we are going to vote on embodies a bedrock principle of American policy, that the United States will assist the democracies of the world in defending against tyranny and oppression. My only argument with the resolution I am going to vote for is I do not think it is explicit enough. I think when we send a message, we should send a real message, and I think that what we are doing is obfuscating too much with this resolution. Either we stand with Taiwan or we do not. If we stand with Taiwan, we should say it forthrightly. This is where we stand because China, the rulers of Taiwan, do not like this kind of situation. They do not like weakness. Either we are with them or against them. I think they respect their friends, they respect their enemies. But I do not think that in between we send a strong message.

Other than that, I think it is a great resolution. Again, the resolution embodies a bedrock principle. The leaders of Beijing should make no mistake about it. As far as I am concerned in voting on this, Congress is sending a clear message that the United States will continue to play a role and a very active role in the future of Taiwan and that we will stand behind our commitment. At the same time, I think Congress is sending a message to the Clinton administration that we need clear, consistent, and workable strategy in working with China.

I commend, Mr. Speaker, my colleagues who have spoken here before on this issue because I think they have been right on target and focused on the issue.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I am going to vote for this resolution, but I am very troubled about it. What we are doing is sending a variety of messages. The situation is very, very tense. Last time we sent a signal to Taiwan that we stood with them, and I think they were reassured. Today here we are doing the same thing, and I think that what we are doing is exacerbating an already very tense situation.

We are sending different signals about what U.S. policy is. We have got the executive branch policy and now we have a new policy that the House of Representatives is going to send. A key critic of this resolution says, in accordance with the Taiwan Relations Act and the constitutional process of the United States, the United States
should assist in defending against invasion, missile attack, or blockade by the People's Republic of China.

It may only be a sense of Congress resolution. It may not spell out what the United States must do in assisting and defend Taiwan. It might quite articulate that United States actions to assist in defending Taiwan must be in accordance with the Taiwan Relations Act. But this resolution appears to push American policy further than it has ever before.

President Nixon and Henry Kissinger with the Shanghai Communique, with the Taiwan Relations Act, spelled out these issues rather ambiguously and for a reason. It worked. The policy, the two-China policy over the years has worked.

Where we are now is in a situation where I am very, very concerned that we are sending a mixed message. A vote against this resolution sends a wrong message as well. A vote against this resolution misleads Beijing about congressional opposition to its totally outrageous action in the Taiwan Straits. A vote against this resolution misleads the Chinese on the policy of the United States. It says that the United States must do in assisting and defend Taiwan.

Reluctantly, I will vote for this bill because the Congress has always defended Taiwan against invasion, missile attack, or blockade by the People's Republic of China. What is different about this legislation than the Taiwan Relations Act.

This bill, which is supposed to send a clear signal to the Chinese, actually muddles the signals that the Chinese will get. The Chinese will view this as new legislation, and may see it as unnecessarily provocative.

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This bill, which is supposed to send a clear signal to the Chinese, actually muddles the signals that the Chinese will get. The Chinese will view this as new legislation, and may see it as unnecessarily provocative.
Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BERREUTER], chairman of our Subcommittee on Asia and the Pacific of our House Committee on International Relations.

Mr. BERREUTER. Mr. Speaker, House Concurrent Resolution 148 addresses the highly volatile situation in the Taiwan Strait. The P.R.C. has crudely sought to intimidate the people of Taiwan on the eve of national elections. China's missile tests, live-fire exercises, and huge amphibious force opposite Taiwan have been quite rightly labeled as "acts of terrorism" by Speaker GINGRICH.

This Member commends the distinguished member of the California, Mr. Cox for his initiative in drafting House Concurrent Resolution 148 in consultation with this Member and others. The distinguished chairman of the House International Relations Committee, Mr. Gilman for his successful effort to obtain quick committee action on the resolution unanimously reported from the Subcommittee I chair. The resolution passed the committee by voice vote with overwhelming bipartisan support.

At this precarious point, Mr. Speaker, miscalculation and recklessness by either party could lead to catastrophe. Many Members of this House—Republican and Democrat alike—were concerned that the administration's initial reaction of deliberate and calculated ambiguity did not convey an adequate expression of U.S. resolve. This Member and others believe it is necessary to send an unambiguous signal that the United States would not sit idly by were Taiwan to be attacked. The decision to send a second Navy aircraft carrier group to join the one already in the waters near Taiwan in the event of an invasion would be a clear and consistent demonstration of United States intent. House Concurrent Resolution 148 seeks to add some clarity and consistency in our policy vis-à-vis Taiwan's security and Chinese threats.

This Member would emphasize that it is not the intention of House Concurrent Resolution 148 to be anti-P.R.C. when it criticizes Beijing's coercive activities. Nor does the resolution offer unequivocal support of all Taiwanese policies. The United States is not seeking to create new adversarities where none need exist, and we must not be stampeded into adopting policies that are contrary to the U.S. national interest. For example, while we enthusiastically support and congratulate Taiwan's economic success and continued and escalating Chinese aggression, we do not see any reason to support Taipei's claims of the Taiwan Strait as the P.R.C. has repeatedly stated.

The purpose of House Concurrent Resolution 148 is simply to make very clear to Beijing that the United States is committed—consistent with the Taiwan Relations Act—to assist in the defense of Taiwan in the event of an invasion, attack, or blockade. It is hoped that this resolution will have a salutary deterrent effect by sending a clear and unequivocal expression of support for peaceful resolution of Taiwan's future status—something both sides say they support—and reaffirming our rejection of any attempt to resolve the issue through the use of force.

This Member urges all his colleagues to support House Concurrent Resolution 148 to send an unmistakable signal to Beijing that the United States will not tolerate bullying of our friends in Taiwan.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. Deutsch].

Mr. DEUTSCH. Mr. Speaker, for the last 2 weeks the Taiwanese people have been under siege by Beijing's repeated acts of military intimidation. Beijing has harassed, tormented, and bullied Taiwan in an attempt to break the spirit of the people of Taiwan. These immoral and reckless acts are part of Beijing's carefully crafted strategy designed to suffocate democracy in Taiwan, to intimidate the Taiwanese government, and to influence American foreign policy.

Mr. Speaker, Beijing has failed. They have failed to disrupt the presidential elections, they have failed to browbeat Taiwan into submission. They have only lifted the masses in Taiwan to fight harder for democracy and independence.

As the deployment of the two aircraft carriers shows, United States resolve on this issue is unwavering. The American people will not tolerate such a grave threat to our own national security. The resolution before us today, written in accordance with the Taiwan Relations Act, will send a clear message to Beijing about our interests in a secure and stable Taiwan. This resolution will affirm the American commitment to the people of Taiwan.

I urge Members to vote in favor of this bipartisan resolution which is a continuation of American policy that has worked, nor can it accept Taiwan's passing the straits, the Chinese passing the Straits of China in an attempt of any type of invasion.

Mr. HAMILTON asked and was given permission to revise and extend his remarks.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
China will ultimately play the villain—as its internal repression, ambitious military modernization and confrontational foreign policy would indicate.

The United States needs to unambiguously articulate its national security interests in Asia and reinforce them to the point where the Chinese—unfortunately—realize there will be consequences for their actions. In this context, the administration’s policy of strategic ambiguity may have been counterproductive. And the administration’s new-found acceptance of strategic clarity strikes me as a late conversion in reaction to congressional pressure on behalf of Taiwan.

I am convinced that China will be one of the country’s primary security challenges as we head into the 21st century. While China does not yet pose the kind of threat that the Soviets did—and talk of containment is premature—like the Chinese we need to take the long view. We need to continue to be a force for security, stability, prosperity and democracy throughout the region. Many in the region are looking for U.S. leadership which is entirely consistent with the protection and promotion of our own security and economic interests.

If regional stability is to be maintained, the United States must recognize the primacy of our security interests in the region. Without security, there can be neither economic prosperity nor political liberty. Without the United States’ military guarantee there is unlikely to be security.

Therefore, Mr. Speaker, I urge the adoption of this resolution to reaffirm our commitment to Taiwanese democracy, as signal of our concern with the disturbing pattern in Chinese behavior and in recognition of our critical role in the region.

Mr. TORRICElli. Mr. Speaker, I would like to commend my colleagues on both sides of the aisle who have worked so hard to bring this important and timely resolution so quickly to the floor of the House of Representatives.

The recent missile maneuvers, including the use of live-fire ammunition, by the People’s Republic of China off the coast of Taiwan has called for an immediate and unequivocal American response. This resolution, developed with strong bipartisan support and input, represent that response.

It is said that in history, great conflicts begin more often from miscalculation than purposeful design. Even in our own time, it is said that the Korean war may have begun by the unfortunate statement of Mr. Avenues that the defense perimeter of the United States began in the Sea of Japan, and not the 38th parallel.

A few years ago the United States Ambassador to Iraq suggested to Saddam Hussein that in a dispute between Kuwait and Iraq, the United States would regard the matter as an internal problem in the Arab world.

Today in the straits of Taiwan a foundation may be being laid for a similar misunderstanding. That is why this resolution is so important. This strong declaration of congressional policy, coupled with the recent decision by President Clinton to send naval wargroups into the region of the Taiwan Straits will send a clear message about our policy to the Chinese.

House Concurrent Resolution 148 containing the recent military exercises off the coast of Taiwan reiterates that the future relationship of Taiwan and the mainland must be decided by peaceful means. Finally it states that the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, should assist in the defense of Taiwan in the event of invasion, missile attack, or blockade by the People’s Republic of China.

This resolution is in accordance with American policy as laid out in the Taiwan Relations Act and is a positive action already taken by the Clinton administration.

As one of the principal authors of this resolution, I would again like to thank all my colleagues on both sides of the aisle who made this resolution possible. Mr. LANTOS. Mr. Speaker, I rise today in strong support of the resolution we are considering today—House Concurrent Resolution 148—which was introduced by my friend and colleague from California, Mr. COX. I am pleased to be the first Democratic cosponsor of this bill. I want to emphasize, Mr. Speaker, that our resolution is a profoundly bipartisan resolution. It reflects the concerns and interests of the vast majority of the Members of this body of both political parties.

I would like to put this move on our part into perspective. We do not agree on all aspects of United States-China policy, but we all agree that this saber-rattling by the “Bullies of Beijing” is preposterous, uncalled for, and profoundly destabilizing for the whole Pacific area. It is uncalled for, it is unjustified, and it is in the interest of both China and the United States to look for U.S. leadership which is entirely consistent with the protection and promotion of our own security and economic interests.

That is what this saber-rattling is all about. It exposes nakedly the contrast between the free and open and democratic elections that will take place in Taiwan in just a few days and the dictatorial and oppressive police state that rules the mainland of China.

Mr. Speaker, it is important to realize that there are reasons why we got to where we are today in the strained relationship with the People’s Republic of China—to the point that China is engaging in bullying tactics against Taiwan and the United States is sending a second aircraft carrier task force to that part of the world.

In my judgment one of the principal reasons was the de-linking of human rights from most-favored-nation treatment of the People’s Republic. I was one of the leaders and continue to be the leaders of the House of the group that feels that most-favored-nation treatment should not be extended to the People’s Republic of China, which violates the human rights of its own people and the people of Tibet.

Not all of my colleagues will vote to deny MFN to China when the President sends up the official waiver as is required in the next few months. But I predict that a majority of us in the Congress will. And for the first time in a long time MFN will be denied by the House of Representatives.

The human rights considerations alone justify revoking MFN status from China. But, unfortunately, Mr. Speaker, there are numerous additional reasons for not granting China favored trading conditions. We should not extend MFN trade status to countries—like the People’s Republic of China—which sell to rogue regimes—like Iran—technology which can contribute to the development of weapons of mass destruction or which sells missiles or the technology to develop missiles which can carry nuclear warheads. We should not extend MFN status to a country which routinely takes advantage of our intellectual property rights and pirates the work of American citizens and American firms.

I also think it is important to realize that this bullying saber-rattling against Taiwan and its free elections is just the most recent manifestation of official Chinese disregard of rational and civilized acts that ought to govern relations between countries. I am thinking in particular of the gracious invitation by a great American university, Cornell University, to one of its most distinguished alumni, President Lee Teng-hui to visit his own alma mater.

You may recall there was a great deal of concern in this House that the Olympic games in 1996 which I introduced a resolution simply expressing the sense of the Congress that President Lee should be granted a visa to visit the United States in order to visit Cornell University. That resolution, which I introduced, passed the House unanimously and the Senate almost unanimously. The administration recognized the strength of the views of the Members of Congress and of the American people and President Lee made a most successful visit to Cornell.

It is outrageous that the Chinese Government has taken this visit of President Lee to the United States as a reason for recalling its ambassador to the United States and carrying out policies of belligerence against Taiwan and the United States.

Finally, I must say, Mr. Speaker, that the appalling behavior of the Chinese Government that we are witnessing in the Taiwan Strait today is the precise reason why 2 years ago I introduced a resolution expressing the sense of the House of Representatives that the Olympic games should not be held in Beijing in the year 2000. It was the well-founded concern that China was capable of precisely this pattern of irresponsible and reprehensible international action. Just imagine holding the Olympics games in a country which is intimidating its neighbor by firing missiles near its borders. That action completely violates the spirit and meaning of the Olympic games, and I am delighted that the vast majority of my colleagues in the House agreed with that resolution. The International Olympic Committee responsibly decided that Beijing should not be the venue of the Olympics in the year 2000.

Mr. Speaker, we all earnestly hope that sanity will prevail in Beijing, that this saber-rattling will stop. But I think it is important to eliminate all ambiguity. It is simply unacceptable on the basis of our agreements with both China and Taiwan to have any change in their relationship attempted or produced by military force. We are ready to accept anything that people of Taiwan and China freely and democratically agree to, but we are not prepared to accept decisions that are forced by the firing of missiles from China against Taiwan.

In my resolution we are considering here today makes this point. Our resolution places the Congress on record to reaffirm our commitment that international relations with Taiwan should be conducted only by peaceful
March 19, 1996

CONGRESSIONAL RECORD – HOUSE

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 148, legislation stating the House’s support for U.S. military intervention to protect Taiwan against threatened military aggression by the People’s Republic of China [PRC]. I would strongly urge our colleagues to support this vitally needed measure.

Mr. Speaker, I think we all can agree that there is no matter more urgent in the world than the events unfolding now in the Taiwan Strait. Do the leaders of the Taiwan Strait understand and must and should be the No. 1 priority of our Nation.

I want to commend the chairman of the House International Relations Committee, the Honorable Ben Gilman; the chairman of the House International Relations Subcommittee on Asia-Pacific Affairs, the Honorable Doug Bereuter; and the ranking Democratic members of House International Relations Subcommittees, the Honorable Tom Lantos and Robert Torricelli; and Representative Cox, the author of House Concurrent Resolution 148, for their leadership in forging the 83 member bipartisan coalition, that through the introduction of the resolution on March 7, 1996, spoke unequivocally and with strength as to America’s commitment to—protect democracy, ensure peace— in Taiwan.

Mr. Speaker, I am proud to be an original cosponsor of this legislation, which sends a clear message that America will not stand idly by while China commits its military forces in an attempt to intimidate and instill fear in the people and Government of Taiwan. Moreover, I cannot more strongly applaud and support the actions taken by the administration recently. Stationing the USS Nimitz carrier group to arrive shortly, has sent a clear message to China that the Government and people of the United States of America will not tolerate a military attack or missile-enforced blockade of Taiwan by the PRC.

The decisive action by the administration was no doubt prompted in part by congressional action calling for immediate United States intervention to defuse the hostile environment created by Beijing’s aggressive rhetoric, missile tests and military exercises in the Taiwan Strait. China’s reckless efforts are intended to influence the outcome of the democratic national elections now pending in Taiwan. As you know, Mr. Speaker, the March 23rd election is to be the first democratic election of Taiwan’s president.

China’s threatened use of force contravenes the PRC’s commitment under the 1979 and 1982 Sino-American Joint Communiques and the Taiwan Relations Act—which govern the tripartite dynamic in the Taiwan Strait—fundamentally stress that force will not be used to resolve the Taiwan question.

Mr. Speaker, when China’s recent aggressive actions evidenced their willingness to violate the principle of Taiwan’s peaceful resolution—threatening the stability of the entire Asia-Pacific region—the United States stepped forward because no other country could do what we did in drawing the line with China.

After discussions with ambassadors from several nations in the region, I think it safe to say that much, if not all, of the Asia-Pacific is extremely grateful for America’s bold and decisive leadership in preserving stability in the region. Although their governments may not have issued official statements to that effect, I believe the sentiment is clearly there supporting America’s intervention.

Mr. Chairman, although I am a Vietnam veteran, I can assure you I am no warmonger. Having fought on the battlefield for America, I weigh very heavily and carefully any commitment of U.S. Military Forces. Having been around long enough, I can give you no greater reassurance than the fact that our service men and women in the Pacific region are under no dues whatsoever.

Although much attention and criticism has been directed against Beijing for the crisis in the Taiwan Strait, the Chinese leaders in Beijing will abide by the agreements we have made with the United States to resolve any disagreements in a peaceful manner.

However, as a last resort, I fully support the provisions of this resolution which calls for the United States to support Taiwan in its efforts to defend itself against any hostile or aggressive military threat from Beijing. I assure the President and our military leaders for their commitment to a higher visibility for the United States presence in the region.

I am confident that the Chinese citizens residing in both mainland China and Taiwan want to see this dispute resolved peacefully. I can only hope that leaders in Beijing will abide by the desires of the vast majority of their citizens.
Mr. Speaker, H.Con.Res. 148 sends that message directly to Beijing, as well as cautioning Taipei against independence initiatives that are destabilizing, and I would strongly urge our colleagues to adopt this well-crafted measure.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution. I wish to congratulate Mr. Cox both for introducing it and for his willingness to perfect it further in committee.

I share the concern that we send a strong message to both sides of the Taiwan Strait that differences be solved peacefully.

Efforts by the People’s Republic of China in recent days to intimidate the Taiwanese voters in their presidential elections, I think, have boomeranged against China.

Not only have these bellicose moves helped President Lee in his election race but a recent poll indicates that support for reunification with China has dropped to 16 percent from 20 percent in July when the missile tests began.

The military exercises have unsettled the entire Asian region, calling into question China’s interest in regional peace and stability. I hope that China will soften considerably its current hardline position toward Taiwan. I note that President Lee has already offered an olive branch, calling recently for more trust and personal contact between China and Taiwan.

A substantial basis exists for a strong relationship across the Strait. Recent official economic figures show a 9-percent growth in Taiwanese investment in China in January and February. After the Taiwanese election, I hope more concrete steps will be taken by both sides to strengthen their economic and other contracts.

Finally, the Clinton administration deserves to be congratulated for the strong and forceful position it has taken. Characterizing the missile tests as irresponsible and reckless, the administration has dispatched two carrier battle groups to the region. We have a clear interest in securing peace and stability in Asia and protecting the right of passage in international waters. That is the same message we are delivering to both China and Taiwan in this resolution.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. HUTCHINSON).

The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 148, as amended.

The question was taken.

Mr. SOLOMON. 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. Pursuant to clause 5, rule I and the Chair’s prior announcement, further proceedings on this motion will be postponed. The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

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

- H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; and

HOSPITALS OF REPRESENTATIVES ADMINISTRATIVE REFORM TECHNICAL CORRECTIONS ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2739) to provide for representation-allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes, as amended.

The Clerk read as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title. Ð This Act may be cited as the "House of Representatives Administrative Reform Technical Corrections Act".

(b) Table of Contents Ð The table of contents for this Act is as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
SEC. 206. Provisions relating to congressional and committee procedure; investigations.
SEC. 204. Provisions relating to commission and allowances of Members.
SEC. 189. Provisions relating to commerce and trade.
SEC. 188. Provisions relating to foreign relations and intercourse.
SEC. 185. Provisions relating to public buildings, property, and works.
SEC. 182. Provisions relating to territories and insular possessions.
SEC. 181. Miscellaneous uncodified provisions relating to House of Representa-tives.

TITLE I—PROVISIONS RELATING TO ALLOWANCES AND ACCOUNTS IN THE HOUSE OF REPRESENTATIVES AND OTHER ADMINISTRATIVE MATTERS

SEC. 101. REPRESENTATIONAL ALLOWANCE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES.

(a) In General. Ð There is established for the Members of the House of Representatives a representation allowance, to be known as the "Member’s Representation Allowance", which shall be available to support the conduct of the official and representational duties of a Member of the House of Representatives with respect to the district from which the Member is elected.

(b) MERGER. Ð The Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance, as in effect on the day before the effective date of this section, are merged into the Members’ Representation Allowance.

(c) DEFINITION. Ð As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(d) REGULATIONS. Ð The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(e) EFFECTIVE DATE. Ð This section shall take effect on September 1, 1995 and shall apply with respect to official and representational duties carried on or after that date.

SEC. 102. ADJUSTMENT OF HOUSE OF REPRESENTATIVES ALLOWANCES BY COMMITTEE ON HOUSE OVERSIGHT.

House Resolution 457, Ninety-second Congress, agreed to July 23, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57), is amended to read as follows:

"(a) In General. Ð Subject to the provision of law specified in subsection (b), the Committee on House Oversight of the House of Representatives may, by order of the Committee, fix and adjust the amounts, terms, and conditions of, and other matters relating to, allowances of the House of Representatives within the following categories:

(1) For Members of the House of Representa-tives, the Members’ Representation Allowance, including all aspects of the Official Mail Allowance within the jurisdiction of the Committee
under section 311 of the Legislative Branch Appropriations Act, 1991.

(2) For committees, the Speaker, the majority and minority leaders, the Clerk, the Sergeant at Arms, and the Administrative Officer, allowances for official mail (including all aspects of the Official Mail Allowance within the jurisdiction of the Committee under section 311 of the Legislative Branch Appropriations Act, 1991), are determined, itemized report of the disbursements for the operations of the House of Representatives.

P.rodvision Specified.—The provision of law referred to in subsection (a) is House Resolution 357, Ninety-sixth Congress, agreed to July 21, 1980, as enacted into permanent law by section 101(c) of the Legislative Branch Appropriation Act, 1970 (2 U.S.C. 92 note).

The first section of House Resolution 357, Ninety-sixth Congress, agreed to July 21, 1980, as enacted into permanent law by the bill H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981," as passed by the House of Representatives on July 21, 1980, and enacted into permanent law by section 101(c) of Public Law 96-536 (2 U.S.C. 92 note).


The first section of the Act entitled "An Act making appropriations for, and authorizing disbursements from, the contingent fund'' and all that follows, together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(4) A statement of all amounts appropriated to, or received, or expended by the House of Representatives, and any unexpended balances of such amounts;

(5) The information submitted to the Comptroller General under section 3523(a) of title 31, United States Code;

(6) Such additional information as may be required by regulation of the Committee on House Oversight of the House of Representatives; and

SEC. 105. PAYMENTS FROM APPROPRIABLE FUNDS FOR THE CAUCUS AND COMMITTEE EXPENSES OF THE HOUSE OF REPRESENTATIVES.

(a) In General.—No payment may be made from the applicable accounts of the House of Representatives (as determined by the Committee on House Oversight of the House of Representatives), unless sanctioned by that Committee. Payments on vouchers approved in the manner directed by that Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government.

(b) Definition.—As used in this section—

(1) the term "applicable accounts of the House of Representatives" means accounts for salaries and expenses of committees (other than the Committee on House Oversight of the House of Representatives) of the computer support organization of the House of Representatives, and allowances and expenses of Members of the House of Representatives, officers of the House of Representatives, and administrative and support offices of the House of Representatives;

(2) the term "Member of the House of Representatives" means a Member in, or a Delegate or Resident Commissioner to, the Congress;

(3) the term "part-time employee" means, with respect to a Member of the House of Representatives, an individual who is employed for a period of less than 60 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 20 hours per week;

(4) the term "temporary employee" means, with respect to a Member of the House of Representatives, an individual who is employed for not more than 120 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 40 hours per week;

(5) the term "permanent employee" means, with respect to a Member of the House of Representatives, an individual who is employed for not more than 120 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 40 hours per week;

(b) Benefit Exclusion.—For purposes of this section, interns and temporary employees shall be excluded from the operation of the following provisions of title 5, United States Code:

(1) Chapter 86 (relating to life insurance).

(2) Employee on leave without pay.

(3) Reduced service.

(c) Definitions.—As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "part-time employee" means, with respect to a Member of the House of Representatives, an individual who is employed for not more than 120 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month;

(3) the term "temporary employee" means, with respect to a Member of the House of Representatives, an individual who is employed for not more than 120 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 40 hours per week;

(4) the term "permanent employee" means, with respect to a Member of the House of Representatives, an individual who is employed for not more than 120 days in a 12-month period, and whose normally assigned work schedule is not more than the equivalent of 40 hours per week;

(5) the term " supplementation of benefits under the plan.

(d) Regulations.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations relating to the plan referred to in subsection (a), including regulations defining the nature and extent of such supplementation and compensation to any officer or employee who renders the service; and

(6) such additional information as may be required by regulation of the Committee on House Oversight of the House of Representatives; and

SEC. 107. CAFETERIA PLAN PROVISION.

(a) In General.—There is authorized to be established in the House of Representatives a cafeteria plan (as defined in section 3523(a) of the Internal Revenue Code of 1986) for the benefit of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives.

(b) Account.—There is established in the Treasury an account which shall be available for the payment of benefits and other expenses with respect to the plan referred to in subsection (a). The account shall consist of—

(1) amounts withheld from the pay of participants in the plan; and

(2) such other amounts as may be received with respect to the plan.

(c) Regulations.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations relating to the plan referred to in subsection (a), including regulations defining the nature and extent of such supplementation and

(d) Effective Date.—This section shall take effect on January 1, 1996.
SEC. 108. ANNOTATED UNITED STATES CODE FOR MEMBERS OF HOUSE OF REPRESENTATIVES TO BE PAID FROM MEMBERS' REPRESENTATIONAL ALLOWANCE.

(a) IN GENERAL.—The Clerk of the House of Representatives shall, at the request of a Member of Representatives, cause to be paid to the Member, for official use only, one set of a privately published annotated version of the United States Code, including supplements and pocket parts. The furnishing of a set of the United States Code under this section shall be in lieu of any distribution under section 212 of title 1, United States Code, and shall be paid for from Members' Representational Allowance.

(b) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(c) REGULATIONS.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

SEC. 109. CAPITAL POLICE CITATION RELEASE.

(a) IN GENERAL.—The Chief of the Capitol Police, with the approval of the Capital Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) PROCEDURE.—In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia, the Superior Court of the District of Columbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23-1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23-1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in paragraph (1) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23-1110(a) of the District of Columbia Code.

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 201. PROVISIONS RELATING TO ELECTION OF REPRESENTATIVES.

The provisions of law relating to election of Representatives are, as codified in chapter 1 of title 2, United States Code, are amended as follows:

The third sentence of section 22(b) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(b)), is amended by striking out the semicolon following "Representatives", and after such word inserting all that follows through the end of the sentence and inserting in lieu thereof a period.

SEC. 202. PROVISIONS RELATING TO ORGANIZATION OF CONGRESS.

The provisions of law relating to organization of Congress, as codified in chapter 2 of title 2, United States Code, are amended as follows:

(a) Section 204(a) of the District of Columbia Delegate Act (2 U.S.C. 25b) is repealed.

(b) Section 43 of the Revised Statutes of the United States (2 U.S.C. 26, third sentence) is repealed.

(c) Section 2(c) of Public Law 94-551 (2 U.S.C. 29C(c)) is amended—

(1) in paragraph (2), by striking out "Representatives" and inserting in lieu thereof "Representatives"; and

(2) in paragraph (3), by striking out "the Sergeant" and all that follows through the end of the paragraph and inserting in lieu thereof "to the Sergeant at Arms of the House of Representatives".

(d) Section 202 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a), is amended—

(A) in subsection (b)(2), by striking out "House Administration" each place it appears and inserting in lieu thereof "House Oversight"; and

(B) in subsection (c), by striking out "continuing fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives".

SEC. 203. PROVISIONS RELATING TO COMPENSATION AND ALLOWANCES OF MEMBERS.

The provisions of law relating to compensation and allowances of Members, as codified in chapter 3 of title 2, United States Code, are amended as follows:

(1) Subsection (e) of the first section of the Act entitled "An Act to increase rates of compensation of the President, and the Speaker of the House of Representatives", approved January 19, 1949 (2 U.S.C. 31b), is amended by striking out "(which shall be in lieu of the allowance provided by section 601(b) of the Legislative Reorganization Act of 1946, as amended"") and inserting in lieu thereof "applicable accounts of the House of Representatives.".

(2) Section 2 of House Resolution 1238, Ninety-first Congress, agreed to December 23, 1970, as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-2), is amended—

(A) by striking out "continuing fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives"; and

(B) by striking out "base allowance and all that follows thereof "Members' Representational Allowance.".

(3) Section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-2), is amended—

(A) by striking out "funds of the House" and inserting in lieu thereof "Federal Trust Fund";

(B) Sections 49 and 50 of the Revised Statutes of the United States (2 U.S.C. 31b-3), is amended by striking out "to the Clerk of the House of Representatives", and inserting in lieu thereof "to the House of Representatives".

(4) Sections 49 and 50 of the Revised Statutes of the United States (2 U.S.C. 31b), is amended by striking out "with the consent of the President, and the Speaker of the House of Representatives", and inserting in lieu thereof "with the consent of the Speaker of the House of Representatives".

(5) Section 105 of the Legislative Reorganization Act of 1946, as amended, is repealed.

(6) The proviso in the first paragraph under the heading "LEGISLATIVE BRANCH" and the subheading "HOUSE OF REPRESENTATIVES" in chapter 1 of the Third Supplemental Appropriations Act, 1952 (2 U.S.C. 38b; 2 U.S.C. 125a) is amended by striking out "contingent fund of the House of Representatives or" and inserting in lieu thereof "applicable accounts of the House of Representatives or the contingent fund of the House of Representatives".

(7) Section 40 of the Revised Statutes of the United States (2 U.S.C. 39) is amended by striking out "Sergeant-at-Arms of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives)".

(8) The proviso in the last undesignated paragraph under the center heading "LEGISLATIVE ESTABLISHMENT" and the center subheading "HOUSE OF REPRESENTATIVES" in the Deficiency Appropriation Act, fiscal year 1934 (2 U.S.C. 40a) is amended—

(A) by striking out "Sergeant at Arms of the House" the first place it appears and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives"; and

(B) by striking out "Sergeant at Arms of the House shall be paid to the Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives shall be paid to the Clerk of the House of Representatives".

(9) Section 43 of the Revised Statutes of the United States (2 U.S.C. 41) is repealed.

(10) The first section of House Resolution 420, Ninety-second Congress, agreed to May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 42), is repealed.

(11) Section 44 of the Revised Statutes of the United States (2 U.S.C. 42 note) is repealed.

(A) The provisions of law specified in subsection (b), codified as sections 42C, 42D, and 42D of title 2, United States Code, are repealed.

(B) The provisions of law referred to in subparagraph (A) are—

(i) the Act entitled "An Act to provide airmail and special delivery postage stamps for Members of Representatives on the basis of regular sessions of Congress, and for other purposes", approved August 27, 1958;

(ii) House Resolution 532, Eighty-eighth Congress, agreed to October 26, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965; and


(12) The last paragraph under the heading "SENATE" and the subheading "ADMINISTRATIVE PROVISIONS" in the first section of the Legislative Branch Appropriation Act, 1959 (2 U.S.C. 43b) is repealed.

(13) Section 2 of Public Law 89-147 (2 U.S.C. 43b-1) is repealed.

(14) The second section of House Resolution 10, Ninety-fourth Congress, agreed to January 14, 1975, as enacted into permanent law by section 201 of the Legislative Branch Appropriation Act, 1976 (2 U.S.C. 43b-2), is amended by striking out "House Administration" each place it appears and inserting in lieu thereof "House Oversight".

(15) A paragraph of law specified in subparagraph (B), codified as section 42C of title 2, United States Code, is amended, repealed, or affected as provided in that subparagraph,

(16) The amendments, repeals, and effects referred to in subparagraph (A) are as follows:

(i) The paragraph beginning "Stationery" under the heading "HOUSE OF REPRESENTATIVES" and the subheading "EXPENSES OF THE HOUSE" in the Legislative Appropriation Act, 1955, is amended by striking out...
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"[which hereafter shall be $1,200 per regular session]

(ii) That portion of the paragraph under the heading "HOUSE OF REPRESENTATIVES and the CONGRESSIONAL OPERATIONS (REVOLVING FUND)" in the first section of the Legislative Branch Appropriation Act, 1961, that has been interpreted as increasing the statutory allowance for the Clerk of Representatives from $1,000 to $1,800 shall have no further force or effect.

(iii) House Resolution 533, Eighty-eighth Congress, agreed to, on October 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965, is repealed.

(iv) House Resolution 1029, Eighty-ninth Congress, agreed to, on March 8, 1967, as enacted into permanent law by chapter 1135 of the Second Supplemental Appropriation Act, 1967, is repealed.

17. The Act entitled "An Act to provide for a prorated statutory allowance in the case of a Member of the House of Representatives elected for a portion of a term", approved February 27, 1956 (2 U.S.C. 46b-2), is repealed.

18(A) The first section of the Act entitled "An Act relating to telephone and telegraph service for Members of the Members of the House of Representatives", approved June 23, 1949 (2 U.S.C. 46f) is repealed.

18(B) The provisions of law specified in clause (ii) of section 17(f) of the Legislative Branch Appropriation Act, 1973, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1974 (2 U.S.C. 60a-1), are amended.

18(C) The provisions of law referred to in clause (ii) are

(i) section 2 of the Act entitled "An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives", approved June 23, 1949;

(ii) House Resolution 735, Eighty-seventh Congress, agreed to, July 25, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965; and

(iii) House Resolution 531, Eighty-eighth Congress, agreed to, October 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965.

18(D) House Resolution 901, Eighty-Ninth Congress, agreed to, June 29, 1966, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1967.

18(E) Section 3 of the Act entitled "An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives", approved June 23, 1949 (2 U.S.C. 46f) is repealed.

19. The first section of House Resolution 418, Ninety-second Congress, agreed to, May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 46g-1), is repealed.

20(A) Section 2 of House Resolution 418, Ninety-second Congress, agreed to, May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 46g-2), is repealed.

(B) The section designation and subsections (a), (b), and (d) of section 302 of House Resolution 287, Ninety-fifth Congress, agreed to, March 2, 1977, as enacted into permanent law by section 151 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 56 note, 2 U.S.C. 122a note), are repealed.

21(A) The second undesignated paragraph of the first section of House Resolution 1297, Ninety-fifth Congress, agreed to, August 16, 1978, as enacted into permanent law by section 1111 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), is amended by striking out "Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(B) The first undesignated paragraph of the first section of House Resolution 1297, Ninety-fifth Congress, agreed to, August 16, 1978, as enacted into permanent law by section 302 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), is amended by striking out "contingent fund of the House of Representatives" and inserting in lieu thereof "applicable accounts of the House of Representatives and the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a))", is amended by striking out "Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".


23. The first section and section 2 of the Joint Resolution entitled "Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year", approved May 21, 1937 (2 U.S.C. 60d and 60e), are each amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

24. The first section of House Resolution 732, Ninety-fourth Congress, agreed to, November 4, 1975, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 60-1a), is amended—

(A) in the first sentence of subsection (a), by striking out "Clerk of Representatives" each place it appears and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives shall, in accordance with";

(B) in the second sentence of subsection (a), by striking out "provide that—" and all that follows through "shall withhold" and inserting in lieu thereof "Chief Administrative Officer shall withhold";

(C) in subsection (b), by striking out "Clerk or the Sergeant at Arms" and inserting in lieu thereof "Chief Administrative Officer";

(D) in subsection (c), by striking out "Clerk or the Sergeant at Arms" and inserting in lieu thereof "Chief Administrative Officer";

(E) in subsection (c)(1), by striking out "Clerk or the Sergeant at Arms" each place it appears and inserting in lieu thereof "Chief Administrative Officer"; and

(F) in subsections (d) and (e), by striking out "Clerk or the Sergeant at Arms" each place it appears and inserting in lieu thereof "Chief Administrative Officer".

25(A) The first section of House Resolution 12, Ninetieth Congress, agreed to August 5, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60-1c), is amended—

(i) in subsection (a), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer";

(ii) in subsection (b) and subsection (d), by striking out "Clerk" each place it appears and inserting in lieu thereof "Chief Administrative Officer";

(iii) by striking out paragraph (2); and

(iv) by redesignating paragraph (3), as amended by clause (iii), as paragraph (2).

26. The section designation and subsections of the last section of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1974 (2 U.S.C. 60g-2), is amended—

(i) in paragraph (1), by adding "and" after the semicolon at the end;

(ii) by striking paragraph (2); and

(iii) by striking paragraph (3), as amended by clause (iii), as paragraph (2).

27. The first sentence of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1974 (2 U.S.C. 60g-2), is amended—

(iii) by striking out paragraph (2); and

(iv) by redesignating paragraph (3), as amended by clause (iii), as paragraph (2).

28. The second undesignated paragraph of the last section of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1974 (2 U.S.C. 60g-2), is amended—

(i) in the matter before paragraph (1) in subsection (a), by striking out "Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives";

(ii) in subsection (b), by striking out "Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives";

(iii) in subsection (c)(1), by striking out "Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives"; and

(iv) by redesignating paragraph (3), as amended by clause (iii), as paragraph (2).
(8) Section 310(a) of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60-2) is amended—

(A) by striking out “Chief” each place it appears in lieu thereof “Chief Administrative Officer”; and

(B) by striking out “Sec. 310. (a)” and inserting in lieu thereof “Sec. 310.”.

(9) Section 2 of the Legislative Branch Appropriation Act, 1968 is amended by striking out subsection (i) (2 U.S.C. 61-1(i)).

(10) Section 2(iii), (i)(1), and (i)(3) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i), (i)(1), and (i)(3)) are each amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(11) Subsection (i)(1) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)(1)) is amended—

(A) in the first sentence, by striking out “Committee on House Administration” and inserting in lieu thereof “Committee on Oversight”;

(B) in the second sentence—

(i) by striking out “in the case of the Senate,”; and

(ii) by striking out “such respective accounts,” and inserting in lieu thereof “the appropriate Senate”.

(12) The paragraph beginning “The appropriation for committee employees” under the heading “HOUSE OF REPRESENTATIVES” and the center subheading “CONTINGENT EXPENSES OF THE HOUSE” of the center heading “HOUSE OF REPRESENTATIVES”, in the first section of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)(1)) is amended—

(A) in the first sentence, by striking out “Committee on House Administration” and inserting in lieu thereof “Committee on Oversight”;

(B) in the second sentence—

(i) by striking out “in the case of the Senate”;

(ii) by striking out “such respective accounts,” and inserting in lieu thereof “the appropriate Senate”.

(13) The last undesignated paragraph under the heading “HOUSE OF REPRESENTATIVES” and the center subheading “CONTINGENT EXPENSES OF THE HOUSE” in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 72c) is repealed.

(14) The first section of House Resolution 487, Eighty-seventh Congress, agreed to January 10, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 75a), is amended by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives.”

(15) (A) Subsection (b) of the first section of House Resolution 393, Ninety-fifth Congress, as enacted into permanent law by section 115 of the legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3), is amended by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives.”

(B) And last paragraph of House Resolution 393, Ninety-fifth Congress, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-4), is amended by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives.”


(17) Section 101 of the Legislative Branch Appropriation Act, 1995 (2 U.S.C. 74a-6) is repealed.

(18) Section 244 of the Legislative Reorganization Act of 1946 (2 U.S.C. 74b) is amended—

(A) by striking out “Chief” and inserting in lieu thereof “Chairman”;

(B) by striking out “their respective jurisdictions” and inserting in lieu thereof “their respective jurisdictions”.

(19) Section 7 of the Legislative Branch Appropriation Act, 1993 (2 U.S.C. 74a-5) is amended—

(A) in the first sentence—

(i) by striking out “Chairman of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives; and

(ii) by striking out “Chairman of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer”;

(B) in the second sentence—

(i) by striking out “Chairman” and inserting in lieu thereof “Chairman of the House of Representatives”; and

(ii) by striking out “Chairman” and inserting in lieu thereof “Chief Administrative Officer”;

(C) in the third sentence—

(i) by striking out “Chairman” and inserting in lieu thereof “Chairman of the House of Representatives”;

(ii) by striking out “Chairman” and inserting in lieu thereof “Chief Administrative Officer”;

(D) by adding at the end the following new sentence: “The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.”.

(20) Section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a-3(a)) is amended by striking out “Inspector General of the House” and inserting in lieu thereof “Chief Administrative Officer”;

(21) Section 73 of the Revised Statutes of the United States (2 U.S.C. 76) is repealed.

(22)(A) The first section of House Resolution 8, Ninety-fifth Congress, agreed to January 4, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 76-1), is amended—

(i) in paragraph (1), by striking out the comma after “1976” and inserting in lieu thereof “1976”;

(ii) in paragraph (2), by striking out “1975” and after “1975” inserting in lieu thereof “1976”; and

(iii) by striking out paragraph (3).

(B) (i) The provisions of law specified in clause (ii), codified in section 76-1 note of title 2, United States Code, are repealed or amended as provided in that clause.

(ii) The repeals and amendments clause (i) are as follows:

(A) House Resolution 909, Eighty-ninth Congress, agreed to September 8, 1966, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1967, is repealed.

(B) The second section of House Resolution 909, Eighty-ninth Congress, agreed to October 4, 1972, as enacted into permanent law by the paragraph under the heading “LEGISLATIVE BRANCH” and the subheadings “HOUSE OF REPRESENTATIVES” and “ADMINISTRATIVE PROVISION”, in chapter V of the Legislative Branch Appropriation Act, 1973, is amended by striking out “the Doorkeeper.”.

(23) House Resolution 560, Eighty-seventh Congress, agreed to March 27, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964 (2 U.S.C. 76b), is repealed.

(24) House Resolution 679, Eighty-seventh Congress, agreed to April 16, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964 (2 U.S.C. 76b), is repealed.

(25) (A) An Act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes, approved October 1, 1900, is amended—

(i) in the first section (2 U.S.C. 78), by striking out “the”, and all that follows through “by law”; and

(ii) in section 3 (2 U.S.C. 80), by striking out “Sergeant-at-Arms” and inserting in lieu thereof “Chief Administrative Officer”.

(B) The last to the last undesignated paragraph under the center heading “LEGISLATIVE” and the center subheading “HOUSE OF REPRESENTATIVES”, in the first section of the Second Deficiency Act, fiscal year, 1928 (2 U.S.C. 76d), is amended by striking out “the Sergeant-at-Arms of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives.”

(26) The Joint Resolution entitled “Joint resolution to provide for on-the-spot audits by the General Accounting Office of the fiscal records of the Office of the Sergeant at Arms of the House of Representatives,” approved July 26, 1949 (2 U.S.C. 81a), is repealed.

(27) House Resolution 485, Eighty-fourth Congress, agreed to April 11, 1956, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 81b), is repealed.

(28) House Resolution 144, Eighty-fifth Congress, agreed to February 7, 1957, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1958 (2 U.S.C. 81c), is repealed.

(29) Section 7 of the Act entitled “An Act defining certain duties of the Sergeant of the Senate, and for other purposes,” approved October 1, 1890 (2 U.S.C. 94), is repealed.

(30) House Resolution 6, Ninety-eighth Congress, agreed to January 3, 1983, as enacted into permanent law by section 103 of the Legislative Operations Appropriation Act, 1984 (2 U.S.C. 84-1), is repealed.

(31) House Resolution 1495, Ninety-fourth Congress, agreed to September 30, 1976, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 81d), is repealed.

(32) (A) House Resolution 560, Eighty-seventh Congress, agreed to March 27, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964 (2 U.S.C. 76b), is repealed.

(B) House Resolution 560, Eighty-seventh Congress, agreed to March 27, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964 (2 U.S.C. 76b), is repealed.

(33) (A) Section 243 of Legislative Reorganization Act of 1946 (2 U.S.C. 88a) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a) is amended in the matter relating to part 3 of title 11 (60 Stat. 813), by striking out the item relating to section 243.

(C) Section 492(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a) is amended by striking out “section 243” and all that follows through “or”. March 19, 1996.
(35)(A) The provisions of law specified in subparagraph (B), codified as section 388b of title 2, United States Code, are amended or repealed as provided in that subparagraph.

(B) And repeals referred to in subparagraph (A) are as follows:

(i) The proviso in the paragraph beginning under the center heading "LEGISLATIVE" and the center subheading "OFFICE OF THE SPEAKER" is amended by deleting "Chief Administrative Officer of the House of Representatives" in section 3(b)(2), by striking out "Secretary" and inserting in lieu thereof "Chief Administrative Officer".

(ii) The second sentence of the fourth undesignated paragraph relating to contingent expenses, under the center heading "LEGISLATIVE," and the center subheading "HOSPITALS" is amended by deleting "Chief Administrative Officer of the House of Representatives" in section 3(b)(2), by striking out "Secretary" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(iii) The fifteenth undesignated paragraph relating to contingent expenses, under the center heading "LEGISLATIVE," and the center subheading "OFFICE OF THE SPEAKER" in section 3(b)(2) is amended by striking out "Secretary" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(36) Sections 2 and 3 of House Resolution 294, Eighty-eighth Congress, approved August 14, 1964, as continued by House Resolution 7, Eighty-ninth Congress, and amended, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966 (2 U.S.C. 92-1), is repealed.

(37) Section 2(a) of House Resolution 611, Ninety-seventh Congress, approved March 29, 1983, as enacted into permanent law by section 102 of the Legislative Branch Appropriation Act, 1984 (2 U.S.C. 88b-5), is amended—

(A) in subsection (a)(1), by striking out "a period of not less than two months" and inserting in lieu thereof "three months" specified in writing at the time of the appointment; and

(B) in subsection (b), by striking out "(i) or" at the end of paragraph (2) and all that follows through the end of the subsection and inserting in lieu thereof a period.

(38) House Resolution 64, Ninety-eighth Congress, approved to February 8, 1983, as enacted into permanent law by section 120 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 88b-3) is amended—

(A) in the first sentence of section 2, by striking out "Chief Administrative Officer of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives as determined by the Clerk of the House of Representatives";

(B) in the second sentence of section 2, by striking out "Chief Administrative Officer of the House of Representatives, as determined by the Clerk of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives as determined by the Clerk of the House of Representatives";

(C) in subsection 3, and

(D) by redesignating section 4 as section 3.

(39) Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b-6) is repealed.

(40) Section 2(a) of House Resolution 294, Eighty-eighth Congress, approved June 29, 1983, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1985 (2 U.S.C. 88b-1) is amended—

(A) by striking out the first section;

(B) in section 2, by striking out "the academic year plus a" and inserting in lieu thereof "semesters of the academic year plus a";

(C) in section 3(a)(1)(ii), by striking out "term or terms" and inserting in lieu thereof "semester or semesters";

(D) in section 3(b)(1), by striking out "but no appointment to fill that vacancy shall be for a period of less than two months" and inserting in lieu thereof "except that no appointment may be made under this paragraph for service to begin on or after October 1 with respect to the first semester or on or after March 1 with respect to the second semester";

(E) in section 3(b)(2), by striking out "terms" and inserting in lieu thereof "semesters or terms, as the case may be";

(F) in section 4(1), by striking out "terms" and inserting in lieu thereof "semesters";

(G) the twelfth undesignated paragraph relating to contingent expenses, under the center heading "LEGISLATIVE," and the center subheading "HOUSE OF REPRESENTATIVES," in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, and for other purposes," approved March 3, 1995 (2 U.S.C. 97), is amended by striking out ""Doorkeeper, and"" and inserting in lieu thereof "and Chief Administrative Officer";

(H) the eleventh undesignated paragraph relating to contingent expenses, under the center heading "LEGISLATIVE," and the center subheading "HOSPITALS" in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, and for other purposes," approved March 3, 1995 (2 U.S.C. 97), is amended by striking out ""Chief Administrative Officer of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(41) The twelfth undesignated paragraph relating to contingent expenses, under the center heading "LEGISLATIVE," and the center subheading "OFFICE OF THE SPEAKER" in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, and for other purposes," approved March 3, 1889 (2 U.S.C. 112), is amended by striking out "Doorkeeper, and" and inserting in lieu thereof "Chief Administrative Officer".

(42) Section 3 of House Resolution 234, Ninety-eighth Congress, approved March 22, 1895 (2 U.S.C. 112) is amended by striking out "and House of Representatives" in title I of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, and for other purposes," approved March 22, 1895 (2 U.S.C. 112), and inserting in lieu thereof "sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, and for other purposes."
(62) The third undesignated paragraph under the center heading "MISCELLANEOUS" in the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes passed August 7, 1802 (2 U.S.C. 117), is amended—

(A) by striking out "Chairman of the House of Representatives," and inserting in lieu thereof "Chief Administrative Officer";

(B) by striking out "continuing appropriations for the quarter fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes, approved May 13, 1802 (2 U.S.C. 117), is amended—

(i) in the first sentence of paragraph (1), by striking out "Chairman of the House of Representatives," and inserting in lieu thereof "Chief Administrative Officer";

(ii) in the first sentence of paragraph (2), by striking out "Chairman of the House of Representatives," and inserting in lieu thereof "Chief Administrative Officer".

(C) in the first sentence of paragraph (3), by striking out "Chairman of the House of Representatives," and inserting in lieu thereof "Chief Administrative Officer"; and

(D) in subsection (b), by striking out "Chairman of the House of Representatives," and inserting in lieu thereof "Chief Administrative Officer".

(63) Section 107 of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(n) of Public Law 99-500 and Public Law 99-591 (2 U.S.C. 117e), as amended by subparagraph (A), is further amended—

(i) in paragraph (3), by striking out "House Administration" and inserting in lieu thereof "House Oversight";

(ii) in paragraph (4)(B), by striking out "House Administration" and inserting in lieu thereof "House Oversight";

(iii) in the first sentence of subsection (a), by striking out "House Administration" and inserting in lieu thereof "Chief Administrative Officer"; and

(iv) in the last sentence, is amended by striking out "Chief Administrative Officer".

(64) Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f), is amended—

(A) in subsection (a), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer"; and

(B) in subsection (b)—

(i) by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer";

(ii) by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer";

(iii) by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer"; and

(iv) by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(65) The provisions of law specified in subparagraph (B), codified as section 122a of title 2, United States Code, are repealed.

(66) The provisions of law specified in subparagraph (A) are—

(i) the nineteenth paragraph under the center heading "HOUSE OF REPRESENTATIVES" and the center subheading "CONTINGENT EXPENSES OF THE HOUSE" in title I of the Legislative Branch Appropriation Act, 1955; and

(ii) House Resolution 815, Eighty-eighth Congress, third session, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966.

(67) The first paragraphs 2, 3, 4, 5, and 7 of House Resolution 687, Ninety-fifth Congress, agreed to September 20, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1978, as so amended, as enacted into permanent law by section 122b, 122c, 122d, 122e, 122f, and 122g, are repealed.

(68) Section 105 of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b) is amended—

(A) in subsections (c), (d), (f), and (h) by striking out "Clerk" each place it appears and inserting in lieu thereof "Chief Administrative Officer"; and

(B) in the first sentence of subsection (g), by striking out "within the contingent fund of the House of Representatives".

(69) The second sentence of the second paragraph under the heading "HOUSE OF REPRESENTATIVES" and the subheading "ADMINISTRATIVE PROVISIONS" in the first section of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 124) is amended—

(A) by striking out "the applicable accounts of the House of Representatives"; and

(B) by inserting in lieu thereof "House Oversight".

(70) (A) The first sentence of the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" and the center subheading "CONTINGENT EXPENSES OF THE HOUSE" in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), is amended—

(B) in the last sentence, is amended by striking out "Chief Administrative Officer of the House of Representatives".

(71) Section 3 of Public Law 99-147 (2 U.S.C. 127a) is amended—

(A) in the first sentence, by striking out "contingent fund" and inserting in lieu thereof "applicable accounts of the House of Representatives"; and

(B) in the last sentence, is amended by striking out "Chief Administrative Officer of the House of Representatives.".

(72) Subsection (e) of the first sentence of section 2, Legislative Branch Appropriation Act, 1979 (2 U.S.C. 130a), is amended by striking out "contingent fund of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(73) The first sentence of the Act entitled "An Act to provide for taking testimony or the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", approved July 25, 1974 (2 U.S.C. 130a(a)), is further amended by striking out "Chief Administrative Officer of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer".

(74) Section 6(f) of the Act entitled "An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", amended by subsection (a) and subsection (b), is further amended by striking out the following: the word "Chief Administrative Officer of the House of Representatives.".

(75) Subsection (a) and subsection (b) of section 3 of the Act entitled "An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", amended by subsection (a) and subsection (b), is further amended by striking out "Chief Administrative Officer of the House of Representatives.".

(76) Subsection (a) and subsection (b) of section 3 of the Act entitled "An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", amended by subsection (a) and subsection (b), is further amended by striking out "Chief Administrative Officer of the House of Representatives.".

SEC. 205. PROVISIONS RELATING TO LIBRARY OF CONGRESS.

The provisions of law relating to the Library of Congress, as codified in chapter 5 of title 2, United States Code, are amended as follows:

(77) Section 303 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended by striking out "Clerk of the House" and inserting in lieu thereof "Chief Administrative Officer".

(78) The fourth section of section 2 of the Act entitled "An Act to provide for taking testimony or the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", approved February 3, 1897 (2 U.S.C. 190m) is amended by striking out "Chief Administrative Officer of the House of Representatives" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives.".

(79) The provisions of law relating to congressional and committee procedure; investigations, and reports, as codified in chapter 6 of title 2, United States Code, are amended as follows:

(80) Section 306 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132c) is amended by striking out "Chairman of the House."
SEC. 207. PROVISIONS RELATING TO OFFICE OF LAWREVISION COUNSEL.

The provisions of law relating to the Office of the Law Revision Counsel, as codified in chapter 9A of title 2, United States Code, are amended as follows:

Section 205(h) of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 285g), is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

SEC. 208. PROVISIONS RELATING TO LEGISLATIVE BRANCH ORGANIZATION.

The provisions of law relating to the Legislative Classification Office, as codified in chapter 9 of title II, United States Code, are amended as follows:

Section 203 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 286 et seq.), is repealed.

SEC. 209. PROVISIONS RELATING TO CLASSIFICATION OF EMPLOYEES OF HOUSE OF REPRESENTATIVES.

The provisions of law relating to classification of employees of the House of Representatives, as codified in chapter 10 of title 2, United States Code, are amended as follows:

Section 205 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 286 et seq.), is repealed.

SEC. 210. PROVISIONS RELATING TO PAYROLL ADMINISTRATION IN HOUSE OF REPRESENTATIVES.

The provisions of law relating to payroll administration in the House of Representatives, as codified in chapter 10A of title 2, United States Code, are amended as follows:

(1) Section 205(h) of the Legislative Reorganization Act of 1970 (2 U.S.C. 333) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(2) Section 207(h)(1)(A) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(3) Section 207(h)(1)(B) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(4) Section 207(h)(1)(C) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(5) Section 207(h)(1)(D) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(6) Section 207(h)(1)(E) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(7) Section 207(h)(1)(F) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(8) Section 207(h)(1)(G) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(9) Section 207(h)(1)(H) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(10) Section 207(h)(1)(I) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(11) Section 207(h)(1)(J) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(12) Section 207(h)(1)(K) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(13) Section 207(h)(1)(L) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(14) Section 207(h)(1)(M) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(15) Section 207(h)(1)(N) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(16) Section 207(h)(1)(O) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.

(17) Section 207(h)(1)(P) of the Legislative Reorganization Act of 1970 (2 U.S.C. 330) is amended by striking out “Chief Administrative Officer” and inserting in lieu thereof “Chief Administrative Officer”.
The first sentence of subsection (b)(3)(A) of section 218 of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(16) The second sentence of section 8423(a) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, the Clerk may pay from the contingent fund" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, the Clerk may pay from the applicable accounts of the House of Representatives".

(17) The second sentence of section 8423(c) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, for the House of Representatives, for the House Administration" each place it appears and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, for the contingent fund of the House of Representatives".

(18) Section 8708 of title 5, United States Code, is amended by striking out "Clerk" the first place it appears and all that follows through the end of the subsection and inserting in its place "Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may contribute the sum required by subsection (a) of this section from the applicable accounts of the House of Representatives".

(19) Section 8906(f)(3) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, for the contingent fund of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, from the applicable accounts of the House of Representatives".

SEC. 216. PROVISIONS CODIFIED IN APPENDICES TO TITLE 5, UNITED STATES CODE.

The provisions of law codified in appendices to title 5, United States Code, are amended as follows:

(1) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by striking out "Clerk" the second place it appears and inserting in lieu thereof "Chief Administrative Officer".


SEC. 217. PROVISIONS RELATING TO COMMERCIAL OR TRADE.

The provisions of law relating to commerce and trade, as codified in title 15, United States Code, are amended as follows:

The Joint Resolution entitled "joint resolution to print the monthly publication entitled "Economic Indicators"", approved June 23, 1949 (15 U.S.C. 1025), is amended by striking "Doone of the/tiny therein in lieu thereof "Chief Administrative Officer".

SEC. 218. PROVISIONS RELATING TO FOREIGN RELATIONS AND INTERCOURSE.

The provisions of law relating to foreign relations and intercourse, as codified in title 22, United States Code, are amended as follows:

(1) The last sentence of section 105(b) of the Legislative Branch Appropriation Act, 1981 (22 U.S.C. 276c-1) is amended by striking out "Committee on House Administration" and inserting in lieu thereof "Clerk".

(2) The proviso of subsection (b)(2) and the first sentence of subsection (b)(3)(A) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754) are each amended by striking out "Clerk" the second place it appears and inserting in lieu thereof "Chief Administrative Officer".

(3) Section 8(d)(2) of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3008(d)(2)), is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

SEC. 219. PROVISIONS RELATING TO MONEY AND FINANCE.

(a) USE OF VEHICLES AMENDMENT.—Section 802(d) of the Ethics Reform Act of 1989 (31 U.S.C. 1344 note) is amended by striking out "House Administration" and inserting in lieu thereof "Chief Administrative Officer".

(b) TITLE 31, UNITED STATES CODE, AMENDMENTS.—The provisions of law relating to money and finance, enacted as title 31, United States Code, are amended as follows:

(1) Section 1551(c)(2) of title 31, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(2) Section 6102(a) of title 31, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(3) Section 6203(a)(3) of title 31, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

SECTION 220. PROVISIONS RELATING TO POSTAL SERVICE.

The provisions of law relating to the Postal Service, enacted as title 39, United States Code, are amended as follows:

(1) Paragraph (1) and paragraph (2) of subsection (e) of section 3216 of title 39, United States Code, are each amended by striking out "Chief Administrative Officer".

(2) Section 3216(e)(2) of title 39, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

SEC. 221. PROVISIONS RELATING TO PUBLIC BUILDINGS, PROPERTY, AND WORKS.

The provisions of law relating to public buildings, property, and works, as codified in title 40, United States Code, are amended as follows:

(1) The first section of House Resolution 291, Eighty-ninth Congress, agreed to August 1, 1965 (40 U.S.C. 170), is amended by striking out "from the applicable accounts of the House of Representatives", and inserting in lieu thereof "from the applicable accounts of the House of Representatives", and inserting in lieu thereof "Chief Administrative Officer".

(2) Section 3(a)(1) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(3) The second sentence of section 1001(a) of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188c(a)) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(4) The second sentence of section 105 of the Legislative Branch Appropriation Act, 1991 (40 U.S.C. 188c(i)) is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(5) The second sentence of section 801(b)(3) of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188c(i)) is amended by striking out "'Chief Administrative Officer'" and inserting in lieu thereof "'Chief Administrative Officer'".

(6) Section 1 of House Resolution 317, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1972 (40 U.S.C. 188c(i)) is amended by striking out "'Chief Administrative Officer'" and inserting in lieu thereof "'Chief Administrative Officer'".

(7) The second sentence of section 102(1) of the House Administration Appropriation Act, 1999, One Hundred Second Congress, agreed to August 1, 1991, as enacted into permanent law by section 105 of the Legislative Branch Appropriations Act, 1990 (40 U.S.C. 188c(i)) is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(8) The second sentence of section 102(1) of the House Administration Appropriation Act, 1999, One Hundred Second Congress, agreed to August 1, 1991, as enacted into permanent law by section 105 of the Legislative Branch Appropriations Act, 1990 (40 U.S.C. 188c(i)) is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(9) Section 2(a) of House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1978 (40 U.S.C. 188c(i)) is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(10) Section 2 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(11) Section 3(a)(1) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(12) The second sentence of section 105 of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(13) The second sentence of section 105 of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 206 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(14) The proviso in the paragraph under the heading "ARCHITECT OF THE CAPITOL" and the subheading "HOUSE OFFICE BUILDINGS" in the Legislative Branch Appropriation Act, 1989 (40 U.S.C. 175 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(15) The proviso in the paragraph under the heading "ARCHITECT OF THE CAPITOL" and the subheading "HOUSE OFFICE BUILDINGS" in the Legislative Branch Appropriation Act, 1989 (40 U.S.C. 175 note), is amended by striking out "'House Administration'" and inserting in lieu thereof "'House Oversight'".

(16) The second sentence of section 2 of the First Supplemental Budget Appropriation Act, 1941 (40 U.S.C. 174 note) is amended by striking out "'Chief Administrative Officer'".

(17) The second sentence of section 2 of the First Supplemental Budget Appropriation Act, 1941 (40 U.S.C. 174 note) is amended by striking out "'Chief Administrative Officer'".

(18) The second sentence of section 10(a) of the Second Supplemental Budget Appropriation Act, 1941 (40 U.S.C. 174 note) is amended by striking out "'Chief Administrative Officer'".

(19) The second sentence of section 10(a) of the Second Supplemental Budget Appropriation Act, 1941 (40 U.S.C. 174 note) is amended by striking out "'Chief Administrative Officer'".
"House Administration" and inserting in lieu thereof "House Oversight".

(i) In the section heading, by striking out 'Members of Congress' and inserting in lieu thereof "Senators";
(ii) by striking out "Mumber of Congress" and inserting in lieu thereof "Senator"; and
(iii) by striking out "and Clerk of the House of Representatives, respectively".

(b) The table of contents at the beginning of chapter 7 of title 44, United States Code, is amended by striking out the item relating to section 735 and inserting in lieu thereof the following new item:

"735. Binding for Senators."

(c) The section heading of section 739 of title 44, United States Code, is amended by striking out "Doorkeeper" and inserting in lieu thereof "Clerk of the House and Doorkeeper".

(d) The first sentence of section 740 of title 44, United States Code, is amended by striking out "Doorkeeper of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(2) Section 151(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1422k-1) is repealed.

The following miscellaneous uncodified provisions relating to the House of Representatives are amended as follows:

(a) The first to the last undesignated paragraph under the heading "HOUSE OF REPRESENTATIVES" and the center subheadings "ADMINISTRATIVE PROVISIONS" and "MINTS AND ASSAY OFFICES" in the first section of the Legislative Branch Appropriation Act, 1970 (83 Stat. 347) are amended by striking out the last two sentences.

(b) The last undesignated paragraph under the heading "HOUSE OF REPRESENTATIVES" and the center subheadings "ADMINISTRATIVE PROVISIONS" and "MINTS AND ASSAY OFFICES" in the first section of the Legislative Branch Appropriation Act, 1970 (83 Stat. 347) is repealed.

Mr. Speaker, pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. EHLERS] and the gentleman from California [Mr. FAZIO] will each be recognized for 20 minutes. The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

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

Mr. Speaker, on December 13, 1995, the Committee on House Oversight agreed to an amendment in the nature of a substitute to the House Resolution on the Legislative Reform Act of 1995.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].
Mr. Speaker, I am pleased to present this bill to the House. I certainly recommend that it be passed.

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

Mr. Speaker, my friend, the gentleman from Michigan [Mr. EHLERS], who, by the way, is serving our committee and me as an expert for horses and wagons for the House. As someone who is intensely allergic to horses, I am pleased to see that section repealed.

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

Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for putting this on the record to make it clear to all Members present that there is no intent in any action that would impair our Members’ ability to serve. We are, I think, very successfully improving the efficiency of the House, cutting the overall budget by a substantial amount, and I believe that the people will be represented equally well at less cost under the system that is being developed.

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

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

Mr. Speaker, I want to reiterate the value to the House of Representatives of the bill that is before us. It cleans up over 200 years of statutes and regulations which have accumulated, will result in a much more efficient operation of the House of Representatives, and I ask all my colleagues to join me in voting for the final passage of this particular bill.

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

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentleman from Michigan [Mr. EHLERS] that the House suspend the rules and pass the bill, H.R. 2739, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2202, IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 384 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 384
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 the consideration of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order may be made subject to a suspension of the rules. The bill and amendments thereto shall be considered as read. All amendments made in order by this resolution are waived except those arising under section 422(a) of the Congressional Budget Act of 1974. General debate shall be confined to the bill and amendments thereto, and divided equally among the majority and minority party members 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 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 part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be in the form of an amendment to the bill by placing amendments, if any, before the original substitute, and after the chair- man 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 part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be in the form of an amendment to the bill by placing amendments, if any, before the original substitute, and after the chair- man and ranking minority member of the Committee on the Judiciary. All points of order against amendments made in order by this resolution are waived except those arising under section 422(a) of the Congressional Budget Act of 1974. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any question that imme- diately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amend- ments as may have been adopted. Any Mem- ber may demand a separate vote on any amendment adopted by the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question may be提出的 on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without in- structions.

Sec. 2. It shall be in order at any time for the chairman of the Committee on the judi- ciary or a designee to offer amendments en bloc containing amendments printed in the report of the Committee on Rules accompany- ing this resolution that were not earlier disposed of or germane modifications of any such amendments. Amendments en block offer- ed pursuant to this section shall be con- sidered as read (except that modifications shall be reported), shall be debatable for not more than ten minutes, and disposed of by the chairman and ranking minor- ity member of the Committee on the judiciary or their designees, shall not be subject to amendment, and shall not be subject to a de- mand for division of the question in the House or in the Committee of the Whole. For purposes of inclusion in any such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to such amendments. The original proponent of an amendment in- cluded in such amendments en bloc may in- stitute a request for a recorded vote on any such amendment. The original proponent of an amendment included in such amendments en bloc may in- stitute a request for a recorded vote on any such amendment.

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2202, pursuant to House Resolution 384, it shall be in order for the designated proponents of the amendments numbered 11, 12, and 13 in part 2 of House Report 104-483 to offer their amendments in modified forms to accommodate the changes in the amendment in the nature of a sub- stitute recommended by the Commit- tee on the Judiciary now printed in part 1 of that report, and effected by the adoption of the rule; and it shall be in order for the designated proponents of the amendment numbered 19 in part 2 of House Report 104-483 to offer his amendment in a modified form that shall be reported, all except section 522 of subtitle D.

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

Mr. DREIER. Mr. Speaker, stopping the 300,000 illegal immigrants that stream across our border each year in pickup trucks and under barbed wire fences is the most important Federal law and order issue in generations. This legislation is needed for comprehensive consideration of H.R. 2202, legislation addressing two critical national issues: Getting control of illegal immigration, and improving our system of legal immigra- tion.

Mr. Speaker, make no mistake, while H.R. 2202 is tough on those who enter this country illegally, it maintains and strengthens legal immigration, ensuring that immigrants remain a positive strengthens legal immigration, ensuring that immigrants remain a positive strength in our country.

Mr. Speaker, let me say that the Homegrown Act is tough on those who enter this country illegally, too tough, because it will result in more deportations, more deportations, and more deportations. The Speaker pro tempore (Mr. DREIER) asked and was given permission to revise and extend his remarks and include extraneous mate- rial.

Mr. DREIER. Mr. Speaker, stopping the 300,000 illegal immigrants that stream across our border each year in pickup trucks and under barbed wire fences is the most important Federal law and order issue in generations. This legislation is needed for comprehensive consideration of H.R. 2202, legislation addressing two critical national issues: Getting control of illegal immigration, and improving our system of legal immigra- tion.

Mr. Speaker, make no mistake, while H.R. 2202 is tough on those who enter this country illegally, it maintains and strengthens legal immigration, ensuring that immigrants remain a positive strength in our country.

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the Judiciary. The rule waives all points of order against the bill except those relating to unfunded Federal mandates.

I would note that the Congressional Budget Office has determined that the mandates in the bill are minimal and do not establish grounds for a point of order against the bill.

The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as modified by the amendment printed in part 1 of the report of the Committee on Rules. That amendment establishes a voluntary program to permit businesses to verify the accuracy of Social Security numbers in order to help ensure that Federal laws regarding the employment of illegal immigrants are obeyed. The amendment in the nature of a substitute is considered as read.

The rules provide for the consideration of 32 amendments. Let me say that again, Mr. Speaker: 32 amendments have been made in order. That are printed in the report of the Committee on Rules. They shall be considered only in the order in which they are printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debated for the time specified in the report, shall not be subject to amendment unless specified in the committee report, and shall not be subject to a division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments, other than those relating to the unfunded mandates issue.

Mr. Speaker, the rule allows the chairman of the Committee of the Whole to vote during consideration of the bill, as well as to reduce to 5 minutes the time on a postponed question if it follows a 15-minute vote. The rule also permits the chairman of the Committee on the Judiciary or his designee to offer amendments en bloc or germane modifications thereof. Amendments offered en bloc shall be considered as read and shall be debatable for 20 minutes.

The issue of both legal and illegal immigration is one of the most contentious debates that we will have this year. This rule, while not an open rule, is fair and very balanced. It offers the House the opportunity to debate nearly all of the important and substantive issues surrounding both illegal and legal immigration reform. This debate will stretch over more than 2 days, and will highlight the important issues addressed by this well-crafted legislation.

The bill’s principal author, the gentleman from Texas [Mr. SMITH], has worked long and hard ensuring that all parties truly interested in dealing with the overlapping issues of illegal and legal immigration have participated in a bipartisan process.

Mr. Speaker, illegal immigration has reached crisis proportions in my State of California. We deal daily with a flood of illegal immigrants who are coming across the border seeking government services, job opportunities, and family members. There is simply no question on this behalf, for all his rhetoric, has failed to make this a top priority. He opposed California’s proposition 187. He vetoed legislation establishing that illegal immigrants are not entitled to Federal and State welfare services. He vetoed reimbursement to the States for the cost of incarcerating illegal immigrant felons, and his Justice Department has been woefully slow in disbursing to States the meager incarceration funds that were appropriated back in 1994.

Mr. Speaker, as Members well know, California suffers from more illegal immigration than any other State. Our State is home to more legal immigrants than any other State, and those relating to illegal immigration in the comprehensive manner of H.R. 2202. Just as California suffers from more illegal immigration than any State, California is home to more legal immigrants and refugees than any other State. Those immigrants have brought tremendous benefits to our State. I am proud of the fact that H.R. 2202 will allow us to set the highest levels of legal immigration in 70 years. That in itself is a good and positive move, because this country was founded on legal immigration.

Legal immigrants continue to provide the United States with a steady stream of hard-working, freedom-loving, patriotic new Americans. Legal immigrants bringing special skills to our workplace have been instrumental in placing American firms, especially many in California, on the cutting edge of high technology.

Mr. Speaker, as we look at the broad range of amendments that will be brought forward this week, we will first debate issues relating to illegal immigration. Then after addressing that issue, the House will address the different but related issue of legal immigration. We will clearly have an opportunity to debate nearly all controversial issues.

The gentleman from California [Mr. GALLEGLY], the chairman of the Speaker’s task force on illegal immigration, will offer amendments to create a mandatory but clearly nonintrusive Social Security number verification program to reduce the employment lure for illegal immigration. He will also offer a very sensible amendment to clarify that States have the right to determine if local and State tax dollars will be used to provide free education to illegal immigrants.

Mr. Speaker, the gentleman from Washington [Mr. TATE] and the gentlewoman from California [Mrs. SEASTRAND] will offer a commonsense amendment to clarify that if someone violates American laws and enters the country illegally, then they will no longer be eligible to later become a legal immigrant. Legal immigration should be reserved for those who respect our laws.

Mr. Speaker, finally we are certain to have lively debates regarding the creation of a tamper resistant Social Security card as well as an effort to eliminate the bill’s voluntary system to verify the accuracy of Social Security numbers. The House bill will also be able to debate the legal immigration provisions of the bill.

Mr. Speaker, make no mistake, this bill establishes a very generous level of immigration by historical standards; however, it focuses legal immigration policy on reunifying nuclear families so that spouses and young children are reunited in strong families. This is a good and very important thing. Nevertheless, there is disagreement on these provisions and the House will decide this question.

The bipartisan amendment offered by the gentleman from Michigan [Mr. CHRYSLER] and the gentleman from California [Mr. BERNARD] and the gentleman from Kansas [Mr. BROWNBACK], which seeks to maintain the status quo on legal immigration, is in order under this rule. The amendment by the Committee on Agriculture to create a new guest worker program will also come before this House by the gentleman from California [Mr. POMBO] and others.

Mr. Speaker, the Committee on Rules has made in order 32 amendments, as I have said. This is a fair rule that will let the House deal responsibly with H.R. 2202 and send the legislation to the Senate in a timely manner. Immigration reform is important to our Nation’s economic and social future, and I urge my colleagues to support this rule.

Mr. Speaker, I include the following material for the RECORD.
### Special Rules Reported by the Rules Committee, 104th Congress

**[As of March 15, 1996]**

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Note: This table provides a list of special rules reported by the Rules Committee, 104th Congress, as of March 15, 1996.
Mr. GREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Glen Falls, NY, [Mr. SOLOMON] chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the vice chairman of the Committee on Rules for an excellent explanation of the rule. I thank my good friend from California, TONY BEILENSON, who is always more than reasonable, for letting me go out of order because of an emergency that is coming up that may expedite the procedures for the House for the next several days. It will inure to his benefit and to all the other Members.

Mr. Speaker, having said that, I do rise in support of this rule and the bill that it makes in order, the Immigration in the National Interest Act.

Mr. Speaker, just to put into perspective the problem we will be considering over the next 2 days, let me begin with a few facts.

No. 1: Nationwide more than one-quarter of all Federal prisoners are illegal aliens.

According to the Immigration and Naturalization Service, in 1980, the total foreign-born population in Federal prisons was 1,000, which was less than 4 percent of all inmates. In 1995, the foreign-born population in Federal prisons was 27,936, which constitutes 29 percent of all inmates. The result is an enormous extra expense to be picked up by the Federal taxpayers.

Fact No. 2: The U.S. welfare system is rapidly becoming a retirement home for the elderly of other countries. In 1994, nearly 738,000 noncitizen residents were receiving aid from the Supplemental Security Income program known as SSI. This is a 580-percent increase—up from 127,900 in 1982—in just 12 years.

The overwhelming majority of noncitizen SSI recipients are elderly. Most apply for welfare within 5 years of arriving in the United States. By way of comparison, the number of U.S.-born applying for SSI benefits has increased just 49 percent in the same period. Without reform, according to the Wall Street Journal, the total cost of SSI and Medicaid benefits for elderly noncitizen immigrants will amount to more than $328 billion over the next 10 years.

Fact No. 3: In the public hospitals of our largest State, California, 40 percent of the births are to illegal aliens. Since each newborn is automatically a citizen, he or she becomes eligible for all the benefits of citizenship.

Fact No. 4: There is a link between illegal immigration and illegal immigration. According to the report of the Judiciary Committee on this bill, close to half of all illegal aliens come in on legal temporary visas, and never return home.

Fact No. 5: According to a Roper Poll in December of 1995, 83 percent of all Americans are in favor of reducing all immigration. Within these totals, 80 percent of African-Americans favor reducing all immigration and 67 percent of Hispanic-Americans favor reducing all immigration.

Mr. Speaker, these facts serve to point out the nature of the problem we are facing.

The poll numbers point the direction our constituents want us to go. The bill I will be before the House over the next couple of days is a giant step toward solving the problems facing our Nation and I commend the members of the Judiciary Committee who did the work to put it together.

I would particularly like to commend the chairman of the Immigration and Claims Subcommittee, the gentleman from Texas, Mr. LAMAR SMITH, and his ranking minority member, the gentleman from Texas, Mr. JOHN BRYANT, for their outstanding work in bringing this bill to the floor. I would also like to point out the important work of my friend and fellow Californian, Mr. GALLEGLY, who chaired the Speaker's task force on immigration. As a member of that task force, I know how diligently Mr. GALLEGLY and the other members worked to help develop recommendations for the subcommittee.

Mr. Speaker, this bill will affect many aspects of our lives in the United States and a broad range of national issues and concerns, including the availability of jobs for skilled and unskilled American workers; the responsibility of businesses and corporations to obey the law; the need to protect our borders; and most important, the kind of country we will leave to our children and grandchildren who will have to live with the consequences of our decisions in terms of how heavily populated the United States will become.

Because of the significance of this bill, we commend the Committee on Rules for allowing debate on 32 amendments. More than 100 amendments were submitted to the committee and for the most part, we think, the committee did a good job of making in order amendments that cover most of the important areas of disagreement in this wide-ranging piece of legislation. However, we do want our colleagues to know that we are disappointed that the rule did not make in order several important amendments. For that reason, after debate on the rule, Mr. Speaker, we shall move to defeat the previous question so that we may amend the rule to make the following three additional amendments in order:

An amendment that would delete the H-1B foreign temporary worker provisions in the bill and replace them with...
provisions that protect American workers; an amendment that would promote self-sufficiency for refugees and make the Federal Government, not the States or local communities, assume the cost for refugees; and an amendment that would increase civil penalties for already existing employer sanctions.

Mr. Speaker, one of those amendments in particular lies at the heart of this debate, the third amendment, the one that would increase the civil penalties for already existing employer sanctions.

The amendment’s intent is to finally stop employers from knowingly hiring illegal immigrants without making the existing employer-sanction law truly effective and meaningful. While H.R. 2202 includes increased penalties for document fraud by immigrants, it does not include any increased penalties for employers who knowingly violate the law prohibiting the hiring of individuals who are here illegally.

Enhanced employer enforcement penalties have bipartisan support. They were advocated by the Speaker’s congressional leadership on immigration reform, by the late Congresswoman Barbara Jordan’s U.S. Commission on Immigration Reform, and by the administration. They were included also in the immigration bill reported to the Senate Immigration Subcommittee.

These increased penalties are essential to reducing the incentive employers have for hiring illegal aliens and the lure of employment that brings illegal immigrants to this country. If we have learned anything at all from the failures of the 1986 immigration laws, it must be that weak sanctions are meaningless and will do little to prevent illegals from seeking jobs and employers from hiring illegals for those jobs.

The need for this amendment is underscored not only by the lack of any increased penalties on employers in the bill but also by the rule’s self-executing provision that makes the Gallegly Committee’s modest worker verification system voluntary instead of mandatory as the committee itself had recommended.

While the Gallegly amendment to restore the committee-reported language will be considered, it is obvious that if we think it is necessary to get tougher on employers who break the law by hiring illegals, we must also have the opportunity to consider an amendment increasing penalties on them.

In order to reduce the employment magnet for illegal immigrants, penalties for knowing violations of the law should be more than merely a nominal cost of doing business. In addition, while some illegal aliens obtain employment through the use of fraudulent documents, others are employed in the underground economy by businesses that do not even check documentation. Many of those businesses violate other labor standards as well.

The presence of unauthorized workers too fearful of deportation to come plain about working conditions may be the very factor that enables those employers to break other labor laws. Thus, increased penalties and effective enforcement are critical not only to reducing illegal immigration but also to protecting the workers themselves from unfair treatment.

Importantly, Mr. Speaker, this amendment would protect Americans from losing jobs to those who are here in violation of our laws and it would protect Americans from being paid less than they are worth because of low-wage competition.

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If we care at all about protecting jobs for Americans and improving their economic security, if we really believe that all Americans, those seeking jobs and those doing the hiring, should be held responsible for obeying the law, then we must defeat the previous question and allow a vote on that amendment.

Despite the absence of the opportunity to debate these amendments, as I said earlier, the rule would allow the House to debate a large number of amendments on a wide range of issues. One of the most important issues, Mr. Speaker, the amendments will address is the bill’s employer verification system, which was weakened significantly in the full Committee on the Judiciary and which, as I mentioned earlier, this rule, through its self-executing provision, will unfortunately weaken further by making it voluntary rather than mandatory.

To succeed in reducing illegal immigration, we must do two things: tighten control of our borders and remove to the greatest extent possible the incentives that encourage illegal immigration. The most powerful incentive of all, Mr. Speaker, is the opportunity to work in this country. If we enacted employer sanctions as part of the Immigration Reform and Control Act of 1986, we did so in recognition of the fact that, because immigrants come here primarily to find jobs, it is necessary to deter employers from hiring those who are not here legally. What we failed to do at that time, however, was to provide a sound and dependable way for employers to determine whether or not a prospective employee is here legally. Without that, it is virtually impossible, as we have discovered, to enforce the employer sanction laws.

Our failure to establish a reliable means of enforcing the law has created other problems as well. The law has generated widespread discrimination against U.S. citizens and legal residents who may look or sound foreign and has created a huge multimillion-dollar underground industry, in counterfeit and fraudulent Social Security cards, green cards, voter registration cards, and the like, as well as other kinds of documents that can be used to demonstrate one’s work eligibility under the current law.

H.R. 2202 wisely reduces that number, but it does not go far enough toward making employer sanctions enforceable. Establishing a dependable widespread and mandatory system for checking individuals’ authorization to work in this country is the only way to solve those problems.

In fact, to crack down on the more than 50 percent of illegal immigrants who come here legally and overstay their visas and remain often permanently, we need to improve employer sanctions is essential, because we cannot obviously stop those immigrants from settling here permanently simply by improving border control.

There will be 13 amendments dealing with employment verification that we would like to bring to our colleagues’ attention. One is the McCollum amendment, which would provide for development of a counterfeit-proof Social Security card. It is absolutely essential to making the prohibition on hiring illegal immigrants enforceable, and I believe it deserves our strong support.

The second is the Gallegly amendment, which would make the telephone employment verification system mandatory in the States, where it will be tried on an experimental basis, restoring the provision to the form it was in when it was reported by the House Committee on the Judiciary. That amendment also deserves our strong support.

In the same vein, if I may say so, Mr. Speaker, the Chabot-Conyers amendments eliminate entirely the verification system should be rejected if we are at all serious about doing something real about this very real problem of illegal immigration.

Mr. Speaker, in another major issue, perhaps the most important one to be considered in this debate, will be when to retain the bill’s reductions in legal immigration. Our decision on that issue will occur whether we consider the Chrysler-Berman-Brownback amendment to strike immigration sections of the bill. It is essential in the view of many of us that we reject that amendment. The limits on legal immigration in the bill go to the crucial question that up until now has been missing from this debate, which is how big do we want this country to be, how populated do we want the United States to be.

The population of this country, currently about 263 million, is growing so quickly that by the end of this decade, less than 4 years from now, our population will reach 275 million, more than double its present size at the end of World War II. Only during the 1950’s, at the height of the baby boom, were more people added to the Nation’s population than are projected to be added during the 1990’s.

The long-term picture is even more alarming. The U.S. Census Bureau conservatively projects our population will rise to 400 million by the year 2050, a more than 50 percent increase from today’s level, the equivalent of adding
more than 40 cities the size of Los Angeles to our population. That is by far the fastest growing growth rate projected for any industrialized country in the world. But many demographers, Mr. Speaker, believe it will even be much more. Alternative Census Bureau projections agree if current trends continue, the Nation’s population will more than double during this same time period and reach half a billion people by the middle of the next century, to little more than 50 years from now. The Census Bureau says one-third of the U.S. population growth is due to immigration, both legal and illegal. That is a misleading statistic; if U.S.-born children of recent immigrants and their descendants have settled have long felt the effects of our Nation’s high rate of immigration, both legal and illegal in a vacuum without looking at the reality of limited resources. That is a laudable result.

Immigrants have contributed measurably to the greatness of this Nation. This legislation doesn’t close the doors but it does not reflect the generous nature of Americans with the reality of limited resources. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, this is a fair and generous rule which allows for a broad debate on a massive subject. I congratulate Mr. SMITH for persevering in bringing H.R. 2202 to the floor—and I join in congratulating the gentleman from Sanibel, FL [Mr. Goss], chairman of the Subcommittee on Legislative and Budget Process.

Mr. Goss asked and was given permission to revise and extend his remarks.

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Mr. Goss asked and was given permission to revise and extend his remarks.
Mr. DREIER. Mr. Speaker, I am proud to yield 1½ minutes to the gentleman from California [Mr. HUNTER], a tireless advocate of border security, my classmate from El Cajon, CA.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, let me join with him in thanking the gentleman from California [Mr. GALLEGLY] for his great work on helping to put together this package. If he is not here to offer his amendments, I know a number of us will be carrying the torch for him.

We also get a great deal of thanks to the gentleman from Texas [Mr. SMITH] who had a very difficult job of putting together in a very statesmanlike way a package that involved not only a lot of figures and a lot of issues, but a lot of passions.

We have put together a package here, and I think we should pass this rule and pass this bill, that brings some degree of order to illegal immigration and to legal immigration.

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

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say two things: First, I am going to join the gentleman in supporting his motion so that we can get another shot at the rule. In my previous amendment there were lots of amendments that were good amendments, fine amendments, in terms of improving and honing this bill, that were not allowed. In certain cases it seems that the most extreme amendments were allowed, but not those that would have moved the bill in a more moderate direction. I think that is regrettable. It looks a little bit political. I understand that we should not have some of the amendments at all, some of which I disagree with, but he got no amendments at all, I find bothersome.

I want to speak specifically about the issue of asylum. I had an amendment with the gentleman from New Jersey [Mr. GILO] which I think is a very good amendment with the gentleman from New York [Mr. GILMAN] which would have gone a long way toward resolving the asylum problem.

With asylum we face a very difficult issue. I think most Americans believe that the torch that shines so brightly in Madam Liberty's hand should remain lit; there are those that face persecution that we have to, we do not have to, but we ought to allow to come to America.

On the other hand, there is no secret that the asylum process was totally abused and that hundreds of thousands of people, literally, in the last decade, have used the asylum process, some on their own, some at the urging of smugglers, some at the urging of lawyers, to abuse it. They did abuse it. But because the system worked in such a rinky-dinky, jerry-built way, they asked for it.

The amendment we proposed I think would have dealt with that issue in the moderate direction. It would have been tougher than the present bill in eliminating all defensive asylum. In other words, the idea you come into this country, are here illegally or overstay your welcome, that you would no longer be allowed to come to this country with you and said you have to go home, to say “Wait a minute, I claim asylum.” You have no right in my judgment if you believe in America to not come forward affirmatively.

On the other hand, the bill does make a step forward in saying that if you come forward affirmatively, you should have to do it in 180 days rather than 30 days. However, I have become convinced, and I was the original sponsor of the 30-day bill, that there are lots of people, or a good number of people, who truly deserve asylum, who cannot come forward in that period of time.

The amendment that we had proposed would have been tougher on defensive asylum, but let me of some of those deserving people come into the country. I regret it has not been allowed to be debated, because I think we had solved the problem in the most equitable way, and yet we are not allowing the INS to catch up with the abuses, but not cutting off immigration altogether, be allowed.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER], my very good friend and the chairman of the Subcommittee on Energy and Environment.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule, but with a major reservation. I had planned to...
offer an amendment which I feel is vital to stem the tide of illegal immigration pouring our Nation, but the Rules Committee did not make this amendment in order.

My amendment would have simply applied the telephone verification system in title IV of H.R. 2202 to Government agencies and require administrators of federally funded Government assistance programs to use the verification system to check the eligibility of applicants for public benefits.

As the bill stands now, only employers can use the telephone verification system to check on the eligibility of job applicants. Why shouldn't public agencies use the same verification system to check on the eligibility of applicants for federally funded benefits?

If the bill is left the way it is, it threatens to create a perverse incentive that makes it safer for illegal aliens to apply for welfare than to apply for jobs. This is insane. With our welfare system nearly starved to the breaking point, why in the world are we making it easier for illegal aliens to get welfare than jobs?

We all know that a large number of illegal aliens use these documents to get jobs. This is why we need a telephone verification system. But what everyone seems to be forgetting is that illegal aliens can use these same fake documents to get billions of dollars in public benefits.

I am glad to see that the Senate version of this bill does include a verification system which is to be used to verify a person's eligibility for both welfare and employment. Hopefully, the House conferees will agree to the House's position. If we truly want to get serious about stemming the tide of illegal immigration, we must eliminate the magnets which draw them here.

Illegal immigration, we must get serious about stemming the tide of illegal immigration, finding ways to improve the legal immigration program, and reforming our legal immigration provisions. Last, it fails to recognize the role that naturalization can play in our immigration policy.

Instead, the bill as it is today drastically and unnecessarily restricts the ability of American citizens to reunite with family members, even with family members such as parents and some children. This bill fails to protect American workers from unfair competition while providing employers with direct access to national labor markets to promote their economic competitiveness. Third, we should promote naturalization to encourage full participation in the national community.

Making good and fair policy requires clear separation of these two distinct parts of U.S. immigration policy.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. Richardson].

Mr. RICHARDSON. Mr. Speaker, historically our country has made few distinctions between legal immigrants and American citizens. Instead we have always drawn a clear line between legal immigrants and undocumented workers.

Our current debate, however, combines legal and illegal immigration and focuses mainly on the economic outcomes while neglecting our social, cultural and moral goals.

Too many people wrongly believe today that today's immigrants drain our economy and use far more welfare than native born Americans. Plain and simple, this is not true. Legal immigrants not only pay taxes and can be drafted in time of war, which are the main legal obligations of citizens, but they also start businesses, purchase goods and services, and create jobs, which is vital for the well-being of our economy.

We must address this issue in the rule and we should support the Chrysler-Berman amendment. If we are going to have immigration reform, legal immigration and reform, we should first of all promote the strength of families and their values through family reunification. We should also protect American workers from unfair competition while providing employers with direct access to national labor markets to promote our competitiveness. Third, we should promote naturalization to encourage full participation in the national community.

Instead, the bill as it is today drastically and unnecessarily restricts the ability of American citizens to reunite with family members, even with family members such as parents and some children. This bill fails to protect American workers from unfair competition while providing employers with direct access to national labor markets to promote their economic competitiveness.

The problems caused by illegal immigration must be addressed in a bill that is fair and humane.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Jacksonville, FL [Mrs. Fowler].

Mrs. FOWLER. Mr. Speaker, a recent survey I conducted found that over 90 percent of my constituents who responded support some type of immigration reform. Since my district is in Florida, that is not surprising. Florida consistently ranks among the top five States of residence for illegal immigrants, and consistently high levels of immigration has exact a heavy toll upon our State's taxpayers and infrastructure. Our citizens also pay the price for unchecked immigration in the form of health, education, and welfare benefits that are diverted from lawful citizens to illegal aliens.

The overwhelming support for immigration reform that characterizes my district is not unique to Florida, however. It is mirrored across the Nation. I am a cosponsor of this bill because I believe that Congress has an obligation to address the concerns of the American people and reform our immigration laws.

The problems caused by illegal immigration are obvious. But a poorly conceived and unbalanced immigration system is also contrary to our national interest. America cannot be both the land of opportunity and the land of welfare dependency, and current law encourages many legal immigrants to participate in welfare programs directly to improve the well-being of our economy. Our immigration system should reward those who bring
skills and initiative into this country, but it is not right to penalize our citizens by forcing them to pay benefits to people who have never contributed to the system.

Support for immigration reform cuts across class, race, and ethnic lines. Without compromising our commitment to opportunity and diversity, we must take the initiative and reform our immigration laws in such a way that they serve the needs of our lawful citizens. The Immigration Reform and Control Act provides this opportunity, and I urge my colleagues to support the rule and the bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, let me first acknowledge the work of the chairman of the subcommittee which I sit on, the gentleman from Texas [Mr. SMITH] for his work in trying to bring forward a bill on immigration.

Let me say that I am very disappointed that the bill we are considering today came to the floor because despite what we have constantly heard over the last 2 years from the new majority about having open rules, this is a very, very closed and restricted rule. Although we have about 32 amendments that will allow for debate for only 5 to 10 minutes, we had over 130 amendments that we wished to have heard, and unfortunately very few of those are now made in order.

This is also a very unfair bill. Despite the characterizations of this as a very fair bill, it is a very unfair bill for both American families and for American workers. Unfair for American families because the only choice American families have under this legislation to preserve their opportunity to bring in a spouse, child, brother or sister is to try to strike an entire portion of this bill. If we leave in that particular portion of the bill that deals with immigration of family members, what we will see is devastation for families trying to bring in their immediate family relatives.

For American workers, it is a devastating bill because it has no protection for American workers. In fact, on the contrary, what we see is a program that allows for 250,000 temporary foreign workers to be imported into this country to do the work that American workers are dying to be able to do.

That is unfair to America’s workers. It is also unfair that this bill does nothing to enhance worker protections or the ability to enforce our current labor laws so that at the workplace we know that workers, American and those legally allowed to work in this country, are protected from abuse.

Everyone should strive for immigration reform. Talk to anyone. It makes no difference what poll we take or what poll we listen to. Everyone wants to see reform of our immigration laws. But it should be meaningful reform of our immigration laws. We should not be targeting legal immigrants because we have to attack the issue of illegal immigration.

Mr. Speaker, I would suggest to all the Members here to look closely at this legislation and vote with their heart and their mind. This is not a good bill. Vote against the rule.

Mr. DREIER. Mr. Speaker, I would remind my colleagues that we have made 32 amendments in order, which will allow for a full 2 days of debate looking at almost every aspect of this legislation.

Mr. Speaker, with that, I yield 1½ minutes to a very good friend, the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise in strong support of this rule. I think it is a very fair rule. This legislation has been marked up very, very extensively in the Subcommittee on Immigration and Claims and in the full Committee for weeks and weeks, and I think the legislation we brought forward is outstanding.

We have allowed nonetheless 32 separate opportunities to amend the bill, and I commend the Committee on Rules for their work and strongly support this rule. I also strongly support the underlying legislation.

I want to particularly call to my colleagues’ attention an amendment that I strongly oppose, and that is the Chrysler amendment that deals with what some are representing as splitting out the legal portion of this bill and only dealing with illegal immigration. The fact of the matter is this does not split the bill. In the Senate, they voted to split the bill. In the Senate, they voted to split the bill and are actually moving two separate bills forward. But this amendment would not do that.

Mr. Speaker, what this amendment does is it ill-conceived reform because there is no provision anywhere to move forward with those provisions of the bill dealing with legal immigration. Therefore I would strongly urge the Members of the House to oppose that amendment when it comes up for consideration probably tomorrow.

I also would urge strong support for the amendment that I will be offering dealing with the H-2B program as a much more reasonable reform of the current H-2A program than to go with the Chrysler amendment which sets up an entirely new program with 250,000 new immigrants coming into the country. That is not good, and I would urge opposition to that and support for the rule.

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

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the hard-working gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in support of the rule and this bill.

Mr. Speaker, my heritage is German, Irish, Polish, and even a little Bohemian, and my children are all of that plus Norwegian, and I appreciate America as a melting pot.

Our current immigration laws are broken and they must be fixed. One-quarter of all Federal prisoners are illegal aliens. Forty percent of all births in California’s public hospitals are due to illegal aliens. In Los Angeles alone, 60 percent of all births in the county hospital are to women who are in this country illegally.

In the last 12 years, the number of immigrants applying for Social Security income has increased by 580 percent. These facts signal an immigration crisis in America. This bill is a bipartisan, reasonable bill that addresses serious flaws in the current law. The legislation doubles the number of border patrol agents, streamlines rules and procedures for removing illegal aliens and makes it tougher for illegal reality that we do not have control over our borders have spilled over and clouded our collective judgment on legal immigration. I would like to make four quick points today.

First, there is a genuine need to address the problems of illegal immigration. Second, placing a cap on legal refugees is not in the best interest of the United States. Third, the assault on the current distribution of Federal funds through targeted assistance will leave my home area of Dade County with an unfunded mandate of at least $16 million.

Finally, I would like to salute the provisions in the bill which emphasizes becoming a U.S. citizen. As a naturalized American, I know that this is the type of positive approach that we need more of in this bill, a positive, not a punitive approach. That is the way to solve our immigration crisis.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. BRYANT], the ranking member of the subcommittee.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, I rise in opposition to the rule.
Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, to repeat, we appreciate the good work, the outstanding work, actually, of the Committee on the Judiciary in developing a thoughtful piece of legislation. It tries to deal with our immigration system which virtually everybody agrees is badly in need of reform.

We also appreciate the fairly good work of the Committee on Rules. We question only the fact that the Committee on Rules did not make in order several amendments which we think should have been made in order, and we urge our colleagues to defeat the previous question so that at least three of those amendments can be made in order.

We have mentioned them earlier. One of those amendments would replace the H-1B temporary foreign temporary-worker provisions in the bill with provisions that protect American jobs. The purpose is to protect the self-sufficiency for refugees and make the Federal Government responsible for the full cost of refugees. That was the amendment spoken to earlier from the well by the gentleman from Wisconsin [Mr. WITTMAN].

The third one which I discussed at some length in my opening statement would hold businesses responsible for their hiring practices and for helping to protect jobs for Americans.

Mr. Speaker, as I said earlier, the intent of that amendment, which would increase civil penalties for already existing employer sanctions, is to finally stop employers from knowingly hiring immigrants who are here illegally. Increased penalties on employers have bipartisan support. They were advocated by our congressional task force on immigration, by the Jordan Immigration Commission, by the administration.

We have to take this opportunity, it seems to me, when we make the changes we approved 10 years ago. Penalties on employers who knowingly break the law have to be severe enough to deter them from coming to flout our immigration laws.

Mr. Speaker, if we are really serious about preventing illegals from seeking jobs and serious about employers from hiring illegals for those jobs which should be protected for Americans, we will pass this amendment.

I include for the Record the text of the amendment that we are proposing, as follows:

AMENDMENT TO HOUSE RESOLUTION 384

After the period on page 5, line 13, insert the following:

``Sec. 3.—Notwithstanding any other provision in this resolution it shall be in order to consider the following amendments as if printed at the end of part 2 of the report to accompany this resolution as amendments Nos. 33, No. 34, and No. 35. Each amendment shall be debatable for 20 minutes.

NO. 33, TO BE OFFERED BY MR. BEILENSON OF CALIFORNIA

At the end of title IV, add the following new sections (and conform the table of contents accordingly):

SEC. 408. EMPLOYER SANCTIONS PENALTIES.

(a) INCREASED CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4)(A) (8 U.S.C. 1324a(e)(4)(A)) 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 "$8,000", respectively; and

(3) in clause (iii), by striking "$3,000" and "$10,000" and inserting "$8,000" and "$25,000", respectively.

(b) INCREASED CIVIL MONEY PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(3) (8 U.S.C. 1324a(f)(3)) is amended by striking "$3,000" and "six months" and inserting "$7,000" and "two years", respectively.

SEC. 409. INCREASED PENALTIES FOR EMPLOYER SANCTIONS INVOLVING LABOR STANDARDS.

(a) EMPLOYER SANCTIONS.—Section 274(a) (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

``(i) AUTHORITY FOR INCREASED PENALTIES.—

(A) IN GENERAL.—The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

(i) The Family and Medical Leave Act of 1993 (29 U.S.C. 1995 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 201 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

(iii) The Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), pursuant to a final determination by a court of competent jurisdiction.

(B) CONSULTATION.—The Secretary of Labor and the Attorney General shall consult regarding the administration of the provisions of this paragraph.''

SEC. 410. INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 274(g)(2)(B)(iv) (8 U.S.C. 1324a(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking "$250" and "$2,000" and inserting "$1,000" and "$3,000", respectively;

(2) in subclause (II), by striking "$2,000" and "$5,000" and inserting "$3,000" and "$10,000", respectively;

(3) in subclause (III), by striking "$3,000" and "$10,000" and inserting "$8,000" and "$25,000", respectively; and

(4) in subclause (IV), by striking "$100" and "$1,000" and inserting "$500" and "$5,000", respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring on or after the date of the enactment of this Act.

SEC. 411. INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 274(g)(2)(B)(v) (8 U.S.C. 1324a(g)(2)(B)(v)) is amended—

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

(2) in subclause (ii), by striking "$2,000" and "$5,000" and inserting "$3,000" and "$10,000", respectively;

(3) in subclause (iii), by striking "$3,000" and "$10,000" and inserting "$8,000" and "$25,000", respectively; and

(4) in subclause (iv), by striking "$100" and "$1,000" and inserting "$500" and "$5,000", respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with fiscal year 1997.

SEC. 413. SUBPOENA AUTHORITY.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) EMPLOYER SANCTIONS CASES.—Section 274A(d) (8 U.S.C. 1324A(d)) is amended by adding at the end the following new paragraph:

``(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place.\"
prior to the filing of a complaint in a case under paragraph (3)."

(2) DOCUMENT FRAUD CASES.—Section 207(c)(1)(A) (8 U.S.C. 1324a(1)(A)(2)) is amended—
(A) by striking "and" at the end of subparagraph (A);
(B) by striking the period at the end of subparagraph (B) and inserting "; and; and"
(C) by amending by adding at the end the following new subparagraph:
"(C) immigration officers designated by the Commissioner may compel by subpoena the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 293 the following new item:
"Sec. 294. Immigration and Nationality Act is amended by inserting after section 293 the following new section:
"Sec. 294. SUBPOENA AUTHORITY OF SECRETARY OF LABOR.—(1) The Immigration and Nationality Act is amended by inserting after section 293 the following new subparagraph:
"(C) immigration officers designated by the Commissioner may compel by subpoena the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).

(2) DISPLACEMENT OF UNITED STATES WORKERS.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (E) the following new subparagraph:
"(F) The employer, prior to filing the application, attempted unsuccessfully and in good faith to recruit a United States worker for the employment that will be done by the alien whose services are being sought, using recruitment procedures that meet industry-wide standards and offering wages that are at least—
(iv) 100 percent of the actual wage level paid by the employer to other individuals with similar experience and qualifications for the specific employment in question, or
(v) 100 percent of the prevailing wage level for individuals with similar qualifications in the area of employment, whichever is greater, based on the best information available as of the date of filing the application, and
(ivii) the same benefits and additional compensation provided to similarly-employed workers by the employer.

(ii) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning with fiscal year 1997.

Amend section 806 to read as follows:

SECTION 806. CHANGES RELATING TO H-1B NONIMMIGRANTS.

(a) ATTACHMENTS.—
(1) COMPENSATION LEVEL.—Section 212(n)(1)(A)(i) (8 U.S.C. 1182(n)(1)(A)(i)) is amended—
(A) in subclause (i), by inserting ".100 percent of" before "the actual wage level;
(B) in subclause (ii), by inserting "100 percent of" before "the prevailing wage level; and
(C) by adding at the end the following: "is offering and will offer during such period the same benefits and additional compensation provided to similarly-employed workers by the employer,".

(2) DISPLACEMENT OF UNITED STATES WORKERS.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by inserting after subparagraph (D) the following new subparagraph:
"(E) The employer—

(i) has not, within the six-month period prior to the filing of the application, laid off or otherwise displaced any United States worker (as defined in clause (ii)), including any worker obtained by contract, employee leasing, temporary help agreement, or other similar basis, in the occupational classification which is the subject of the application, and in which the nonimmigrant is intended to be (or is) employed; and
(ii) within 90 days following the filing of the application, and with respect to any H-1B worker pursuant to that application, will not lay off or otherwise displace any United States worker, in the occupational classification which is the subject of the application and in which the nonimmigrant is intended to be (or is) employed;

(ii) FOR PURPOSES OF THIS SUBPARAGRAPH, THE TERM 'UNITED STATES WORKER' MEANS—
(I) a citizen or national of the United States;
(II) an alien lawfully admitted to the United States for permanent residence; and
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March 19, 1996

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Mr. DREIER. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, again I rise in strong support of this very fair and balanced rule. The issue of illegal immigration and legal immigration are among the most pressing that we will face in the 104th Congress. As the Federal Government, through the legislative branch, is finally stepping up to the plate and acknowledging its responsibility to deal with the issue of illegal immigration, and we are calling for the very important reforms to legal immigration that the American people believe are essential.

I said the legislative branch because, unfortunately, this administration has failed time and time again to deal with the issue of illegal immigration. As we have seen, beginning in 1986, President Reagan signed into law Proposition 187 in California, it was designed to end the magnet of government services drawing people illegally across the border. President Clinton fought hard against proposition 187. Fortunately the voters of California overwhelmingly passed proposition 187.

When we look at the issue of the Federal Government reimbursing the States for the incarceration of illegal immigrant felons, what happened? President Clinton vetoed that legislation. When we look at a wide range of proposals, we have had to tackle this issue time and time again. Our friend from the West, Mr. Dreier, and we are calling for the very important reforms to legal immigration that the American people believe are essential.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, again I rise in strong support of this very fair and balanced rule. The issue of illegal immigration and legal immigration are among the most pressing that we will face in the 104th Congress. As the Federal Government, through the legislative branch, is finally stepping up to the plate and acknowledging its responsibility to deal with the issue of illegal immigration, and we are calling for the very important reforms to legal immigration that the American people believe are essential.

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Mr. DREIER. Reclaiming my time, Mr. Speaker, I am simply stating the facts on what this administration has done. The President vetoed the bill that called for funding for reimbursement to the States for the incarceration crisis. And the President opposed proposition 187.

Mr. BEILENSON. Mr. Speaker, I say to the gentleman, and that money is flowing to California.

The SPEAKER pro tempore (Mr. Dreier). The gentleman from California [Mr. DREIER] declines to yield to the gentleman from California [Mr. BEILENSON] just said, the first President to stand up and deal with this issue. The fact of the matter is when he has had opportunities to deal with it he has not.

Yes, the legislative branch in a bipartisan way is recognizing the importance of this, and this rule allows us to bring forward bipartisan amendments and amendments the Democrats offer. We will have 32 amendments that will be considered.

It is my hope that we will be able to pass this quickly over the next couple of days, get an agreement with the Senate on this and get it to the President so that he can sign this legislation and call to yield to the gentleman from California [Mr. BEILENSON] just said, the first President to stand up and deal with this issue. The fact of the matter is when he has had opportunities to deal with it he has not.

Yes, the legislative branch in a bipartisan way is recognizing the importance of this, and this rule allows us to bring forward bipartisan amendments and amendments the Democrats offer. We will have 32 amendments that will be considered.

Now it is my hope that we will be able to pass this quickly over the next couple of days, get an agreement with the Senate on this and get it to the President so that he can sign this legislation and call to yield to the gentleman from California [Mr. BEILENSON], claims that he is. Unfortunately he has not been up to this point, but we are going to give him a chance to do it.

Pass this rule, pass this very important legislation, so that we can turn the corner on these very important problems that we face.

Mr. Chairman, I rise in support of the rule on H.R. 2202, the Immigration in the National Interest Act.

Before the House begins debate on the immigration reform measure before us today, I wanted to set the stage for this debate and to put H.R. 2202 into a proper perspective.

For many years the American people have expressed frustration that its leaders in Congress have failed to enact tough policies which would eliminate the high levels of illegal entry into our country.

After the highly controversial amnesty of 1986 and today’s feeling of deja vu all over again, the American people are demanding action.

Sensing this national frustration and recognizing that one of the most critical challenges before Congress was the passage of comprehensive and effective immigration reform legislation, Speaker Gingrich last year appointed me chairman of a Congressional Task Force on Immigration Reform. This bi-partisan, bipartisan task force was asked by the Speaker to review existing laws and practices to determine the extent of needed reform and to provide a report with recommendations to him by June 1995.

To expedite our work, the task force was organized into 6 working groups focusing on the most crucial areas of immigration policy—border enforcement, workplace enforcement, public benefits, political asylum, deportation, and visa overstay. I want to again thank the chairs of those groups, Representatives ROYCE, DEAL, GROSS, MCCOLLUM, CONDIT, and GOODLATTE for all their hard work.

In order to obtain a firsthand understanding of the problem, the task force reviewed the record of the Immigration Reform and Control Act of 1986, received testimony and reports from a wide range of individuals and organizations and conducted 3 fact-finding missions to San Diego, New York, and Miami. With an estimated 4 million persons illegally crossing the border each year the issues of border enforcement and enhancement, political asylum, and refugees were explored at these major ports of entry. The insights we gained during these trips were critical to our efforts to find effective solutions to the problem of illegal immigration. I would like to thank all of the members who accompanied me on those visits.

Once the investigating and fact finding concluded the task force set out to produce a comprehensive and results oriented report.

On June 29, the task force presented to the Speaker its findings and recommendations.

Our Task Force concluded that the 1986 IRCA law had failed to deter illegal immigration; that the Federal Government did not provide the necessary resources to combat the problem; and that the incentives which bring people here illegally—employment, social welfare benefits, and free education—had to be seriously addressed or our success at ending this problem would be minimal.

Our Task Force made 100 separate recommendations ranging from ways to enhance and enforce existing policies such as additional border patrol agents and new barriers, to proposing enactment of new, but forceful laws regarding criminal incarceration and verification.

Mr. Chairman, we all know task forces come and task forces go and little is ever accomplished. We knew that our work to produce the report was just the beginning and that we had to translate our efforts into meaningful legislation.

Working closely with Immigration Subcommittee chairman LAMAR SMITH, who deserves so much praise for his efforts, the task force was successful in including over 25 of our recommendations in H.R. 2202 when it was first introduced.

By the time H.R. 2202 emerged from the subcommittee and full Judiciary Committee markups, over 80 percent of our recommendations were incorporated into what I consider a forceful bill.

In conclusion my colleagues, America is often described as a land of immigrants. But it is also true that certain areas of this Nation have become a land of illegal immigrants. Despite the amnesty of 1986, it is estimated that between 4 and 8 million persons are in this country illegally with that number growing by 300,000 each year.

America is also referred to as the “land of opportunity.” Again, that is true. But America is not the land of unlimited resources. The impact of illegal immigration is profound. It severely affects our Federal budget as well as those of our State and local governments. It contributes to high crime rates and is often linked to criminal activities such as narcotics trafficking. It displaces American workers. And most of all, it is in itself against the law.

My colleagues, the legislation before you today is the product of a very intense and comprehensive review of our current immigration policies. And believe me, we are in a crisis.

The provisions of H.R. 2202 provide the legislative reforms and enforcement procedures necessary to accomplish our two principle objectives—discouraging and preventing illegal entry, and identifying, apprehending, and removing illegals already here.

I am proud of the work of the task force which I chaired which has become such an integral part of H.R. 2202. I urge all Members to support this bill—it is legislation which is absolutely needed.

Mr. Chairman, I include for the RECORD an Executive Summary of the Congressional Task Force on Immigration Reform.

MEMBERS OF THE CONGRESSIONAL TASK FORCE ON IMMIGRATION REFORM

Chairman: Elton Gallegly (R-CA).

Matt Salmon (R-AZ).

Bob Stump (R-AZ).

Duke Cunningham (R-CA).

Dana Rohrabacher (R-CA).

Bill Baker (R-CA).

Brian Bilbray (R-CA).

John Doolittle (R-CA).

Jane Harman (D-CA).

Stephen Horn (R-CA).

Jay Kim (R-CA).

Carlos Moorhead (R-CA).

George Radanovich (R-CA).

Andrea Seastrand (R-CA).

Porter Goss (R-FL).

Charles Canady (R-FL).

Cliff Stearns (R-FL).

Nathan Deal (R-CA).

Michael Flanagan (R-IL).

Dan Burton (R-IN).

Billy Tauzin (D-LA).

Barbara Vucanovich (R-NV).

Bill Martini (R-NJ).

Jim Saxton (R-NJ).

Charles Taylor (R-NC).

L. J. Duncan (R-TN).

Bill Archer (R-TX).

Bob Goodlatte (R-VA).

John Shadegg (R-AZ).

Tony Belenson (D-CA).

Gary Condit (D-CA).

Ed Royce (R-CA).

Howard Berman (D-CA).

Ken Calvert (R-CA).

David Dreier (R-CA).

Wally Herger (R-CA).

Duncan Hunter (R-CA).

Buck McKeon (R-CA).

Ron Packard (R-CA).

Frank Riggs (R-CA).

Christopher Shays (R-CT).

Karen Thurman (D-FL).

Bill McCollum (R-FL).

Mark Foley (R-FL).

Dennis Hastert (R-IL).

Thomas Ewing (R-IL).

J. C. Meyers (R-KS).

Bill Emerson (R-MO).

Joe Sken (R-NM).

Marge Roukema (R-NJ).

Susan Molinari (R-NY).

Frank Cremin (R-OH).

Ed Bryant (R-TN).

Pete Geren (D-TX).

TASK FORCE MISSION AND ORGANIZATION

The Congressional Task Force on Immigration Reform was created by Speaker Newt Gingrich at the beginning of the 104th session of Congress. It has become apparent to many Americans that the federal government has failed in its efforts to enforce existing laws, to enact new laws or adopt effective policies to prevent illegal immigration.
Speaker Gingrich created the Task Force to find solutions to the on-going crisis of illegal immigration. Specifically, the Speaker charged the Task Force with stopping all illegal immigration by the border and finding the means to remove illegal aliens who are already in the United States.

Congressman Elton Gallegly (R-CA) was named Chairman of the Task Force, which is comprised of fifty-four Members of Congress, both Republicans and Democrats. The Task Force was asked to provide a report to the Speaker on the recommendations of the congressional committee by June 30, 1995. Chairman Gallegly was asked by the Speaker to develop recommendations to end illegal entry and to encourage illegal aliens to return to their homeland.

In preparing this report, the Task Force on Immigration Reform reviewed existing laws; committee reports; testimony before Committees of Congress; and various existing reports prepared by a wide range of organizations and individuals. To enhance the expertise of the panel and obtain a first-hand view of the problem, the Task Force conducted fact-finding missions to San Diego, California; New York, New York; and Miami, Florida.

The Task Force was organized into six working groups to focus on the most crucial areas of the illegal immigration problem. These groups are to:
- Define the problem
- Develop plans for enforcement
- Develop immigration policy
- Develop the means to remove illegal aliens who are already in the United States
- Provide for administrative and legislative reform of immigration policy during the 104th Congress.

Executive Summary

Background

America is often described as a "land of immigrants." That is true, but it is also true that certain areas of the United States have become a land of illegal immigrants. The Immigration and Naturalization Service estimates there are over four million illegal aliens in the United States and the number is growing by 300,000 to 400,000 per year. These figures indicate a failure of the federal government to honor its constitutional obligation to secure the nation's borders.

The impact of illegal immigration is profound: it severely affects certain local, state and federal budgets; it increases the crime rate; it replaces American workers; and it is linked to narcotics trafficking. But most of all, illegal immigration is in itself a law.

This report recognizes the various impacts of illegal immigration at federal, state and local levels. The Task Force finds that the Immigration Reform and Control Act of 1986 (IRCA) attempt by Congress to stop illegal immigration, has failed.

Provisions to deter illegal entry and to identify, apprehend and deport individuals residing in the nation illegally have failed in large measure due to the lack of resources provided to INS to do its job and to do it well.

Recommendations

The recommendations of the Task Force provide the legislative reforms and enforcement measures to accomplish the two principal objectives identified by the Speaker—to prevent illegal entry and to identify, apprehend and remove illegal aliens already in the United States. The National Task Force on Immigration Reform is confident that if the recommendations set forth in this Report are implemented, the federal government can accomplish both of these objectives and achieve these goals and put an end to illegal immigration.

Preventing and Detering Illegal Entry

Restoring credibility to our immigration policy must start with preventing illegal entry into the United States. Tightening security at the border and imposing severe consequences on those who attempt to illegally enter the country. Law enforcement efforts have had grave public safety, economic and social consequences on the U.S. side of the border while causing death and misery to illegal aliens attempting to cross into the United States.

The key recommendations by the Task Force to improve security at and between ports of entry are:

- Merge Customs enforcement with INS enforcement at ports of entry to overcome management deficiencies and streamline operations.
- Tighten the process for deporting illegal aliens.
- Double the number of border patrol agents stationed at the border to 10,000 in three years.

For a mobile border patrol response team so that INS is prepared and can respond to emergency situations.

Construct a barrier of tiered fences and lighting at appropriate urban areas on the border to assistance law enforcement.

Expand pre-inspection in foreign airports to more easily deny entry to persons with fraudulent documents or criminal backgrounds.

In order to effectively deter illegal immigration, laws must be strengthened and enforced so there are consequences for individuals who attempt to enter the country illegally. The Task Force offers the following main recommendations in this area:

- Impose a mandatory fine of no less than $50 and no more than $250 for aliens who attempt to enter the country illegally. The Task Force offers the following main recommendations in this area:
- Imposing mandatory fines and criminal penalties for aliens who attempt to enter the country illegally.
- If illegal aliens caught re-entering the country two times in one year, the INS would have the ability to seize assets.

Increase penalties for immigrant smuggling so that first offenses carry fines and a minimum of three years imprisonment, assessed on a per-penalty (rather than transaction) basis; a doubling of penalties for employers who knowingly use immigrant smugglers; and adding immigrant smuggling to the list of crimes punishable under current anti-racketeering laws (RICO). The most powerful "pull" factors are access to jobs and public benefits. Taking away access to jobs and public benefits will deter future illegal entry while acting as an incentive for illegal aliens already in the country to return to their home countries. Task Force recommendations in this area include:

- End birthright citizenship to children of illegal aliens.
- Require illegal aliens who have received or are receiving public benefits or services illegally to pay back the full costs of these benefits, with interest.
- Allow states to notify INS of the presence of illegal aliens so that INS can apprehend and deport such individuals.
- Implement two pilot programs for worker verification: One pilot would provide for a computerized registry using INS and Social Security data and the other would provide for bar-code-enabled Social Security cards.
- Increase penalties on businesses who hire illegal aliens.
- Deny all federal public benefits to illegal aliens who24 meet emergency medical services.
- Provide states with the ability to provide or deny public education for primary, secondary, and post-secondary education to illegals.
- Require illegal aliens who have received or are receiving public benefits or services illegally to pay back the full costs of these benefits, with interest.
- Allow states to notify INS of the presence of illegal aliens so that INS can apprehend and deport such individuals.

Removal of illegal aliens residing in the United States

The United States must have the will and capability to remove illegal immigrants. An important part of the Task Force's strategy involves the deportation and exclusion of illegal aliens, as well as reform of the political asylum process. INS must enforce our laws both in terms of resources and legislative reforms, to detain and physically remove aliens who have forfeited the right to be in this country. The recommendations of the Task Force to exclude or deport aliens who are violating our laws are:

- Increase INS detention space to at least 9,000 beds.
- Use closed military bases for the detention of inadmissible or deportable aliens.
- Provide for expedited exclusion at ports of entry to prevent the entry of illegal aliens.
- Streamline deportation process to reduce time to process cases.
- Keep deportation orders in force for deported aliens who re-enter the United States illegally to more efficiently use INS' limited resources.
- Extend minimum deportation period from five to ten years for illegal aliens.
- Designate aliens who enter without INS inspection as inadmissible, placing them in the same position as aliens who attempt to enter the country illegally.
- Provide for Federal reimbursement to state and local governments for the costs of incarcerating criminal aliens.
- Mandate INS to take custody of criminal aliens on probation and parole before they are released onto our streets.
- Modify prisoner transfer treaty programs to save taxpayers' dollars.
- Deport criminal aliens to the interior of their native country to prevent immediate re-entry.
- Significantly increase resources to prosecute deported felons who illegally re-enter the country.
- Develop computerized systems to identify visa overstays to increase deportations of long-term violators.
- Implement two pilot programs for worker violations from receiving future visas.
- Tighten visa issuance procedures in problem countries.
- Require that INS consular shopping for persons seeking visas to improve screening of visa applicants.
- Restrict visas to countries with low visa overstays rates.
- Implement two pilot programs for worker verification: One pilot would provide for a computerized registry using INS and Social Security data and the other would provide for bar-code-enabled Social Security cards.
- Increase penalties on businesses who hire illegal aliens.
- Deny all federal public benefits to illegal aliens who meet emergency medical services.
- Provide states with the ability to provide or deny public education for primary, secondary, and post-secondary education to illegal aliens.
- Require illegal aliens who have received or are receiving public benefits or services illegally to pay back the full costs of these benefits, with interest.
- Allow states to notify INS of the presence of illegal aliens so that INS can apprehend and deport such individuals.
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with fraudulent applications need to be adjudicated and returned overseas without tying up our courts for years. Key recommendations are:

1. Provide procedures for expedited exclusion of persons claiming asylum.
2. Streamline present exclusion procedures and decrease length of asylum process.
3. Establish affirmative asylum to alien terrorists.
4. Establish proactive interdiction programs to respond more effectively to immigration emergencies.

Mr. NADLER. Mr. Speaker, I rise in opposition to this closed rule.

I had filed two important amendments with the Rules Committee be made in order. Although these amendments have drawn bipartisan support in this House, and far reaching support from religious organizations, such as the U.S. Catholic Conference and major Jewish and Protestant organizations, the Rules Committee did not see fit to allow debate on either of them.

This decision is especially troubling because, unless these major flaws in this bill are corrected, this country will inevitably deport those fleeing persecution back into the hands of their oppressors.

The first amendment I proposed would have ensured that individuals subject to deportation as accused terrorists would have a reasonable opportunity to answer those charges, appropriate due process. Under the bill as reported, an alien, including a permanent resident who may have resided in the United States for decades, accused of being a terrorist may be removed based on classified evidence that the accused may not review. In fact, the accused need not be provided with so much as a declassified summary of the information.

Moreover, the bill provides for a special panel of attorneys who would be appointed by the court and precluded to review the classified information, but who could not direct that the court consider the classified evidence with their clients. All such evidence would be reviewed by the court in camera and ex parte. While deporting alien terrorists must remain a high priority, experience demonstrates that there is no need to give the Attorney General the unchecked power to declare individuals as terrorists and deport them.

My amendment follows the approach taken by the Congress in enacting the Classified Information Procedures Act [CIPA], a statute that has worked well in criminal cases which have a higher burden of proof. In fact, the Judiciary Committee received no evidence that CIPA had not worked well in practice. Under CIPA, if the Government believes some of the evidence is too sensitive to reveal, it may present the accused with a summary of the evidence that would provide the accused with the same ability to prepare a defense. If no such summary is possible, that information may not be used in the case.

Without this amendment, H.R. 2202 will establish the modern equivalent of the “Star Chamber” court, in which the accused could be deported without the opportunity to know the charges or evidence and with no realistic opportunity to answer those charges.

My second amendment would have modified the procedure for expedited exclusion of individuals the border review appropriate documents. The bill presumptively considers such individuals to be presumptively engaged in immigration fraud and allows their exclusion merely on the unreviewed judgment of an immigration officer and his or her supervisor. That false presumption actually gets the case backward. It is precisely those who are fleeing persecution who are least likely to receive proper travel papers, whether they are fleeing coercive population policies in China or religious persecution in Iran. Their fate should not be left to the unreviewed judgment of an immigration officer and his or her supervisor.

My amendment would have ensured that fraud is controlled without this Nation sending individuals who are fleeing persecution into the hands of their persecutors.

I believe that, while all Americans want us to do everything we can to ensure that our immigration laws are respected and enforced, they do not want us to violate individual rights in ways that would send innocent people back into the hands of repressive governments. Many of our families arrived on these shores seeking a better life of freedom and justice. We violate that basic American birthright if we pass the draconian and unnecessary provisions. At the very least, this House deserves the opportunity to examine whether there is a better, more just way to achieve the important end of ensuring the strict enforcement of our immigration laws.

I urge the rejection of this closed rule.

Mr. BRYANT of Texas. Mr. Speaker, I am the ranking minority member on the Judiciary Committee’s Subcommittee on Immigration. I am an original cosponsor of H.R. 2202, the Immigration and National Interest Act. I have supported the bill and worked to improve it throughout the legislative process to date.

I did not expect to have every amendment I might have wanted to offer on the House floor to be made in order, so I only listed three. I told the members of the Rules Committee that I considered two to be crucial. Only one was made in order under this rule. Inexplicably, my amendment to protect American jobs for American workers was not.

While the H-1B language in H.R. 2202 makes some improvement, it does not go far enough. Under the bill skilled American workers still can be laid off and replaced with H-1B workers brought in are physical and other workers from around the world. The Department of Labor reports that 50 percent of all H-1B workers brought in are in physical and respiratory workers and that most of the jobs taken by H-1B foreign workers pay less than $50,000.

Not one single American job should be jeopardized by U.S. immigration policy. I urge Members to vote “no” on the previous question so that my amendment to protect American workers can be considered by the full House of Representatives.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. BEILENSON. 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.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the time required in which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device and there were—yeas 233, nays 152, not voting 46, as follows:
The result of the vote was announced as above recorded.

**PERSONAL EXPLANATION**

Mr. LATHAM. Mr. Speaker, on rollcall No. 68, I was unavoidably detained. Had I been present, I would have voted "yea."

**PERSONAL EXPLANATION**

Mr. LIGHTFOOT. Mr. Speaker, I missed rollcall vote No. 68. I was unavoidably detained due to a late flight on my return from Iowa. Had I been present, I would have voted "yea" on rollcall vote No. 68.

Ms. ESHOO. Mr. Speaker, during rollcall vote No. 68 on the previous question to House Resolution 384, I was unavoidably detained because of a flight being late. Had I been present, I would have voted "nay."

Mr. FARR of California. Mr. Speaker, during Rollcall Vote No. 68 on the previous question to House Resolution 384, I was on the same flight and detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution. The resolution was agreed to. A motion to reconsider was laid on the table.

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**PARLIAMENTARY INQUIRY**

Mr. SOLOMON. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I understand there are two pending votes. Could the Chair inform us as to the order in which those votes will be taken?

The SPEAKER pro tempore. The gentleman from New York [Mr. Solomon] is correct, there are two remaining recorded votes one that has been ordered, the other has been requested on legislation under suspension of the rules. The Chair is prepared to state the order of voting.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2937, by the yeas and nays; and House Concurrent Resolution 148, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

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**REIMBURSEMENT OF FORMER WHITE HOUSE TRAVEL OFFICE EMPLOYEES**

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2937, as amended.

The Clerk read the title of the bill.
SENSE OF CONGRESS REGARDING UNITED STATES SUPPORT OF TAIWAN

The SPEAKER pro tempore (Mr. Riggs). The pending business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 148), as amended. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. G. M. Smith] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 148), as amended. The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. The question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 148), as amended, was passed.

The result of the vote was announced as follows:

[Roll No. 70]

AYES—369

No roll call was taken.

The vote was taken by electronic device, and there were—the total was 369, no votes cast, 18, as follows:

[Table of votes]

PERSONAL EXPLANATION

Mr. LATHAM. Mr. Speaker, on rollcall No. 69, I was unavailably detained. Had I been present, I would have voted "yea."

Messrs. ENGLISH, COOLEY, STENHOLM, and BROWNBACK changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill as amended so as to read: "A bill for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993."

A motion to reconsider was laid on the table.
The Clerk announced the following pair:

On this vote:
Mr. Radanovich and Mr. Rangel for, with Mr. Delfini against.

Ms. Kaptur changed her vote from "aye" to "present".
Mr. Minge changed his vote from "present" to "no."
Ms. McKinney changed her vote from "no" to "aye."

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the sense of the Congress that the United States is committed to military stability in the Taiwan Strait and the United States should assist in defending the Republic of China (also known as Taiwan) in the event of a military attack or blockade by the People's Republic of China."

A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Ms. Waters. Mr. Speaker, during votes on Tuesday, March 19, I was unavoidably detained in my congressional district attending to pressing business.

Had I been present for those votes, I would have voted "no" on ordering the previous question on House Resolution 384, "yes" on H.R. 2937, and "yes" on House Concurrent Resolution 148.

**PERSONAL EXPLANATION**

Mr. Chrysler. Mr. Speaker, due to weather conditions, my plane could not land and I was unavoidably detained and did not cast my vote on rollcall votes numbered 68, 69, and 70.

Had I been present, I would have voted "yes" on rollcall vote 68, the rule on the Immigration and National Interest Act of 1995; "yes" on rollcall vote 69, the Travel Office Reimbursement, I would have voted "yes"; "yes" present for rollcall No. 70, the Defense of Taiwan Resolution, I would have voted "yes."

**PERSONAL EXPLANATION**

Mr. Fawell. Mr. Speaker, due to the primary elections held today in Illinois I was unavoidably detained and missed several rollcall votes. I would like the record to reflect that had I been present in the House, I would have voted in favor of House Resolution 384, rollcall vote 68, a resolution which provides for the consideration of H.R. 2202, the Immigration in the National Interest Act. House Resolution 384 makes in order 32 amendments which may be offered during consideration of H.R. 2202.

I would also have voted in favor of H.R. 2937 rollcall vote 69, a bill to authorize sufficient funds to reimburse former White House Travel Office employees for legal expenses resulting from the termination of their employment on May 19, 1993.

Last, I would also have voted in support of House Concurrent Resolution 148 rollcall vote 70, a resolution which expresses the sense of the Congress that the United States is committed to military stability in the Taiwan Straits and the military defense of Taiwan. In addition, the resolution declares that the United States, in accordance with the Taiwan Relations Act, should assist Taiwan in defending itself against invasion, missile attack, or nuclear blockade by the People's Republic of China.

Mr. Smith of Texas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I would like first to thank the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. Hyde], for his generous support along the way. It is, however, has been the captain of the ship, and it is his steady hand at the helm who has brought us to these shores tonight.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Hyde], the chairman of the Committee on the Judiciary.

Mr. Hyde. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on Immigration for yielding me time, and I am pleased to speak here on this very important issue.

Mr. Chairman, immigration reform is one of the most important legislative priorities facing the 104th Congress. Today, undocumented aliens surreptitiously cross our border with impunity and still obtain voter rights as nonimmigrants with temporary legal status, but often stay on indefinitely and illegally. The INS administrative and adjudicatory processes are a confusing, inefficient bureaucratic maze, resulting in crippling delays in decisionmaking. The easy availability of fraudulent documents frustrates honest employers, who seek to prevent the employment of persons not authorized to work in the United States. Unfortunately, the result of illicit job prospects only serves as a magnet to further illegal immigration. Clearly, we face a multifaceted breakdown of immigration law enforcement that requires our urgent attention.

The 104th Congress can make an unprecedented contribution to the prevention of illegal immigration as long as we have the will to act. H.R. 2202 provides for substantially enhanced border and interior enforcement, greater deterrence to immigration-related crimes, more effective mechanisms for denying employment to undocumented aliens, broader prohibitions on the receipt of public benefits by individuals lacking legal status, and expeditious removal of persons not legally present in the United States.

The Committee on the Judiciary, recognizing that issues involving illegal and legal migration are closely intertwined, approved a bill that takes a comprehensive approach to reforming immigration law. Today, we create unfulfillable expectations by accepting far more immigration applications than we can accommodate—resulting in backlogs numbering in the millions and waiting periods of many years. We simply need to give greater priority to enforcement nuclear families, which is a priority of H.R. 2202.

In addressing family immigration, the Judiciary Committee recognized
the need for changes in the bill as originally introduced. For example, the Committee adopted my amendment deleting an overly restrictive provision that would have denied family-based immigration opportunities to parents unless at least 50 percent of their sons and daughters resided in the United States.

During our markup, we also modified provisions of the bill on employment-related removal of potential impediments to international trade and protecting the access of American businesses to individuals with special qualifications who can help our economy. We recognized the critical importance of outstanding professors and researchers and multinationals and managers by placing these two immigrant categories in a new high priority—second preference—exempt from time consuming labor certification requirements and delineated specific criteria for its exercise. In addition to adopting these two amendments, I sponsored, the Committee also substantially modified new experience requirements for immigrants in the skilled worker and professional categories and deleted a provision potentially reducing available visas. The net result of these various changes is that American competitiveness in international markets will be fostered—encouraging job creation here at home.

Another noteworthy amendment to this model of the diversity immigrant program. Up to 27,000 numbers—roughly half the figure under current law—will be made available to nationals of countries that are not major sources of immigration to the United States. The 27,000 level is high enough. We restored a national interest waiver of labor certification requirements and delineated specific criteria for its exercise. In addition to adopting these two amendments, I sponsored. The Committee also substantially modified new experience requirements for immigrants in the skilled worker and professional categories and deleted a provision potentially reducing available visas. The net result of these various changes is that American competitiveness in international markets will be fostered—encouraging job creation here at home.

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Illegal aliens are 10 times more likely than Americans as a whole to have been convicted of a Federal crime. Think about the cost to the criminal justice system, including incarceration. But most of all, think about the cost to the innocent victims and their families.

Every 3 years enough illegal aliens currently enter the United States to populate a city the size of Dallas or Boston or San Francisco. Yet less than 1 percent of all illegal aliens are deported. Frustratingly, legislation that enable illegal aliens to become citizens can be bought for as little as $30. Half of the four million illegal aliens in the country today use fraudulent documents to wrongly obtain jobs and government benefits.

To remedy these problems, this legislation doubles the number of border patrols, increases interior enforcement, expedites the deportation of illegal aliens, and strengthens penalties. The result will reduce illegal immigration by at least half in 5 years.

As for legal immigration, the crisis is no less real. In its report to Congress, the Commission on Immigration Reform said: "Our current immigration system must undergo major reform to ensure that admission continue to serve our national interest."

Before citing why major reform is needed, let me acknowledge the obvious. Immigrants have helped make our country great. Most immigrants come from Mexico. The service station where I pump gas is operated by a couple originally from Iran. The cleaners where I take my shirts is owned by immigrants from Korea. My daughter's college roommate is from Israel. These are wonderful people and the kind of immigrants we want. To know them is to appreciate them.

As for those individuals in other countries who desire to come to our land of hope and opportunity, how could our hearts not go out to them? Still, America cannot absorb everyone who wants to journey here as much as our humanitarian instincts might argue otherwise. Immigration is not an entitlement. It is a distinct privilege to be conferred, keeping the interests of American families, workers, and taxpayers in mind.

Unfortunately, that is not the case with our immigration policy today. The huge backlogs and long waits for legal immigrants drive illegal immigration. When a brother or sister from the Philippines, for example, is told they have to wait 40 years to be admitted, it does not take long for them to find another way. Almost half of the illegal aliens in the country came in on a tourist visa, overstayed their visa, and then failed to return home. This flagrantly undermines the immigration system destroys its credibility.

Husbands and wives who are legal immigrants must wait up to 10 years to be united with their spouses and little children. This is inhumane and contrary to what we know is good for families. A record high 20 percent of all legal immigrants now are receiving cash and noncash welfare benefits. The chart that the sponsors of our legislation show that the number of immigrants applying for supplemental security income, which is a form of welfare, has increased 580 percent over 12 years. The cost of immigrants using just this one program plus Medicaid is $14 billion a year. This is a higher level than at least 65 of the last 70 years.

In short, this legislation implements the recommendations of the Commission on Immigration Reform, chaired by the late Barbara Jordan. Professor Jordan, if she was here tonight sitting in the gallery, I know she would be cheering us on. She also would approve of our approach to deep dissatisfaction toward immigrants. Under this bill an average of 700,000 immigrants will be admitted each year for the next 5 years. This is a higher level than at least 65 of the last 70 years.

The huge backlogs and long waits for legal immigrants drive illegal immigration and reforming legal immigration has attracted widespread support. Organizations as diverse as the National Federation of Independent Business, United We Stand America, the Washington Post, the Hispanic Business Round Table, and the Traditional Values Coalition all have endorsed our efforts.

Most importantly, the American people are demanding immigration reform. And so I would like to point out to my colleagues on this chart that the vast majority of Americans, including a majority of African-Americans and Hispanics, want us to better control immigration.

As we begin to consider immigration reform now, remember the hard-working families across America who worry about overcrowded schools, stagnant wages, drug-related crime, and heavier taxes. They are the ones who will bear the brunt if we wait to fix a broken immigration system. Congress can now act to put the national interest first and secure our borders, protect lives, unite families, save jobs, and lighten the load on law-abiding taxpayers.

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Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY] who served so ably as the chairman of the House Task Force on Immigration Reform. (Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)
Mr. Chairman, the primary responsibilities of any sovereign nation are the protection of its borders and the enforcement of its laws. For too long, in the area of immigration policy, we in the Federal Government have shirked both duties. It may have taken a while, but policymakers in Washington finally seem ready to acknowledge the devastating effects of illegal immigration on our cities and towns.

Mr. Chairman, America is at its core a nation of immigrants. I firmly believe that this bill celebrates legal immigration by attacking illegal immigration. It restores some sense and reason to the laws that govern both legal and illegal immigration and ensures that those laws will be enforced.

Finally, I would like to congratulate my colleague, LAMAR SMITH, who chairs the Immigration and Claims Subcommittee, for putting his heart and soul into this legislation. I would also like to thank him for his spirit of cooperation, and for welcoming the input of myself and the other members of the task force in crafting this bill.

Mr. SMITH of Texas. Mr. Chairman, I reserve my time.

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

Mr. CONYERS asked and was given permission to revise and extend his remarks.

Mr. CONYERS. Mr. Chairman, I would like the Chair to know that I would like to share the duties of managing this measure with the distinguished ranking minority member on the subcommittee, the gentleman from Texas [Mr. BRYANT].

Mr. Chairman, immigration policy is an important subject to African-Americans. We know much about the lack of immigration policy and the consequences, and I am happy to hear that some segments of the African-American community have been consulted on African-Americans about immigration policy. I am not sure what it was they found out, but I would be happy to explain this in detail as we go throughout the debate. I have been in touch with these Americans for many years.

It is funny how we get these dichotomies. Some people that do not think much of our civil rights laws, who oppose the minimum wage, who do not have much concern about redlining, heaven forbid affirmative action be raised in dialogue. All of these kinds of questions that involve fair and equal opportunity seem to not apply when it comes to African-Americans, who were brought to this country against their will, but we have these great outpourings of sympathy along some of these similar lines when we are talking about bringing immigrants in. It is a curious set of beliefs that seem to dominate some of the people that are very much against this bill.

Mr. Chairman, I would like to begin our discussion by raising an issue about ID cards, which is an amendment that will be brought forward by the gentleman from Florida [Mr. McCollum] which requires, as I understand it, every single individual in the country to obtain a tamper-proof Social Security card. I guess it is a form of a national ID card, which raises a lot of questions about the need of tracking people that are in the country illegally, and so we are talking about a one or two percentile of the American public that would be required to carry this kind of Social Security card as called an internal passport, which is used in some countries, in some regimes.

Although there will be denials that this is not a national ID card, it is hard to figure out what it really is if everybody is going to be carrying it. There is no limitation on the use to which documents can be obtained such as a Social Security card, and there is little evidence, as I remember the hearings, if I show that there would be any reduction of document fraud. As a matter of fact, the Social Security Deputy Commissioner testified that an improved Social Security card is only as good as the documents to prove who they are in the first place. In other words, if a person gets a phony birth certificate, they can get a good Social Security card. So I am not sure what the logic is.

Now, Mr. Chairman, I know balancing the budget is still first in the hearts of the Members of the Congress, and I am here to suggest that the cost for this Social Security card has been estimated around $6 billion. The annual personnel costs to administer the new system are estimated to be an additional $3.5 million annually. The business sector would be forced to incur significant cost to acquire machinery and software capable of reading the new cards, and there would be many hours required to operate the machinery and iron out the errors. This is to get 1 or 2 percent of the people in this country that are illegal. I suggest that this is prohibitive cost, and that perhaps we can find a more reasonable way to deal with this very serious problem.

Mr. Chairman, may I turn the Members' attention now to the part that has caused quite a bit of attention in this bill, and that is how we would deal with the welfare provisions of people who come in to the country, what the requirements might be to become sponsors. In one part of this bill, there is a requirement that anyone earning more than 200 percent of the Federal poverty income guideline to be able to execute an affidavit for a family member. The 200-percent income requirement is discriminatory. Class action and would announce that immigration is only for those that can afford immigration. It would require a sponsor with a family of four to maintain an income in excess of $35,000 to qualify as a sponsor. That would require people in America would not be able to be a sponsor of a family member for immigration. We may want to consider that a little bit more carefully.

Mr. Chairman, I would also like Members to know about the verification system again. The employee verification system was discussed by the Social Security and the Immigration and Naturalization Service representatives who conceded that their computer systems do not have the capacity to read each other's data, which would completely foil their worthwhile objective. A recent study by the Immigration Service found a 28-percent error rate in the Social Security Administration's database for verification requirement, therefore, creates huge possibilities for flawed information reaching employers, which would then deny American citizens and lawful permanent residents the opportunity to work. I hope that we examine this in the course of the time allotted us for this important program.

Mr. Chairman, there is another provision that I should bring to Members' minds. It is known as immigration for gain employment. We do not do this. If Malcolm Forbes had anything to do with this or not, but it reserves 10,000 spots for those who are rich enough to spend, to start a multimillion-dollar business in the United States. In other words, if someone is rich enough, they would be able to get a place in line ahead of other immigrants who are waiting, that may not be able to cough up that kind of money.

There is a problem that we will need to go into about what about drug pushers, who do not get caught for some reason or other, criminals who are escaping prosecution for their home country; in other words, overseas criminals who might have a million bucks and would like the idea of getting out of wherever it is they are coming from. I think we need to think through this very, very carefully.

Mr. Chairman, now comes one of my most unfavorable parts of this bill, and that is the notion that we could bring in foreign workers to displace American workers for any reason. Case in point, there is a newspaper strike in its 8th month in the city of Detroit. Knight-Ridder-Gannett have decided to bust the unions in the newspaper industry. They picked the wrong city, but that was their decision. The fact of the matter is that at the Canadian-Detroit border, they have begun picking up people coming in to work for Knight-Ridder and Gannett who are not American citizens, nor are they legal immigrants.

We are trying to find out, there is an investigation going on where they are hearing about they can get jobs by coming across international borders to gain employment in a company whose own employees are out on strike. I find this objectionable. I hope that we do not continue the practice.
computer people. Serious problem, serious problem. I find this when unemployment is still outrageously high in the United States, particularly in urban centers where there are areas in which there is 40 percent unemployment. It should be the case that we look more carefully at the instances in which American businesses have brought in foreign skilled workers after having laid off skilled American workers simply because the foreign workers are more inexpensively available.

So this program that I refer to as the H-1B program has become a major means of circumventing the costs of paying skilled American workers or the costs of training them. That is in the bill; it is objectionable.

While we are on this subject, I would like to point out, too, there are a number of people on the Committee on the Judiciary who believe bringing people into this country has no effect on the unemployment rates of people in this country; like, for instance, the more people you bring in that take up jobs, the fewer jobs there are for people inside this country.

Mr. Chairman, it is almost like arithmetic. Spouses in, lose more jobs. Bring fewer in, more jobs are available. That is an immutable law of arithmetic that does not turn on policy about U.S. immigration reform.

I would like to make it clear that this specific provision, which has been pointed out by the Secretary of Labor, who has urged that the displacement of American workers through the use of the H-1B program must be faced, and to do this that program must be returned to its original purpose, to provide temporary assistance to domestic businesses to fill short-term, high-skill needs. There must be a flat prohibition against laying off American workers and replacing them with foreign workers.

Is there a provison in this bill?

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, first of all I would like to respond to some of the concerns that the gentleman from Michigan [Mr. CONYERS] shared with us. Now, the first was that he was worried about the 200 percent poverty rate level of income that would allow sponsors of immigrants coming into the country. Let me just say that that provision was in the Senate welfare reform bill that passed 87 to 12, with large majorities of both Republicans and Democrats supporting that welfare reform bill.

In addition to that, what this is trying to address is the crisis that we have in America today where we continue to admit people coming in under the sponsorship of individuals who are at the poverty level. So it should not surprise us that in our current immigration law we have 20 percent of all legal immigrants, for instance, on welfare; it should not surprise us that the number of immigrants applying for supplemental security income, a form of welfare, has increased 580 percent over 12 years. That is the crisis that we are trying to address by simply saying someone cannot sponsor an immigrant to come into the country, when they have to say they are going to be financially responsible for them.

Another concern mentioned by the gentleman from Michigan was in regard to the verification program. I just want to reassure him that it is a voluntary program that is going to be offered as a convenience to employers for years if it does not work, we will no longer continue it. But the important point here is that, according to the Social Security Administration, we have a 99.5 percent accuracy rate when all we are doing is checking the name and the Social Security number, and in many instances those were illegal aliens who should not be employed in this country.

Lastly, the gentleman expressed concern or endorsed, which I liked, the position that our immigration policy should be immigration policies in the national interest. Unless one supports no border or immigration control at all, then we have to make choices. This bill makes some of those choices. It chooses immediate family reunification—minor children, spouses—over extended family. It chooses skilled and educated workers over unskilled or uneducated, and reserves jobs at whatever level for those who are in this country legally.

And, most importantly, it makes the policy decision that people who are in this country illegally are breaking the law and should leave without protracted litigation that can go on for years. Let us remember almost half the illegal aliens in this country arrive legally. We cannot have immigration policies that are not "anti-immigrant" or "isolationist." Rather it says that the Congress is finally serious about controlling our borders. Our first priority should be immigration policies in the Nation's interest not special interests.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

I want to commend the gentleman from Texas [Mr. SMITH] for alleviating many of my concerns. I find we have some areas in agreement, and I am delighted to know about them as well.

But I would say that the gentleman is the first person to say that in a long time cite as a reason for supporting an amendment is that the other body approved of it. That usually gets the amendment in much deeper trouble than it might otherwise be in. Now the commission, we are trying to check, and I know Barbara Jordan perhaps more intimately as a colleague than anyone here since I served with her on the Committee on the Judiciary, and I do not know if she would have supported a notion that we had to make one's family member to bring them in and that they had to make 200 percent of the poverty level to get in. In other words, I do not think
Barbara Jordan or myself would want to tell somebody that is making 1½ times the poverty level that they cannot bring their children in because they do not make enough money. That does not sound like Barbara Jordan to me.

Finally, the voluntary program that the gentleman referred to is voluntary to employers. It is not voluntary if someone is seeking a job in the place that the employer may decide to use it. So it is voluntary to some and involuntary to others.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the beginning of last year the gentleman from Texas [Mr. SMITH], the chairman of the subcommittee, and I, in my capacity as ranking Democrat on the subcommittee, set about to write a commonsense immigration bill designated to address very real, very objectively provable problems with our immigration policy in the United States today. We set about to write a bill that did not involve Proposition 187 hysteria from the right and did not involve unnecessarily generous efforts to bring in lots of other people. We came from the left. We set about to write a bill that dealt with real problems. We set about to deal with problems such as this.

Legal immigration, and I am not talking about illegal immigration, I am talking about legal immigration under current law, resulted, between 1981 and 1985, in 2.8 million people entering the country legally. Ten years later, between 1991 and 1995, 5.3 million people entered the country legally, twice as many, and these figures do not include the 3.8 million backlog of relatives of these people who are now waiting to enter the country when their time comes.

Illegal immigration in 1994 also added to the totals. In that year 1,094,000 illegal immigrants were apprehended and deported.

Mr. Chairman, are there things about this bill that I would like to change? Yes, there are. We have had disagreements. There are a number of things that I could criticize. I do not like the fact that we did not, in my opinion, address the H 1(b) problem mentioned by the gentleman from Michigan [Mr. CONYERS], in as effective a way as we might have. It is improved somewhat in the bill, but the fact of the matter is we could have done it much better.

We could have said we are not going to let any American jobs be given up in order to hire folks who are imported for the purpose of taking their jobs. That is what my amendment would have done. The gentleman from Texas [Mr. SMITH] and Mr. CONVYERS, in the bill, when the gentleman from California [Mr. BEILISBON], a member of the Committee on Rules, observed that our current population of 263 million people is already about the size of the population at the end of the World War II.

The long-term picture of this population situation is even more alarming. The Census Bureau projects, and I am reading from his speech, that our population will rise to 400 million by the year 2050, more than a 50 percent increase from today's level, and the equivalent of adding 40 cities of the size of Los Angeles," and so on. In fact, those are conservative estimates. Many demographers indicate we will be at 500 billion people by the year 2050.

I would just suggest that not one member of this body can responsibly stand and talk about how we have to balance the budget to protect future generations or how we have to maintain national security to protect future generations, and not at the same time recognize that we must manage the population growth of this country in a responsible way if we are going to protect future generations. That is simply too many people. It is a question of quantity, of low many come in here.

Neither the gentleman from Texas [Mr. SMITH], nor I harbor the slightest hard feelings toward those that have the courage and the gumption to leave home and come into this country. They are the kind of people with the get-up-and-go that we want. There is no question about that. The bottom line question, though, is how many people can we have come in here and still manage the country in a way that our economy will continue to promise in the future the kind of economic and social work that people hard can get their foot on the bottom rung of the economic ladder and climb up into the middle class. We cannot do that with an unlimited number of people coming into the country year after year after year.

Mr. Chairman, are there things about this bill that I would like to change? Yes, there are. We have had disagreements. There are a number of things that I could criticize. I do not like the lack of investment in education. There is no provision for education and training. I think it is a bad part of our law. I do not like the diversity program. I do not like the diversity program. I opposed it in 1991 when it was put in and managed to get it cut in half in the current bill. I still say it is, in effect, a racist program. It is a designed to try to bring more white folks into the country because we do not have enough like the number of Asians and Hispanics entering the country. I think it is wrong to have a program like that in the law at all, even if the bill cuts it in half. I have to say that, like we always do when many bills come up, we are left with some things that we do not like in order to get a lot of things that I think we need.

I do not agree with the investor portion of the bill either. But we have to agree on a bill that will reduce the quantity of people coming into the country. That is what we are all about here tonight. Mr. Chairman, I strongly urge Republicans and Democrats alike not to vote to sever the legal immigration changes in this bill from the illegal immigration changes in this bill. If we do that, we are voting to kill our attempts to reform legal immigration. It is just that simple.

Not a single person who is voting to sever this bill is coming forward saying if you sever it, you bring it back to the floor. We will deal with it later." Not one of them wants to deal with the question of legal immigration. On the contrary, they want to kill it and eliminate it from the bill, if possible, of what it would mean.

After eliminating that from the bill, many people then will be left to march around the floor beating their breasts talking about how tough they are going to get on illegal immigration. But illegal immigration amounts to, we think, maybe 300,000 a year: legal immigration amounts to 1 million a year. That is the big numbers are. We either deal with legal immigration or we admit that we are not going to do anything to solve our problems, and we do not have enough courage to deal with the really central problem facing this country in terms of the number of people that are entering. Please do not vote to sever illegal and legal immigration.

Mr. Chairman, this bill was written to avoid the extremes. So far we have done that. If amendments that are offered, such as this foreign agriculture worker amendment, which neither the gentleman from Texas [Mr. SMITH] nor I and Mr. CONYERS supported, would not continue to support this bill. The fact of the matter is that it is an anachronism. It was a bad part of our law many years ago. We in 1986 tried to address that problem. We ended up with amnesty and a variety of other remedies to solve the problem. Here we are, right back with it again. Please vote against these extreme amendments. Let us try to keep this thing in the middle of the road.

I have spent a long time about all the things this bill does. There is not time in the general debate to do it. I will simply say this: I wish I could avoid having to deal with this subject.
It is so sensitive, it is so subject to mischaracterization, it is so subject to misinformation of people, particularly folks that have strong views about the needs of their own ethnic communities, and so easy to imply that those of us who are trying to do something about the quantity of immigration generally somehow have hard feelings toward them.

That is not true. I think my record is strong enough over the years to make clear, if it is not true. It is not true of the gentleman from Texas [Mr. Smith] either. I wish I could avoid the subject. But I will say this: If I did avoid it and I left this House, as I am going to do at the end of this year, I would look back on this year and know that I hid from a problem that was my responsibility to solve at a time when I had a chance to solve it.

I strongly urge my Democratic colleagues and my Republican colleagues as well to help pass a constructive bill that deals with the question of the vast number of people that are coming into the country, the rapid increase in our population, and preserve a situation that is not that we get their foot on the bottom rung of the ladder can climb that ladder into the middle class without having to scramble and scrape and fight for jobs with folks that are just entering the country. That is really what we are all about here.

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

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

Mr. Berman. Mr. Chairman, I thank the gentleman for yielding, and for all his work on this bill. Mr. Chairman, the gentleman indicated it is very important to get the figures accurate. I agree. I just want to cite for the Record that I do not think his comments on the level of immigration during the first 5 years of the 1990's is any where near the accurate figure.

The Department of State, in a letter dated March 15, last Friday, responded to a series of questions that I asked, as follows. The first question was: "What was the average annual immigration level for the period 1992 to 1995?" The average annual immigration level, 1992 being the first year that the 1990 changes went into effect.

"By immigration level," I said in the question, "I mean the total of all legal immigration categories, including refugees.

The answer that the Department of State said was, "The annual average immigration level for the period 1992 to 1995, based on total immigrant admission figures, is about 800,000, not 1 million or 1½ million, to come to a 5 million." Mr. Bryant of Texas. Mr. Chairman, if I may reclaim my time, I think what I said was between 1991 and 1995 we had about 5 million people coming into the country. The gentleman's figures does not seem to contradict that.

Mr. Berman. It does. It is substantially less than that. That would be an average of 1 million people a year. In 1991, it was under the old law, it was less. The new law, which went into effect in 1992, the average was 800,000. That is barely over 3 million for those 4 years. It is substantially less.

Mr. Bryant of Texas. If I just want to clarify the Record. That includes, Mr. Chairman, refugees as well as all the other legal immigration categories. What it does not include are about 50,000 legalization categories, which are people already in this country. I just wanted to indicate that the figures which I am providing you has the most accurate records on legal admissions, indicates the figure is significantly less than 1 million a year.

Mr. Bryant of Texas. Of course, I would dispute that it is significantly less, even if those figures are accurate. We are working with figures that we have worked with throughout this debate that were brought to us by the Commission on Immigration that Barbara Jordan chaired.

The bottom line figure, however, still is the same. The number of people who are entering the country is enormous, and the biggest number of people entering the country are in the category of legal immigrants. The gentleman is advocating, as a number of my friends are, and I wish they were not, that we sever legal immigration from illegal immigration, meaning that we leave out, if we take his figures for a minute, and we leave out the情趣 is a year and by I say a million, we leave out that question, but we get real tough here on 300,000 illegal immigrants that are entering the country.

I would just suggest that it makes no sense to omit legal immigration. If you are concerned about the rapid growth in our population, and I did point out that between 1981 and 1985 legal immigration was 28 million, and from 1991 to 1995 it was 53 million, about twice as much. With all the figures it would be a lot more, if not twice as much, the problem is the quantity of people. How can we not deal with legal immigration if we are going to look at the problem of quantity of people coming into the country? I say we have to. Mr. Smith of Texas. Mr. Chairman will the gentleman yield?

Mr. Bryant of Texas. I yield to the gentleman from Texas.

Mr. Smith of Texas. Mr. Chairman, I just want to cite for the gentleman that his figures are absolutely correct. I am reading from the chart put out by the INS called "Immigration to the United States, Fiscal Years through 1993." Of course, in 1993 we had 904,000 admitted; in 1992, 973,000 admitted; in 1991, 1.8 million; 1990, 1.5 million; 1989, over 1 million. The gentleman is correct, the average has been over 1 million a year.

Mr. Berman. Mr. Chairman, if the gentleman will continue to yield, those figures do not reflect legal admissions through the legalization system. The gentleman is lumping in the legalization program for people who are already here.

The Department of State administers the granting of visas for people to come into this country. Their figure is the accurate figure. It is about 800,000. I do not want to belabor this point. There is a lot I can say in response, but I will wait my time.

Mr. Bryant of Texas. Mr. Chairman, I would just conclude by saying even if we took the gentleman from California's figures, my speech would be identical. I would not change a single sentence in it. We have to deal with this huge quantity of people that have to deal with legal immigration. We cannot just talk about illegal immigrants and try to scapegoat them. We have to deal with legal immigrants as well.

I would point out the politically potent groups lobby in regard to the legal immigrant category. The less powerful groups speak for the illegal immigrant category. So we are being asked to leave out the biggest numbers, those of legal immigration based on the illegal immigrants. That is, in effect, what is going on here. Let us deal with this subject comprehensively, both legal and illegal. I urge Members to support this bill, to vote against the extreme amendments that might be offered, and let us do what is in the interest of our country.

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

Mr. Smith of Texas. Mr. Chairman, I yield to the gentleman from Florida [Mr. McCollum].

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

Mr. McCollum. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to strongly support H.R. 2202, the immigration bill before us. I have served on this subcommittee and worked with immigration for all the years I have been in Congress. I cannot think of any more important immigration legislation to pass than this bill.

Mr. Chairman, I can testify to the fact that the legal immigration provisions in here are exceedingly important and exceedingly generous, contrary to what we might hear some other people say. With the exception of the period of legalization or amnesty that occurred after the 1986 law, the 3.5 million people that this bill would allow to come into this country legally over the next 5 years would be the highest level of legal immigration over the last 70 years. So make no mistake about it, this is not a restrictionist proposal that has come out of the committee on illegal immigration.

In fact, there are some good features about it, very important features. We have been skewing the legal immigration so much toward family reunification and so much toward preferences, such as allowing brothers and sisters in of those who are here legally, that we have not been taking in the traditional numbers of seed immigrants who have
special talents and skills but do not have any relatives here whom we should, and whom historically this country has and upon whose hard work we have had the great melting pot and the great energy we have had to make this economy and this great free market that we live in. So I urge that the legal immigration provisions be maintained in the bill and be adopted.

On the illegal side, the bill has great provisions in it to remedy defects with the criminal provisions. We have had people claiming political asylum wrongly and fraudulently for years now, saying that they would be harmed by being sent back home for religious or political persecutions of some sort. As soon as they set foot in an airport they say the magic words and they get to stay here.

This is wrong. They should not. There should be a summary or expedited exclusion process to deal with those people, especially those who do not make a good claim on asylum when they first set foot off the plane. This bill remedies the problem, and it sets some real time limits for applying for political asylum.

Last but not least, it deals with the big problem of illegal immigration overall. There are about 4 million illegals here today. We have granted legalization to about 1 million over the last 10 years. We have 4 million permanently residing in this country today, and we are adding 300,000 to 500,000 a year. That is too many to absorb and assimilate in the communities where they are settling. They are settling in very specific communities, and they are having negative social and cultural impacts on those communities.

The only way to solve the illegal immigration problem is to cut the magnet of jobs, which is the reason they are coming. About half are coming as visa overstays, so no matter how many Border Patrol you put on the border, you cannot stop the flow of illegals here. The only way to do that is to make employer sanctions work. That has been a provision in law since 1986, that says it is illegal for an employer to knowingly hire an illegal alien.

The reason that has not been working is because of fraudulent documents, because the employer has not been able and the Immigration Service has not been able to enforce that law. I am going to say that in the subcommittee report, and I put on the record that if you cannot stop the flow of illegals here, the way to do that is to make employer sanctions work.

That has been a provision in law since 1986, that says it is illegal for an employer to knowingly hire an illegal alien. The reason that has not been working is because of fraudulent documents, because the employer has not been able and the Immigration Service has not been able to enforce that law. I am going to say that in the subcommittee report, and I put on the record that if you cannot stop the flow of illegals here, the way to do that is to make employer sanctions work.

I want to say both to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration, and to the gentleman from Texas [Mr. BRYANT], the ranking Democrat, that we do have some strong differences on several aspects of this bill. But I think the debate undoubtedly during the next couple of days can get very heated on a subject which is very passionate. I just want to start out indicating that I have the greatest respect for both gentlemen from Texas. These are not Pat Buchanan clones sitting on the House floor that would seek to build walls around this country. Their proposal, while I think is much too drastic a cure in legal immigration, still recognizes legal immigration. I do not believe that it is motivated by xenophobia, and I compliment both of them because they have become experts in the subject and believe sincerely in where they are coming from. We just have a fundamental difference.

The rates of immigration as a percentage of the American population now are far lower than they were at any time in the 19th or early 20th century, far lower than they were at that particular time. The bill before us, we will see charts undoubtedly during the debate which will talk about backlog visas and other visas to try and show that the cuts are not severe. The fact is the cuts in legal immigration are close to 30 to 40 percent. The backlog visas that are given for the first 5 years or so are given to people who are already here, who are protected under family unity, who came in under the legalization program. These are people who within the next year or two, in any event, will be legalized through the normal legalization process because they will have naturalized and be able to bring in spouses and minor children.

The harshest part of this bill is it essentially ends, and I say that advisedly, the only right of U.S. citizens to bring in adult children and parents. It also wipes out any right to bring in siblings notwithstanding the fact that there are so many people who have waited so patiently, who have followed the rules of who have accepted the appropriateness of following the law and waited in line. This just cuts them off at the knees and says, “We don’t care.”

Why do I say the gentleman from Texas undoubtedly will agree that his bill wipes out the right to bring in siblings and protects no one in the back-log so that a person who has been waiting 15 years to come into this country, if his number does not come up before the effective date of this law, will be wiped out? But he will argue with me about parents and adult children. But I think if one reads the bill, he will accept my view of why I say this bill effectively eliminates that right.

The harshest part of the bill created no guarantee for parents, and the State Department came in to our subcommittee and said, and there has never been a bit of refutation of that, that the spilldown effect from and misapplication of the using of those slots would eliminate every parent from admission for the next 5 years.

So in full committee, the chairman of the subcommittee offered an amendment to create a floor of 25,000. But along with that floor, the bill contains provisions to say that that parent has to have come in where he has already secured a health insurance policy and a long-term care insurance policy.

I venture to say there are not 10 people in this House of Representatives that would have long-term care insurance. Where you can possibly find it, except for being in Congress, which is not necessarily long-term insurance, but the fact is I do not know where you can find it, but if you can find it, the average cost of that kind of policy is $9,000 a year. With children, the exception to the flat ban on adult children is unmarried, never married, between the ages of 21 and 25, if they have been claimed as a tax deduction, for which there are only two countries in the world in which an American citizen is allowed to claim a tax deduction for supporting a child abroad, Canada and Mexico. This bill wipes out adult children.

There will be an amendment to correct this sponsored by the gentleman from Michigan [Mr. CHRYSLER], myself, the gentleman from Kansas [Mr. BROWNBACK], the gentleman from California [Mr. DOOLEY], the gentleman from Virginia [Mr. DAVIS], and the gentleman from Illinois [Mr. CRANE]. I urge the Members to look at that. Legal immigration is good for this country.

I also at some other point, if there is time left in general debate or later on in the amendments, want to speak to the Pombo amendment which as we sit here and trumpet how we are going to stop illegal immigration, and here I am joined by my colleagues from Texas, would create a massive loophole for a new agricultural worker program and would flood us with foreign guest workers at a time when we have a massive surplus of farm labor creating just the kind of job displacement that both gentlemen from Texas have spoken about.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like first of all, before yielding to my colleague from California, to put in historical context a couple of
statements that my friend from California [Mr. Berman] made. He mentioned the high immigration level at the early part of this century. In point of fact, in the current decade of the 1990's, we will admit more immigrants than we did in this country's history. In fact, there was a high level of immigration from about 1915 to 1924, but it was followed by 40 years of extremely low immigration levels. No one here is asking for that. In addition to that, of those individuals who came in in large numbers at that time in the century, about one-third returned to their home country rather than staying here permanently.

Also I am reminded of a quotation by John F. Kennedy, who wrote a book in 1958 entitled "A Nation of Immigrants." He said in arguing for a limit on legal immigration that the reason we should have a limit is because we no longer need settlers to discover virgin lands and we no longer have an economy growing at the rate as at the early part of the 20th century. When John Kennedy made that statement, legal immigration rates were one-fifth of what they are today.

Also in regard to the point my colleagues made about the extended family members, what this bill does is to follow the recommendation of the Commission on Immigration Reform, which said when we have millions of people waiting to come in and the waits are decades long, we have to set priorities. The priority we chose and the priority other commissions have recommended is to put the interest of the close family members first. In other words, the reason we have reduced or eliminated the extended family members is to make more room for the close family members. If the choice is between admitting a 6-year-old daughter or a 60-year-old brother, we think the choice should be with the minor child. We make no apologies for that. We think that is in the best interests of the family and the best interests of the country.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cunningham].

Mr. CUNNINGHAM. Mr. Chairman, I support the proposition that we not separate illegal immigration from legal immigration in this bill, but I think when we speak about them that it is very important to differentiate between the two.

I would like to speak primarily to the education problems that we have in the State of California, and Members can also relate them to their States, especially the border States. In California, we have over 800,000 illegals, kindergarten through 12th grade. Let us just take half of that. Take 400,000, half, so that the numbers cannot be disputed. It takes about $5,000 to educate one child. Take that times 400,000. That is $2 billion per year. Take a 10-year period, we are talking about $20 billion out of the coffers of Sacramento for our school systems.

Take the school meals program. 185 percent below poverty level times 400,000, at $1.90 a meal, that is $1.2 million a day for illegals in the California school system. That is just two meals. That is not three that they qualify for. This results in the school systems of separate bilingual education and social services for the poor is billions of dollars out of Governor Wilson's budget. We have between 16 and 18,000 illegals in our California Federal prison system, in the California State prison system. We have about $100,000 a year, $25,000 each to house them. We talk about sometimes building more prisons than we do schools. There would be a lot of room at the end of the prisons, maybe we could build more schools, if we did not have those illegal felons in our prison system.

I take a look at the burden on California hospitals. "20/20" and "60 Minutes" did a report, the problem was so bad in the border States, they did special reports also in Los Angeles and California hospitals are alien illegal aliens. Those children then become American citizens and then are burdens on society.

I take a look at teacher strikes, classrooms that are not upgraded, and cut programs, and college programs, increased tuitions. We would have billions of dollars to spend if we could handle just the illegal situation.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Gekas], who is a member of the Committee on the Judiciary.

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

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I come to this debate with a tremendous prejudice which is born of the fact that I am a son of immigrants and the cousin of immigrants and the nephew of immigrants and dispersed immigrants and the cousin of immigrants. One would believe at the outset that I would be supporting any measure to retain the present system of legal immigration and allow all people who want to come to our Nation to safely arrive and begin to become American citizens. That prejudice I must set aside in the view of what is best for our Nation, what is best for the future growth of our Nation, and what is best for the interest of this country.

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Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Becerra].

Mr. BECERRA. Mr. Chairman, let me commence by doing the same thing I did during the debate on the rule, and that is, of course, to acknowledge the work of the chairman of the subcommittee, the gentleman from Texas [Mr. Smith]. I will echo the words of the gentleman from California [Mr. Berman] in saying that I think Mr. Smith worked as faithfully and as honestly as he could to try to craft a bill that could come to the floor and get the vote of every Member of this House, and I am proud to have been able to work with him.

I must, unfortunately, still say I oppose the bill for a number of reasons. I do not believe, unfortunately, that what we have before us is a bill that really does reform, in a meaningful way, legal immigration. And I believe that we have gone beyond the realm of reasonableness on the issue of illegal immigration. Let me touch on some of those matters.

First, as much as this Congress likes to talk about being family friendly and believing in family values, this bill will ultimately break up families. When you consider as distant relatives within this bill a child of a U.S. citizen or a parent of a U.S. citizen, I think you have gone astray. But this bill does exactly that. When you tell a refugee, someone who has had to flee a country...
in fear of death, that they have a very limited time period within which to make that claim for refuge to the United States and that they lose all chance of being able to prove a claim that they are trying to escape death or persecution. We have lost the great meaning of the Statue of Liberty.

Then the bill tells American workers in two respects something very onerous. First, we are in this bill going to preserve and protect businesses, but workers, and—because I believe there is that pressure right now for this bill to be amended to help businesses continue to be able to bring in foreign workers, especially those with substantial skills.

I do not object to that. But I do object to the fact that political pressure is probably going to help certain interests gain something in this bill while other interests—families, citizens trying to bring in their relatives, their children—will not gain anything.

But the most onerous provision in this bill is the one that says that growers in our agricultural sector can bring in upwards of 250,000 foreign temporary workers—import workers—just in the first year alone to do the work that we have thousands, if not millions, of American citizens who are unemployed a good portion of the year, but willing to do that. That, I believe, is a sin against America's workers who are saying, “I am ready and willing to work.”

But we have before us a bill that would say exactly that: Let us import at least 250,000 foreigners temporarily.

Then we have the issue of the problem of undocumented immigration. And we find in this bill that perhaps the greatest source of undocumented immigration, those who come into this country legally through some visa—a visitor's visa, a student visa—and then stay beyond their time, that they are permitted into the country and then become undocumented because their visas expire and they no longer have a right to be here. Those individuals can continue to come in, and we do nothing in this bill to try to prevent that.

Yet, we are being very harsh by telling a young child who probably had no say whatsoever in what his or her parent would do in coming over into this country, across the border, that that child will no longer be educated in this bill. Do not talk about the sins of their parents and they are entitled to be educated.

Who are the winners, and who are the losers? Well, I have mentioned a few. Let me mention a couple more. The Federal Treasury and the IRS, because in this bill we are telling legal immigrants they must pay taxes, abide by our laws, in fact, even pay the greatest sacrifice of serving this country in time of war, yet they will not be able to receive benefits for their good work on this legislation.

Who are the winners? The growers in our agricultural sector, because, you know what, there is no need to support someone who works hard, is law-abiding, church-going, starts up a business more often than a native-born U.S. citizen—the studies tell us that about half of the workers who do, is healthier than most citizens because they do not have some of the unhealthy habits that most citizens grow up with—but can't vote. Yet we are telling them pay your taxes and be ready to fight for this country in time of war, but yet if you should by some chance lose a job, you will not have access to the services U.S. citizens have. The only distinction you have compared to another American is you have not yet been able to become a U.S. citizen.

I think that is so egregious. I believe the Statue of Liberty and everything this country has stood for in its Constitution has been abandoned as we go this last step of telling folks who are legally here, want your money but we do not want you to be able to take part fully in American life as those who reside in this country as citizens. I would oppose this bill for that and a number of other reasons which I have not had an opportunity to discuss.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, just to correct a couple of facts of the gentleman from California [Mr. BECERRA]. The guest worker program is out of this bill. The gentleman from Texas [Mr. BRYANT] said it. The gentleman from Texas [Mr. BAKER] said it. There is no specter of some big corporation with campaign contributions driving this bill.

Second, minor children up to 21, children who are students up to 25 are allowed in this country. Do not talk about how we are keeping kids out, because someone is coming in to get a job. I would like to debate the guest worker program. Do not think they are not paid for the sins of their parents and they are entitled to be educated.

I would like to mention a couple more. The Federal Treasury and the IRS, because in this bill we are telling legal immigrants they must pay taxes, abide by our laws, in fact, even pay the greatest sacrifice of serving this country in time of war, yet they will not be able to receive benefits for their good work on this legislation.

My home State of California is being hit hard by the effects of illegal immigration. Approximately one-half the estimated 3 million illegal aliens in the United States from California, or about 200,000 new illegals enter California every year. Forty percent of all the births, as the gentleman from California [Mr. CUNNINGHAM] said, in southern California public hospitals are to illegal aliens. What is the price tag for this tidal wave? It is about $3 billion. Education, $1 billion. Emergency health care, $650 million. Imprisonment, anywhere from $350 million to $500 million for the 16,500 prisoners we have in our prison system, enough to build 3 new prisons.

As we call on States to take greater responsibility for social programs, we must stop the endless flow of illegal immigrants who come to this Nation to take advantage of taxpayer-funded assistance. As a member of the task force on illegal immigration, I am committed to finding effective solutions to our illegal immigration crisis. H.R. 2202 has implemented the guidelines included in this task force report. I commend the chairman, the gentleman from Texas, Mr. LAMAR SMITH, and the ranking minority member, the gentleman from Texas, Mr. BRYANT, for their good work on this legislation.

H.R. 2202 will reduce the opportunity for illegal aliens to take American jobs. H.R. 2202 reduces from 29 to 6 the number of acceptable documents to establish employment eligibility. Further, worker eligibility verification pilot programs in California and other States will be implemented. Employers will be able to verify status of potential workers with a system as simple as a phone call.

The bill provides streamlined deportation guidelines, creates tracking systems to prevent visa overstays and enhances the Federal role in illegal alien document fraud and smuggling.

Mr. Chairman, H.R. 2202 will help reduce illegal immigration by up to 50 percent in 5 years. It doubles the number of border patrol agents over 5 years, increases funding for technologies that will let border agents hold the line against the stream of illegal immigration into California. Nationwide applications for welfare among immigrants have increased 580 percent in the last 14 years.

H.R. 2202 prevents illegal aliens from receiving public benefits, saving us $25 billion. It is clear that, as sound as these provisions are, the illegal immigration crisis in this Nation will not end unless we address core principles of illegal immigration. Do not allow them to split this vote. The bill eliminates billions spent on benefits that do nothing more than entice illegal aliens into the United States.

I ask for an “aye” vote.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation.

I would first off like to congratulate the chairman of the Immigration Subcommittee, Congressman SMITH and Congressman ELTON GALLEGGY for...
their perseverance and diligence in seeing this legislation through. The gentleman from Texas has worked extremely hard to accommodate differing views and in doing so has crafted the kind of immigration reform legislation that this country so desperately needs. And Congressman Gallegly has put equal efforts and leadership in the bipartisan immigration task force on which I served.

H.R. 2202 is a tough bill, and it should be. And, it recognizes the most important fact of immigration—legal and illegal immigration cannot be separated. Without addressing the deficiencies in our current legal immigration system, we will forever be unable to stem the flow of illegal immigration. Plain and simple.

I would also like to take this opportunity to commend our colleague from California, Congressman Gallegly, the chairman of the bipartisan task force on immigration reform. As a member of that task force, I had the privilege of working with him to investigate and propose solutions to our out of control illegal immigration problem which make up most of this bill’s illegal immigration provisions.

This bill, which should be known as the law is the law bill. No open borders.

As we all know too well, illegal immigration in this country is out of control. Every year an estimated 400,000 new illegal aliens appear throughout the country, adding to the over 3.2 million already here. However, what many people do not realize is that only half of these illegal aliens enter at our borders. The other half comes from those who are legally admitted but who over-stay temporary visas, namely student, tourist, and business visas. This is one of the main reasons that we must tackle the issues of illegal and legal immigration reform together.

Illegal immigration brings with it many costs to the taxpayers: the cost in jobs, the cost in welfare, health care, education, and other benefits, and the cost in street crime. New Jersey alone accounts for almost 5 percent of the nation’s illegal alien population. These 125,000 undocumented immigrants cost New Jersey taxpayers an estimated $160 million annually for public education, incarceration, and Medicaid services alone.

H.R. 2202 says enough is enough. Illegal immigration is a national crisis. It is not one we can afford to ignore or to let continue. A comprehensive immigration reform bill requires aliens to apply for asylum within 30 days of arrival at a port of entry. If an alien applies for asylum and is found to have no credible fear of persecution, he can be removed without further hearing or review. A person who is found to have no credible fear of persecution cannot appeal any adverse decision. Finally, an alien who is removed without further hearing or review will undergo a single removal hearing taking place 10 days from his notification. He is entitled to one appeal only and, if he does not show up, then he can be removed.

But, I strongly believe that we must go even further than this. We must make it very clear to illegal aliens that they can’t keep breaking our laws. That is why I will be joining my colleague from Washington, Congressman Tats, and support a one strike and you are out system for illegal aliens who are caught and deported.

The bottom line is that we will never have the necessary money, resources, or ability to deal effectively with illegal immigration. Illegal aliens are not only costing Americans in low-wage jobs, but they are costing the American taxpayer tens of billions of dollars in social services as well as tens of billions of dollars in the monitor- ing costs. This is money that should be going to improve the lives of American families—it should not be wasted on those who choose to break out laws. And, if they choose to break our laws, they have to play by our rules. If you want to play the game of chance, then you have to be willing to pay the ultimate price. You can’t come back again.

We have a commitment to all those people who are waiting months, years, some up to 10 years, to come to this country legally. I just as my parents waited legally to get in here, and just as my husband’s parents waited legally to get in here, we must enforce the law.

At the same time, we must recognize that there is not enough room in the United States to continue an open-ended immigration policy when we are presently unable to assimilate those already here.

However, this country should not and will not deny its great tradition of the melting pot. No one will argue that immigrants have formed the backbone of our country. Immigrants from all over the world have helped make this great Nation what it is today. But, that does not mean that the current system is working in our best interests. It is. No one would propose an open border policy, but that is in essence the practice today because our laws are so inadequate.

As many of you know, the problems with legal immigration date back to 1986 when Congress passed the Immigration Reform and Control Act. I voted against this legislation which gave lawful permanent resident status to 2.7 million illegal aliens. What this also did was afford them the benefit to petition for relatives under the family preference system. This has had the effect of pushing back many of those who had legally waited for their turn to emigrate, and most of them continue to be denied because of the application of the one-strike and you’re out policy.

In 1990, Congress enacted the first comprehensive reform of legal immigration since 1965. Family and employment-based preferences were separated and employment-based preferences alone almost tripled from 54,000 to 140,000. Moreover, there were no longer limits on family related categories for immediate relatives—spouses, unmarried minor children, and parents.

Consequently, we witnessed an annual influx of 700,000 legal immigrants until 1990 and an influx of almost 1 million legal immigrants every year since. Not only have States been unable to accommodate the numbers of legal immigrants coming to the United States in recent years, but more than 80 percent of them are low skilled and uneducated. Unfortunately, this is a problem that we cannot work around. We must work to ensure that immigration to a level that our country can absorb while recognizing that the admission of certain groups of legal immigrants, particularly nuclear-family members and those with high skills/education, are in the best interest of American families, American businesses, and the American economy.

In New Jersey our foreign-born population reached 13.5 percent in 1994, our highest level since 1940. One can certainly recognize why the last surge in legal immigration took place 55 years ago—our country was becoming more and more industrialized, and many more jobs were to be found. But, in this current economic climate of corporate downsizing/mergers, technological advancement, and free trade, State’s such as New Jersey cannot absorb the huge numbers of people from overseas, which are in the best interest of our State. The workforce is unemployable, far greater than the 4.5 to 6.5 percent that the rest of the Nation has experienced the last few years. In New Jersey...
alone, 26 percent of all foreign-born residents are at the highest poverty level.

The low skills/education of many legal immigrants being admitted to the United States has devastating consequences. Individuals are living below the poverty level, without health care, without jobs. That is why, for the first time, H.R. 2202 would make a sponsor's affidavit of support for a legal alien legally binding. This means that a sponsor's income and resources must now be taken into account when determining a legal alien's eligibility for the most public benefits. No longer will a legal alien be able to come to the United States and live off of our welfare system without being held accountable when ends up benefiting a public charge, by receiving 12 months of welfare benefits within 7 years of arrival, he could be deported. And, prospective sponsors must show that they could support both themselves and sponsored immigrants at a minimum of twice the poverty level.

The admission of low skill/educated legal aliens has also resulted in 50 percent decline in real wages for high school dropouts with fewer low wage and service jobs available, high school dropouts already living in the United States are having to compete with legal immigrants—who might be willing to accept lower wages because they are willing to work for less than what they would have received in their home country. Consequently, with more people looking for work, employers can lower wages and still know that their workers will get done. H.R. 2202 ended the low-skilled preference program in order to keep more low wage jobs available for those without high school diplomas without expanding our welfare system. At the same time, this legislation also recognizes that highly skilled/educated foreigners are invaluable in making American companies more globally competitive, and that their contributions will only create more jobs for Americans in the future.

But, In order to make sure that employers are playing by the rules, there must be guidelines and enforcement mechanisms in place. While this legislation helps to protect American workers from being cheated by those who are willfully using fraudulent documents—Social Security cards, birth certificates, green cards, and work authorization cards—have made it difficult for employers to weed out illegal aliens. But illegal aliens have been more concerned with sanctioning employers for paperwork violations, such as incorrectly completing I-9 forms, than with helping employers expose counterfeit documents and unauthorized aliens. Although H.R. 2202 importantly reduces the number of allowable documents from 29 to 6, significantly decreasing an employer's paperwork burden, it has changed the five State mandatory pilot program into an all-voluntary one. Opponents of the pilot claim that it will give the Federal Government the power to decide who works for whom. In addition, they fear that informational mistakes made by the companies who use these documents as evidence of hiring an illegal alien could be used against a prospective employee as evidence of discrimination.

In fact, under this program, an employer is provided with a good faith defense: shielding him from liability based on the confirmation number he receives after verifying an employee's Social Security number. And, if an employee is not offered a position because of a fault which cannot be resolved within a 10-day period, then he is entitled to compensation under existing Federal law. Southern California has in place a similar pilot program that began with 220 employers. After 2,500 separate verifications and a 99.9 percent rate of effectiveness, it is now being used by almost 1,000 businesses. That is why I will be supporting the Gallegly-Bilbray amendment to reinstate the mandatory pilot program. The purpose of the program is to make it easier for employers to verify the work eligibility of prospective employees. It will help to prevent confusion over documents, alleviate concerns about hiring someone who looks like he is illegal, and hold employers accountable for their hiring decisions. Without such a mandatory system, unscrupulous employers will continue to knowingly employ illegal aliens. And this is the end to the means for the United States to protect itself from the illegal immigration crisis. As long as the jobs are there, and someone is willing to hire them to do the work, they will always keep coming.

I deeply regret and am grieved to say that the business community is seeking low paid workers and feeding the immigration crisis. I implore the business community—make this good faith effort with us. Be part of the solution, not part of the problem.

Finally, because current law prevents us from denying one particular costly service to illegal aliens, public education, I will be supporting Congressman Gallegly's amendment giving States the option to deny public education to the children of illegal aliens. In 1982, the Supreme Court ruled that under the 14th amendment the children of illegal aliens cannot be denied a public elementary and secondary education. However, last November a Federal district judge in California ruled against Proposition 187 saying that only the Federal Government has the authority to regulate immigration. Congressman Gallegly's amendment is consistent with this. If the states are found to be being out of control, each State can decide whether or not it wants to divert resources away from educating the children of its hard-working taxpayers. In the case of New Jersey, this would mean having an additional $150 million available to improve public education for the State's children of citizens and legal permanent residents.

For all of the reasons mentioned, I hope all my colleagues will support this bill. Congress has made an extremely complex bill look easy. H.R. 2202 contains virtually all of the ingredients needed to fix the myriad problems of our current immigration system. These are commonsense reforms which recognize that, although substantial differences exist between legal and illegal immigration, they cannot be separated from one another. Removing the legal immigration provisions would be like passing an anti-terrorism bill without the ability to designate groups as terrorist. Well, we have already done that, so let us do it again. Do not take the teeth out of this bill.

Support all of H.R. 2202.

Mr. BRANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Stenholm].

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

Mr. STENHOLM. Mr. Chairman, I rise in strong support in H.R. 2202, the Immigration in the National Interest Act.
I am a strong supporter of both illegal and legal immigration reforms and I am grateful to have the opportunity to debate this important matter on the floor of the House. But before I continue, I would be remiss if I did not commence with the difficult task of Congressman John Bryan [Mr. BRYANT], chairman and ranking member of the Subcommittee on Immigration and Claims, for the leadership they have shown on this issue. Our Nation is in dire need of comprehensive immigration reform and I thank them for taking on this difficult task.

We are all aware of the tremendous strain that the massive inflow of illegal aliens is having on Texas and other border States. Illegal aliens and criminal aliens are having a significant impact on State services, such as health care, public safety, education, and criminal justice.

However, in addition to combating illegal immigration, I believe that we must also address legal immigration in a fair and consistent manner. I oppose increasing immigration levels until we control the overwhelming number of illegal aliens coming into our country.

In order to combat and deter illegal immigration, H.R. 2202 steps up both border security and interior enforcement. Increased manpower, technology, equipment, and physical barriers will help to provide the Immigration and Naturalization Service (INS) with the tools they need to control our borders.

Additionally, the bill removes the incentives, such as jobs and public benefits, that encourage illegal immigration. This bill specifies that illegal aliens are not publicly supported, that they make enforceable the grounds for denying entry or removing aliens who are or are likely to become a public charge, and makes those who agree to sponsor immigrants legally responsible to support them.

This bill also enhances enforcement and penalties against alien smuggling, document fraud, and passport and visa offenses, as well as reforms rules and procedures to make it easier to remove illegal aliens from the United States.

In terms of enforcement, one of the most important things we can do is create a worker verification system. H.R. 2202 includes a voluntary pilot program in five of the seven States with the highest populations of illegal aliens to test an employment eligibility confirmation system. During House consideration of this bill, Representative Elton Gallegly will offer an amendment to make this pilot program mandatory. I urge this amendment, as critical to making immigration reform successful and will vigorously support it. If we do not have some type of worker verification system in place we will never have a serious opportunity to combat illegal immigration.

In addition to worker verification, Representative Bill McCollum's amendment, which directs the Commissioner of the Social Security Administration to make necessary improvements in the Social Security card to secure it against counterfeiting and fraudulent use, will make great strides in eliminating the magnet that draws illegal immigrants to our country. In order to control our illegal immigration problem we must secure identification documents against counterfeiting. Without worker verification and secure documentation, much of what we are proposing here today will be difficult to enforce. I urge my colleagues to support these vital amendments, and support this comprehensive reform package on final passage.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. Deal].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, as citizens of the United States, we have always taken pride in the fact that we are a nation of laws and not of men. When any law is ignored or intentionally and openly violated, it undermines respect for this concept of a government of laws. No area of Federal law has been more flagrantly violated than our immigration laws. As a result, almost every missioner of the Social Security Administration has been implicated in eliminating the magnet that draws illegal immigrants to our country. In order to control our illegal immigration problem, we must secure identification documents against counterfeiting. Without worker verification and secure documentation, much of what we are proposing here today will be difficult to enforce. I urge my colleagues to support these vital amendments, and support this comprehensive reform package on final passage.

Mr. Chairman, as citizens of the United States, we have always taken pride in the fact that we are a nation of laws and not of men. When any law is ignored or intentionally and openly violated, it undermines respect for this concept of a government of laws.

At the very least we need to split this bill, as the Senate has done, and not mix legal and illegal immigration issues, that is a fundamentally important step to take so we can debate the issues properly.

I had planned to offer two amendments today which would have mitigated some of the most unfair, unjust, and downright un-American provisions of this bill. My amendments were good faith attempts to address the concerns that led the authors of this bill to write those provisions, but would have avoided some of the injustices those provisions will inevitably bring about.

Unfortunately, the majority does not see fit to allow these amendments to be debated or voted upon on the House floor.

One of the these amendments would have changed the so-called expedited exclusion provision of this legislation. Under this bill, if someone comes to this country with improper documents, gets off at the airport without valid documents or with improper documents or no documents, he is to be examined by the immigration officer, by the fellow at the table, 10 minutes, 15 minutes, and that follow, who is expected to know in detail the political situation, the racial situation, the war or not situation in every country in the world, and the fellow at the table is to decide whether he has established the right to asylum based on showing a legitimate fear of persecution if he goes back home, without an opportunity for a lawyer, perhaps not speaking English, without an opportunity to get witnesses, without an opportunity to collect documents, without any opportunity. The appeal from a negative decision would go to the supervisor on...
Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me time.

Mr. Speaker, H.R. 2202, the Immigration and National Interest Act, includes many important provisions to help the United States get control of its borders: 5,000 new border patrol agents over 5 years, stricter penalties for alien smuggling and document fraud, prohibitions of public assistance, and procedural reforms that would make it easier to deport people who have abused our hospitality.

I commend the gentleman from Texas, Chairman SMITH, for his work on this and even when we disagree, he is always a very fine gentleman and its fair about that.

The bill also contains some contestable provisions that would sharply reduce both family-based and employment-based immigration. I frankly think we should concentrate our efforts on illegal immigrants, and I wish the bill had even gone further in that direction, for example, by taking steps toward getting control of the situation in which people come to the United States on short-term tourist or business visas and then overstay their visas, living and working in the United States, and then applying for asylum.

On balance, I support many of the provisions of H.R. 2202, precisely because it takes strong steps in controlling illegal immigration. I do want to point out that I will be strongly supporting on the floor the Chrysler-Berman-Brownback amendment which will help keep the focus on stopping illegal immigration by separating these issues from the provisions controlling and concerning legal immigrants and visas and refugees. H.R. 2202 and the amendment I propose would eliminate the small number of visas now allocated for brothers and sisters.

I just let me say I also, as chairman of the Subcommittee on International Operations and Human Rights, and we have jurisdiction over the refugee budget, will be offering my own amendment that would lift the cap of 50,000 refugees after the fiscal year 1997. We have held extensive hearings in my Subcommittee on the refugee situation. I do believe that consultation process between the administration and the Congress ought to be the modality used, not a cap. I think that the world is getting more volatile, not less, and doing our fair share to relieve the pressure on future refugees, people who have a well-founded fear of persecution, we ought to not cap it, and continue the consultation process.
Mr. BILBRAY. Mr. Chairman, let me say that I rise in support of this legislation. Let me say I rise in support of it in no little way.

I happen to be one of the few Representatives that will have the privilege of speaking from this floor today. I not only have experienced the border issues but actually was raised and lives on the border. Mr. Chairman, it is time that this Congress and these American States of America get sensitized to the fact of the absurdity of the situation we have allowed to occur along our frontiers.

Let me just sort of say very subtly to my colleagues here that Congress and only Congress has the authority to address the immigration policy. But as somebody who grew up on the Mexican border, I have had to live in my community with not only the crime, the destruction that has occurred from uncontrolled immigration and crime activity along the border, but also the human tragedy that is being imposed on the illegal immigrants. Our freeways are the scene of many being slaughtered because smugglers are encouraging illegals to enter our country down the middle of freeways.

Mr. Chairman, the Tijuana River Valley has been filled with corpses. And I would have to say, sadly, I have been involved in the recovery of bodies in the Tijuana Valley of people who were promised a better life but only received a death sentence because this country says one thing and does the other thing about illegal immigration.

Mr. Chairman, I have seen what has happened to our society along the frontier to where not only in our country but in Mexico, nine police officers have been involved in the recovery of bodies in the Tijuana Valley of people who were promised a better life but only received a death sentence because this country says one thing and does the other thing about illegal immigration.

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Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, that is correct. It is my intention to strongly urge that the Attorney General use a portion of annual humanitarian admissions for the purposes the gentleman from California has. Am I correct in this assessment, Mr. Chairman?

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

Mr. DORNAN. I yield to the gentleman from Texas.

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nonetheless a very necessary bill, perhaps the most important piece of legislation we will pass this year.

Mr. Chairman, I have got the gentleman from California [Mr. BILBRAY], my friend, a fellow San Diegan, with me remind[ed] that Mr. BILBRAY lives just a mile or two from the border, and I am going to talk about border control because that dimension of handling the illegal immigration problem is a very important dimension.

This bill doubles the number of Border Patrol. To gain control of a border, we need a couple of things. We need an impendence which in this case is going to be a triple fence that the committee is building. It is a fence that was designed by Sandia Laboratories and a $600,000 study that was done for the INS by the department of drug policy. It has been endorsed by Sylvester Reyes, the most successful Border Patrol Chief in the United States who succeeded the line in El Paso. This triple fence, along with forward deployed 10,000 Border Patrolmen, will help to cut off those smugglers' corridors across the Southwest.

Each place where we have an urban population on the side of the border, whether it is San Diego, Tijuana or El Paso or Brownsville, TX, in J uarez or Matamoros, Mexico, we have hotbeds of smuggling that is taking place right now. This bill addresses border control and does it in a very, very effective manner. Mr. DORAN. Mr. Chairman, will the gentleman yield?

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

Mr. DORAN. Mr. Chairman, just for a quick compliment. We do not get to do this in the course of the year too many times, but I went down to the border with the gentleman's assistance, had a 3- or 4-hour brief. [I]t was with the California Guard, went out to the observation post, and had a 5-hour hearing in Santa Ana the other day. Mr. Chairman, I am not kidding when I say that the gentleman from California [Mr. HUNTER] is so highly respected for what he has done year in and year out since 1980, over 16 years, that I cannot thank him enough for what he is doing for the whole country on this issue.

Mr. HUNTER. Mr. Chairman, I would like to give this gentleman more time. I thank the gentleman.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would like to first congratulate the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. GALLEGLY] for the tremendous job they have done in putting this legislation together.

I have been deeply involved in this issue for over 5 years now. While the Democrats controlled this body, we could not get a vote on the illegal immigration issue. We could not bring this Government to come to grips with this problem that was destroying the State of California and threatening to overwhelm the entire country. But in a democracy, if elected officials do not act, the people act. What happened, there is no coincidence that proposition 187 out in California passed at the same time that the people kicked the Democratic majority out of control of the House of Representatives.

Well, this is a new era in the House of Representatives. Every time we tried to do something before, the Democrats would say, oh these poor suffering people here and these poor suffering people here. We would have to apologize that we were trying to represent the interests of the American people. Well, that is not going to happen anymore. Yes, we are concerned. We care about other people. We care about the children of families who are in countries other than the United States.

And yes, Mr. Chairman, some people may be deprived overseas, but we are not going to let criminals come into our society and commit crimes and not have our Government act upon it and see our jails being filled with illegal aliens. Yes, we are concerned with that.

But what does not mean we are going to allow everybody in the world to bring their children here and break down our education system so our kids cannot get an education.

And yes, Mr. Chairman, we do not want our citizens coming into America and draining all of the resources that we have saved up for our own citizens, for our own seniors so that in 20 years, we will not have those programs to rely upon.

Yes, we care about sick people wherever they come from. We do not want sick people coming here from all over the world to get free medical care and breaking down our system. We do not want sick people coming here from every corner of the world breaking down our health care system. That is what is happening in California.

The difference between this Congress and the last Congress is we are going to come to grips with this problem because we do care. We care about the American people, and we have no apologies for this.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

I am forced to respond forcefully to what the gentleman from California [Mr. ROHRABACHER] said. Now, we have got a bill on the floor that is a bipartisan effort, and I think it would be helpful if we can try to keep it that way. The gentleman's comments with regard to when the Democrats were in control are completely in error, totally in error.

In 1986 this House acted for the first time with a Democratic majority in the House and Senate to make it against the law for American employers to hire somebody who is in the country illegally. That was a hard bill to pass. Not only the business community did not like it very much, but the interest groups that did not like it either. We did it.

It brought illegal immigration down for a period of years, but the counterfeiting has caused it to go back up again. That is why we have the bill out there.

We have discussed legislation on a number of times since then, as well, and the Clinton administration has taken a number of very dramatic initiatives to deal with the problem, including recommending this kind of legislation, including appointing the members of the committee.

Mr. Chairman, I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I too want to congratulate the gentleman from Texas [Mr. BRYANT] knows, under the Democratic President, for the first time in the history of this country we got a President who was willing to give monies to States to reimburse them for the cost of incarceration of undocumented immigrant felons.

We also, for the first time in more than a decade got an increased amount of funding for the INS to conduct border enforcement activities so they could not have outdated equipment, with broken night scopes, all of the things that were being requested by the INS which certainly did not get fulfilled before the President, President Clinton, took office.

I certainly echo what the gentleman from Texas is saying. My friend and colleague from California misrepresents the facts. In fact, as the gentleman from California [Mr. ROHRABACHER] knows, under the Democratic administration for the first 2 years we did have 10,000 Border Patrolmen, and the Clinton administration has taken a number of very dramatic initiatives to deal with the problem, including recommending this kind of legislation, including appointing the members of the committee.

Mr. Chairman, I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I am just saying as somebody who spent 20 years in local government, in my community, I just heard that the Federal administration 2 years ago was out to reimburse for the cost of incarcerating criminal aliens. You know, all I got to say as somebody who had to run a criminal justice system for 2.6 million people, we did not see it. We did not see it.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, I will explain it to the gentleman why he did not. In the bill that I introduced this year, the Reform Control Act, I put an amendment in there that required 100-percent reimbursement to all border States and border communities for any immigration
cost. The Reagan administration, year after year after year, proposed a gradual cutting of that, and unfortunately that took place; so we do not have that anymore.

Mr. Chairman, I would just think it would be best to make this by saying there has been an adequate effort in my view on both sides. If that statement is not good enough to move the debate forward, we can waste another 10 minutes out there jeopardizing passage for the bill having a needless argument.

Mr. BILBRAY: Mr. Chairman, if the gentleman will continue to yield, I am not trying to be argumentative.

Mr. BRYANT of Texas. Mr. Chairman, the gentleman has the time.

Mr. BILBRAY: I am just saying from personal experience, what is said and what has been done are two different things. I think the one thing that we want these Chambers to have is that dose of reality of what really is going on out there. I have to say, there is a lot of talk about it in the last 2 years. But what has been said and what is actually happening as somebody who every week I go to the border and talk with immigration agents, please be aware as somebody who cares about proper immigration legislation.

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We got to make sure that the border finds out about it and that the administration is doing what is being said, and that is all I am asking.

Mr. BRYANT of Texas. Reclaiming my time, I would just say that this administration has taken some dramatic initiatives in that direction. This House, when the Democrats were in the majority, and I would not bring this up except the gentleman from California [Mr. ROHRABACHER] did, passed the only legislation we ever had—excuse me.

The CHAIRMAN. The Chair will point out that the gentleman from Texas [Mr. BRYANT] controls the time.

Mr. BRYANT of Texas. Mr. Chairman, I simply wish to reflect my view, the basis of the erroneous statements of the gentleman from California [Mr. ROHRABACHER].

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER], and then I am going to reclaim my time.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman for yielding this time to me.

I guess, and am I taking it for granted that the gentleman is denying that the numerous attempts that I tried to make to get legislation on this floor concerning benefit packages going to illegal aliens, that I am just imagining that we tried to put these things through the system and were beaten down every time by the Democrats who controlled the process?

Mr. BRYANT of Texas. All I am saying to the gentleman from California [Mr. ROHRABACHER] is that I cannot say what happened with regard to the gentleman’s initiatives. I know of the initiatives that were made in the past; I think they were good ones. Some things happened that I did not like. Some things—

Mr. ROHRABACHER. My remarks were turned at benefit packages.

Mr. BRYANT of Texas. But the gentleman’s characterization that this is a partisan issue that only he has dealt with is, in my view, just wrong.

Once again, Mr. Chairman, I reclaim my time.

The CHAIRMAN. The gentleman from Texas, [Mr. BRYANT], controls the time.

Mr. BRYANT of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

[Mr. VENTO asked and was given permission to revise and extend his remarks.]

Mr. VENTO. Mr. Chairman, I took this time; I wanted to talk about an amendment that I planned to offer, and I understand that the manager of the bill, the gentleman from Texas [Mr. SMITH], is going to incorporate it into an en bloc amendment, and I thank him for that. I have not had a chance to visit with him personally about it. He has been very busy. And I also thank the gentleman from Texas [Mr. BRYANT].

This amendment deals with legal residents that have had difficulty attaining and passing the citizenship test principally because of the language and residency requirements, but more importantly, Mr. Chairman, I just wanted to take a few minutes today to talk about something we are doing right, I think, in this Nation.

Most of us know we were locked in a Vietnam conflict for many years, and in the process of that the United States, through its intelligence agencies and others, joined forces with some of the tribes in Laos, the Hmong, specifically, H-M-O-N-G, the Hmong, and many of them came to a bitter conclusion, and I really appreciate my colleagues’ support, obviously, of citizenship and the honor.

I think really in this case we do an honor by recognizing people that have done this type of service, and I go through this over and over again, but that there are many others.

I am just going to put some of these in the record. Here is another person that lives on Lafond Street or Avenue in St. Paul. He again fought for some 15 years, 10 years in refugee camp, and then has a very difficult time learning a new language and culture. But he is working as a janitor, and he would like to have, and he is going to be here for the rest of his life, and he is very supportive, obviously, of citizenship and the honor.

My commander was Yang Chong and my sergeant was Shong Leng Xiong. He also worked under General Yang Pao through these other leaders. The American General was Jerry. I don’t remember his last name. Injuries in combat: I was hit in the back by a bomb explosion.

Places of combat: San Souis near Vietiane; Mr. Phee Bia, where my wife died in combat; Phon Sou; Thong Hai Hien, many people died and injured; Kham Hoang Suat Chout Tham Lien; Moung Mount; Phon San. We rescued a down American pilot, but it was sad that both pilots were killed. We recovered their bodies and send home.
After 1975: I fight the communist with a group of my people call sky soldier to defend our families and ourselves.

Refugee camp: We finally made it to Nong Khai refugee camp for 5 months then we went to Ban Vinai for almost 10 years.

United States: In January 1993, we came to the United States. The war had cause a great deal of suffering for me and my family. I was in camps for many years and thinking life is not worth of living. But now in the US, I finally think life is worth of living.

Injuries: It was very hard to be a citizen of this great nation, but it very hard because I don’t know English. I have served for the US as a soldier for 14 years of my life. I want to be a citizen very much and I need the US government to support the Amendment H.R. 2202 as offered by Rep. Bruce Vento of Minnesota.

Bruce Vento of Minnesota
Life started on April 19, 1988.

Place of birth: Lao Pao Xiong, 2171 18th Ave. S., Minneapolis, MN 55407.


Date of birth: 8/36/45.

Place of birth: Phou Sam, Laos.

Injuries: Hit by a grenade by the right side.

Combat sites: Nam Kham; Xieng Khouang; Ban Souk; some other small sites as well.

My commanders was Youa Vang Lee and Chong Chue Yang.

After 1975: On June 26, 1975 my family came to Nong Khai Refugee Camp, then we were transferred from Nong Khai to Ban Vinai in 1979 and my family stayed there until 1988.

United States: I came to the US on August 21, 1988. I want to become a citizen of the United States. I have worked for the US for 15 years and lived many years in the refugee camps not knowing what to do. This country is my home now. I want to be a good citizen here. I need the government to support the Amendment H.R. 2202 as reported and offered by Rep. Vento of Minnesota. I do not know English now. I want to live here for the rest of my life. I want the government to support the Amendment H.R. 2202 as offered and reported by Rep. Bruce Vento of Minnesota.

Bruce Vento of Minnesota

Military service from 1963-1975.

Date of birth: 12/23/1946.

Place of birth: Xieng Khouang, Laos.

Injuries: A bullet to the left ankle all the way to the thigh.

Place of combat: Xieng Khouang; Boua Loun; Phou Sava.

I worked as General Van Pao. My commander is Moua, Gao and Shong Leng Xiong.

After 1975: I became a Choa Fa in Mt. Pher Bia until 1980. We fought to defend ourselves and families from being taken over by anyone. Refugee camps: On October 1980, I arrived in Ban Vinai Refugee Camp. I lived there until 1986 then, I went to Chaing Khan.

United States: I came to the US on April 10, 1987. I want to be a citizen of the US, but it hard to learn English language now that I am old now.

I want the government to support the Amendment H.R. 2202, as reported and offered by Rep. Bruce Vento of Minnesota. I would like to become a citizen and participate and live in the United States.

Bao Yang, 530 38th St. N., Wisconsin Rapids, WI 54444.


Date of birth: 1/24/1949.

Place of birth: Monong Lon He Xieng Khouang, Laos.

My husband was a soldier for the U.S. from 1969-1975. He died on 1/18/93.

After 1975: We lived in fear in Laos, moving our families and homes.


Place of birth: Hai Pho, Laos.

I became a soldier when I was seventeen years old.

Injuries in combat: Injury to the upper left arm due to a bomb explosion.

Places of combat: 1965: Sala Phou Kong; Tha Vieng, Xieng Khouang; Phousa, Hat Ban Pho; Ban Tha; Maing Hien nakham; Phou Ka Xeng Khouang Thoak Hailiten; Phou Pa Sai Kam Gau, (Site 204).

After 1975: I was a leader to lead a group of Hmong soldiers to defend our village, our families, our homes.

Battle sites: Moung Phab; Ban Soun Na Seu; Phou Kham. For 3 years, we fought against the communist without any kind of government help.

Refugee camp: We designed ourselves for many years because we believe in freedom and democracy.

After many years of fighting, we did somehow find our way to freedom, in 1984, we made it to Ban Vinai Refugee Camp in Thailand and stayed there until 1985 then transferred to Xeng Kham Refugee Camp for 3 months. On 10/85, we went to Pham Nat Nikhom.

United States: On April 28, 1987, my family came to the US. We arrived on April 29, 1987. I went to school for 9 months. It was very hard to learn a new language at an old age. I worked part-time at Natural Resource as a janitor. I became very sick and could not work anymore.

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March 19, 1996
I want to be a citizen of the US because this is my permanent home now. I have served with and for the US for 11 years of my life. I can not pass the citizenship test because I find English well enough to pass the test. Please help me and my fellow people to support amendment H.R. 2202.

Mr. SMITH of Texas. Mr. Chairman, I yield the gentleman from California [Mr. Cox], chairman of the policy committee.

Mr. COX of California. Mr. Chairman, I yield the gentleman from Texas [Mr. Smith], the chairman, for the work he has done in bringing this balanced bill to the floor.

In addition to my chairmanship of the policy committee, I am the vice chairman of the Speaker’s task force on California, and our task force has made reform of illegal immigration, fighting illegal immigration, our No. 1 State priority here in the Congress. This bill answers that call.

In 1994, the voters of California sent a very loud message all the way here to Washington, DC, all the way to the floor of this Congress: Immigration, a Federal responsibility, needs to be looked after. The Federal Government. Illegal Immigration, which affects California disproportionately; we have over half the illegal immigrants in America in our State, needs to be looked after.

Producing simple. It denied welfare and social service benefits to illegal aliens. This bill will fulfill that promise. The First Amendments and interest at the Federal level. This bill and amendments that Chairman Smith has made in order on the floor will succeed in ensuring that the procedures for deporting people who are in the country illegally and who should be sent back to their own countries, that those procedures will be streamlined, that it will not take forever and a day to go through the judicial process for this purpose. It will make it sufficiently efficient for the Federal agents, 10,000 of them, that we can actually enforce the law. It will end welfare dependency among illegal aliens by tightening the existing restrictions against receipt of benefits by illegal aliens and putting teeth into the sponsorships regulations that have been long on the books, but never enforced. This law will permit us to enforce them.

There is something else that the gentleman from Texas [Mr. Smith], the chairman, has permitted to come to the floor in his manager’s amendment that I think is going to be very, very important for us in southern California. Residents of Orange County were reminded of the costly delays in the current deportation process 6 months ago when Officer Tim Garcia of the Anaheim Police Force was shot and seriously wounded by an illegal alien with a criminal record. This was not an isolated incident in Anaheim. A recent 60-day survey indicates that 35 percent of all the inmates sent to the Anaheim jail are illegal aliens. The manager’s amendment in this bill is going to correct this tragedy through the establishment of a 6-month project in Anaheim which will lead the way for the rest of the country. An INS agent will be stationed, the city of Anaheim’s incarceration facilities to perform frontline documentation and appropriate questioning of originally charged suspected illegal aliens.

This and other provisions to this bill make it a remarkable achievement. I want to congratulate the bipartisan leadership that has brought this bill to the floor. I yield the floor.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. Becerra].

The Chairman. The gentleman from California is recognized for 45 minutes.

Mr. BECERRA. Mr. Chairman. I would like to spend the remainder of the time that you have left to engage the chairman of the subcommittee in a colloquy and also discuss some aspects of this bill that are of concern.

First, before we engage in the colloquy, I would like to note that illegal immigration affects California disproportionately; we have over half the illegal immigrants in America in our State, needs to be looked after.

The concern, of course, is that there are some very glaring statistics that must be dealt with. I know the chairman has mentioned some of this in the past, but I think it bears reiterating. First, people must understand that in this country, the size of this country, we have about 66 million job transactions that occur every year. That means either someone is hired or someone changes jobs 66 million times each year in this country.

Now we are told by the Social Security Administration and the INS that they are in the process of cleaning up their data bases that maintain records on most people in this country; INS, most people who have immigrated into this country. Yet, a recent quote from the Social Security Administration official in the Los Angeles Times said that we can expect any verification system employing the Social Security System’s data base to have error rates of up to 20 percent in the first years, and by the time they worked out the glitches, a 5-percent error rate.

I must tell my colleagues that when we are told that there will be an error rate of perhaps as high as 5 percent, and we are talking about 66 million job transactions in 1 year, that is well over 3 million people who are employed in this country who may be denied their livelihood. That is, to me, a dramatic introduction of a system at a government level that will intrude on the privacy and the protections that we, as Americans, have grown accustomed to having. That concerns me.

But let me focus on one particular aspect of the verification process that is of concern to me, and I must say to the gentleman from California [Mr. Smith], the chairman of the subcommittee, was actually very supportive and helpful in getting a particular amendment I had in the subcommittee admitted into the bill, accepted into the floor. That was an amendment that makes sure that, to the degree that we have a verification system, we try to avoid discrimination. An employer who is not out there invidiously, trying to discriminate against people because of racial or ethnic hatred, but because it is a business practice for somebody to want to be able to make a profit and have skilled employees will take a look at some employees and say, “Well, you look American, You don’t. Why should we hire through the process of trying to verify your status if I can get a good, qualified American who is just as qualified?”

Mr. SMITH of Texas. Mr. Chairman, let me respond to my friend, the gentleman from California, by saying first of all, I do distinguish the bill as it is currently written with a volunteer verification system from the mandatory verification system that we had at the phase of the subcommittee. It was for that reason we felt we could distinguish the two and take out the testers.

I want to say that the amendment that is going to be offered in the next day or two by the gentleman from California [Mr. Gallegly], to make the verification system mandatory does include the testers as an amendment that is more of a parallel. We had it mandatory in subcommittee, the testers are still in the amendment, making the verification system.
Mr. BECERRA. But the bill itself no longer has that testar section. It was taken out of the bill, before the bill was coming to the House.

Mr. SMITH of Texas. Mr. Chairman, the bill does not have it now. If the gentleman believes the gentleman from California, he can support the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. GOOLDBRAT], to my knowledge the only Member who was a practicing immigration attorney before he came to this Chamber.

Mr. GOOLDBRAT. Mr. Chairman, I thank the gentleman for yielding time to me, and for his fine work on this bill.

Mr. Chairman, we are a nation of immigrants. My grandfather emigrated to this country from Germany in the early part of this century. My wife's parents both emigrated to this country from Poland. Second World War illegal immigration says there is not a person in this room who cannot go back but a few generations and find a member of their family who came to this country. It is an important principle. We remain a shining beacon of much hope for people around the world and under the bill we will remain so.

However, Mr. Chairman, we have gone too far. We have a very serious problem that is out of control with regard to illegal immigration and we have immigration problems in this country that is badly in need of reform. This bill goes in tremendous strides to taking care of that problem. It is vitally important that we keep both of those aspects together in this bill. Legal immigration and illegal immigration are related to each other in so many ways. It is vitally important that we keep both in mind as we work to reform this very important process.

Mr. Chairman, we do a number of things to crack down on illegal immigration, which the Immigration Service says now numbers more than 4 million people in this country without authorization. I would suggest that that estimate is very, very low, based upon my experience. This is a problem that covers every aspect of our country. This bill increases border enforcement agents, it increases barriers at the border, it increases penalties for alien smuggling, it increases penalties for document fraud, it increases barriers at the border, to southern California, and to the Nation. Mr. Chairman, our efforts that we do it the right way. This is 30 percent of all the immigration to the United States illegally and expect to earn an income.

This bill is an important first step in implementing such a policy. It is strong on workplace enforcement, levying heavy fines on those employers who prefer to hire cheap undocumented workers at the expense of American labor and in violation of the law. It also provides new eligibility verification programs and improved identification documents to keep undocumented workers at the expense of American businesses and workers. It must find ways to make it virtually impossible for anyone to come to the United States illegally and expect to earn an income.

An effective policy to deter illegal immigration and naturalization Service new tools to identify and deport the large proportion of illegal aliens who come here legally but brazenly overstays their visas in order to obtain American jobs and benefits. It must find ways to make it virtually impossible for anyone to come to the United States illegally and expect to earn an income.

H.R. 2202 also gives the Immigration and Naturalization Service new tools to identify and deport the large proportion of illegal aliens who come here legally but brazenly overstays their visas in order to obtain American jobs and benefits. It must find ways to make it virtually impossible for anyone to come to the United States illegally and expect to earn an income.

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H.R. 2202 is supported by a diverse coalition of organizations across the country and cuts across all political, religious, racial, and socioeconomic lines. We must not ignore this strong message from the American people. Support immigration reform and support H.R. 2202.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this bill. As an American, I feel extremely proud to live in a society that serves as such a beacon, especially to the world that millions of people are willing to risk everything to come and live here. But, as a society, we cannot have an immigration policy geared solely to the desires of those who wish to come here to better their lives. We must also take into account the needs and desires of the people who live here already, and develop an immigration policy that is geared towards what is best for America. After all, the number of people around the world who would like to move to America if they could, probably numbers in the hundreds of millions. We obviously can't let them all in.

In the last 30 years since the passage of the 1965 Immigration Act, more than 18 million legal immigrants have come to this country. This is 30 percent of all the immigration to the United States since the settlement of Jamestown in 1607. This great wave of immigration has occurred not when there was a vast, unoccupied continent to populate, but when our country was already the fourth (and now the third) most populated country in the world. China is No. 1, and India is No. 2. The Soviet Union, when it existed was No. 3.

There is a legitimate debate about what the Nation's needs are concerning immigration. However, there can be no doubt about what that degree of the American population. An overwhelming majority—between 74 and 82 percent according to polls—of the American people want to see immigration significantly reduced. As elected leaders in a representative democracy, we have the obligation to take that degree of sentiment into account when forming policy.

So what are our Nation's needs concerning immigration? Is immigration really necessary? Our Nation has always welcomed legal immigrants who contribute to our society, and nothing will change with this bill. H.R. 2202 will re-establish in place a system that is spiraling out of control. As we debate this bill, illegal aliens comprise one-fourth of our Federal prison population. And 2 million illegal aliens of the estimated 4 million illegal aliens in the country—use fraudulent documents to illegally obtain jobs and benefits. These jobs and benefits come straight out of the taxpayers' pockets, costing them billions. This is simply unacceptable. Illegal aliens are draining our scarce national resources. There has been much debate over the content of legal immigration reform in this bill. I feel strongly that we must keep legal immigration as a part of this bill because, since much of the illegal immigration is driven by problems in the legal immigration regime. The American people support legal immigration reform—in fact, a recent Teeter poll shows that people support a 5-year ban on illegal and also come into the needs and wants and ban legal immigration, but it does significantly reform it. We cannot ignore the wishes of the American people as we consider this important legislation. We have a responsibility to reform these laws and we must not shrink from it.

H.R. 2202 is supported by a diverse coalition of organizations across the country and cuts across all political, religious, racial, and socioeconomic lines. We must not ignore this strong message from the American people. Support immigration reform and support H.R. 2202.
America certainly doesn’t have the same need for immigration that it did in the 19th century, that of rolling back the frontier and supplying the labor force for a rapidly industrializing economy.

For the United States, immigration is not a necessity, but also that they do the tough, less desirable jobs that Americans won’t. But if the immigrants weren’t here, does anyone really think we would simply let those jobs go undone?

Then there is the argument that we need foreign scientists and technicians to make up for the lack of Americans who have the necessary skills. Now one thing that comes immediately to mind is that Japan doesn’t appear to have a lack of skilled engineers and scientists, despite no immigration. How much of this supposed shortfall could be fixed by tracking more American students into technical fields and fixing our educational system so that our students are actually taught science and math rather than self-esteem and multiculturalism?

Finally, there are recent studies that indicate that there is actually an oversupply of engineers and technicians in the United States caused by immigration, and that computer professionals laid-off from defense contractors can’t get new jobs because companies would rather hire immigrants for less.

We must recognize that our current immigration law is not geared toward skilled immigrants but rather toward what is called family reunification. Less than one-fifth of legal immigrants are admitted to this country for employment purposes, and the immigration reform legislation pending would not reduce employment-based immigration. But, contrary to what some people say, the current law, an immigrant’s chances of coming to America are much more likely to be based on who he knows rather than what he knows. Spouses, adult children, and siblings of immigrants all get preference over immigrants with skills and no relatives. There are some countries where the family preference backlog is 16 years, or more. In those countries, it’s virtually impossible for an employment-based immigrant to get a visa. In fact, our family reunification policy allows a sibling to immigrate, go back to the old country to marry, and bring that spouse to this country, reuniting a family that was never disunited.

In closing, I would like to say that our decision on immigration should be based on what is likely to cause the least harm to our Nation if the decision we make turns out to be wrong, and how easy or difficult the mistake would be to correct. If we cut back on immigration too sharply, we would eventually discover that we are starting to experience a labor shortage. We would see that wages for certain kinds of jobs would increase. And we could improve our educational facilities so that enough native-born Americans acquire the needed skills to fill the important ones. Besides, it’s easy to let a few more immigrants in if we have to. But, if it turns out we are letting in too many immigrants, how will we deal with exploding public assistance rolls, ethnic strife, and environmental degradation? It won’t be quite as easy to make people leave. Please join me in supporting H.R. 2202.

I would like to congratulate Mr. SMITH who has worked with everyone to develop a workable bill; and also Mr. ALLEGRE who has been working consistently during his 10 years in the House and is Chair of the task force on immigration.

Mr. BEREUTER. Mr. Chairman, as an original cosponsor of H.R. 2202, the Immigration in the National Interest Act, this Member rises in the strongest possible support of this important legislative proposal.

Mr. Chairman, the current U.S. immigration system is out of need of reform. It is inconsistent with the needs and capabilities of American society, and the citizens of this country know it first hand. For the last 20 years, countless surveys taken on immigration reform have shown that the vast majority of Americans have consistently supported efforts to reform this country’s antiquated immigration laws—95 percent of those who responded to a recent questionnaire sent to this Member’s constituency agreed that border officials should be given more resources to crack down on illegal immigration.

While this Member fully realizes the contributions of legal immigration on this State and the Nation, he also agrees with the American people that serious immigration reform is necessary in the interest of the U.S. The Immigration in the National Interest Act sets refugee admissions at a target level of 75,000 for 1997 and 50,000 per year thereafter. What H.R. 2202 does, Mr. Chairman, is very simply to restore the Congressional prerogative in establishing refugee policy, including in the area of annual admission numbers. While the bill precludes unilateral increases by the executive branch in determining refugee admissions, it nevertheless gives the President sufficient flexibility to meet humanitarian emergencies by admitting additional refugees. The legislation underscores an important principle contained in the recommendations of the Immigration Commission: That is, that the United States cannot abandon its commitment to resettle refugees as a key element of the international system to protect the persecuted. H.R. 2202 honors that commitment, Mr. Chairman, in a compassionate and balanced manner.

This Member urges his colleagues to oppose any amendment that would hamstring the legislative role in setting refugee admissions policy and to retain the refugee provisions in the bill. The Immigration in the National Interest Act will ensure that refugee admissions will be maintained at reasonable levels and that Congress will maintain its role in the admissions process.

This Member would like to offer the most enthusiastic commendations to the chairman of the subcommittee on Immigration and Claims, the distinguished gentleman from Texas [Mr. SMITH], for his steadfast efforts to bring comprehensive immigration reform legislation before the House and to see it enacted. Mr. Chairman, H.R. 2202 would take appropriate steps toward updating our immigration laws so that they reflect the interests and common sense of the American people.

Mr. STUMP. Mr. Chairman, as a strong advocate of immigration reform, I am extremely pleased that the House has turned its attention to an issue that has a growing impact on our lives and is very important to those we represent. Due to the hard work and perseverance of our colleague, Representative LAMAR SMITH, we are considering a sweeping bill that contains strong deterrents to illegal immigration, reduces legal immigration levels, and improves the priorities of legal immigration admission. This bill, the Immigration in the National Interest Act (H.R. 2202), takes an important step toward returning our immigration policies to their original intent: to serve our national interest and make America a better place for all of its citizens and people. I commend Representative SMITH for his willingness to confront this complex and emotionally charged issue.

As with any public policy debate, a thorough understanding of the subject’s history is essential to thoughtful and balanced discussion. This is particularly true with legal immigration. Unfortunately, those who oppose immigration reform frequently invoke the unjust argument that reform violates the tradition of immigration and disparages the contributions immigrants have made to our society. Such assertions irrationally and unfairly shift the immigration debate from immigration policy to immigrants themselves. Immigrants who come in this country legally are not to blame for the problems associated with immigration. The problems stem from a bad immigration policy that allows for unmanageable levels of immigrants. Under a well-regulated immigration system, immigrants can and will continue to make great contributions to our country.

Mr. Chairman, current immigration policy cannot be called traditional. To the contrary, our current policy flouts immigration tradition. Before 1965, immigration numbers went through surges and lulls every few years. These lulls allowed for assimilation, enhancing the ability of immigrants to reach educational and economic parity with citizens. Since 1965, there have been no lulls, only a steep climb. From the founding of our Nation in 1776 until 1965, immigration traditionally averaged 230,000 people a year. Abruptly, in the 1970’s and 1980’s, immigration escalated above the 230,000 per year rate. In 1986, more than 500,000 a year. In the 1990’s, immigration has been running around 1 million a year.

Largely to blame for this persistent swell in immigration is a series of ill-conceived amendments to our immigration laws, beginning in 1986. The most notable repercussions of the amendments are chain migration, huge backlogs of immigrants waiting to come to the United States, extended family reunification at the expense of nuclear families, and illegal immigration. The mass immigration fueled by these adverse changes to our immigration policy has overwhelmed federal granting programs, overcrowded schools, hospitals and prisons, and created undue job competition and language barriers. Moreover, our out-of-
control immigration system places an enormous burden on American taxpayers. Recent analyses by the Center for Immigration Studies have concluded that immigrants cost us at least $30 billion per year. I strongly encourage my colleagues to keep these points in mind as we debate this bill.

As for illegal immigration, H.R. 2202 will help restore integrity to our borders and send a strong message to those who would defy our immigration laws that their actions will not be tolerated. I am particularly encouraged by the bill's provisions to reform asylum, increase border security, and eliminate the welfare magnet that draws aliens across the border illegally. In fact, I have sponsored legislation that mirrors these provisions. The only essential element I find missing from the bill is a provision to end automatic-birthright citizenship, and I look forward to future debate on this issue. Clearly, H.R. 2202 is the product of an extensive analysis of the defects in our laws that drive illegal immigration. It is my sincerest hope that as this bill moves through the legislative process, these provisions will not be weakened.

While I support the bill's anti-illegal immigration components, I must admit that I am not as enthusiastic about its reforms of legal immigration. Without question, it is an improvement over our current system. However, by his own admission, Representative SMITH's bill will permit higher legal immigration levels than during 65 of the past 70 years, or more than 700,000 legal immigrants per year. This is just a modest cut from the 1994 legal immigration level of about 800,000. As the sponsor of legislation to phase out temporary moratorium on legal immigration that would reduce immigration to a more historic level, I cannot completely endorse the bill before us. I believe that the legal immigration levels in H.R. 2202 are too high to efficiently curb the country's immigration-related problems. In addition, the levels in the bill do not accurately reflect the views of most Americans who favor a more moderate flow of immigration. As an example, a recent Roper poll of people across the country showed that 70 percent of all respondents support a level of immigration below 300,000 per year. According to the poll, this view is supported by 52 percent of Hispanics, 73 percent of blacks, 72 percent of conservatives, 71 percent of moderates, 66 percent of liberals, 72 percent of Democrats, and 70 percent of Republicans. In view of this data and a host of similar immigration polls that are as compelling, H.R. 2202 does not completely respond to the public's concerns about immigration. Consequently, I will continue my efforts on behalf of lower, more manageable immigration levels.

Mr. Chairman, immigration is beneficial and practical only when it is governed by sensible, clearly defined goals that are suited to our Nation's interests and needs. Regrettably, our current system lacks such goals. I fear that if we allow our dysfunctional immigration policies to continue, the positive aspects of immigration will be forgotten and immigration will be viewed as chaotic and destructive to the well being of our country. I strongly urge my colleagues to support immigration reform.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part 1 of House Report 104-483, is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Immigration in the National Interest Act of 1996." (b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided—

(1) whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act, and

(2) amendments to a section or other provision are to such section or other provision as in effect on the date of the enactment of this Act and before any amendment made to such section or other provision elsewhere in this Act.

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

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Mr. Chairman, immigration reform is not a trivial matter. It is a matter of national interest and national security.

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the existing reinforced fence, and for roads between the fences.

(2) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection not to exceed $12,000,000. Amounts under this paragraph are authorized to remain available until expended.

(4) WAIVER.—The provisions of the Endangered Species Act of 1973 are waived to the extent the Attorney General determines necessary to assure expeditious construction of the barriers and roads under this section.

(5) FORWARD DEPLOYMENT.—

(1) IN GENERAL.—The Attorney General shall forward deploy existing border patrol agents in those areas of the border identified as areas of high illegal entry into the United States in order to provide a uniform and visible deterrent to illegal entry on a continuing basis.

(2) REPORT.—By not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the progress and effectiveness of such forward deployments.

SEC. 103. IMPROVEMENT IN BORDER CROSSING EQUIPMENT AND TECHNOLOGY.

The Attorney General is authorized to acquire and utilize, for the purpose of detection, interception, and reduction of illegal immigration and utilization, for the purpose of detection, interception, and reduction of illegal immigration and utilization of transportation (including fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision scopes, and sensor units) determined available for transfer by any other agency of the Federal Government upon request of the Attorney General.

SEC. 104. IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARDS.

(a) IN GENERAL.—Section 101(a)(16) (8 U.S.C. 1101(a)(16)) is amended by adding at the end of the section the following:

"(3) The Attorney General shall provide that each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric information on the card matches the appropriate biometric characteristic of the alien.

(b) EFFECTIVE DATES.—

(1) Clause (A) of the sentence added by the amendment made by subsection (a) shall apply to documents issued on or after 6 months after the date of the enactment of this Act.

(2) Clause (B) of such sentence shall apply to cards presented on or after 3 years after the date of the enactment of this Act.

(c) REPORT.—Not later than one year after the implementation of the amendment made by subsection (a) the Attorney General shall submit to Congress a report on the impact of such clause on border crossing activity.

SEC. 105. CIVIL PENALTIES FOR ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended—

(1) by redesignating subsections (b) and (c) of the section as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following new subsection:

"(b) Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of—

"(1) at least $50 and not more than $250 for each such entry (or attempted entry), or

"(2) twice the amount specified in paragraph (1) in the case of any alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

(b) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act.

SEC. 106. PROHIBITION AGAINST ALIENS REPEATEDLY REENTERING THE UNITED STATES UNLAWFULLY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to provide for detention and prosecution of each alien who commits an act that constitutes a violation of this Act or the Immigration and Nationality Act if the alien has committed such an act on two previous occasions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should use available resources to assure detention and prosecution of aliens in the cases described in subsection (a).

SEC. 107. INSERVICE TRAINING FOR THE BORDER PATROL.

(a) REQUIREMENT.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of the following new subsection:

"(e) The Attorney General shall continue to provide for such programs (including intensive language training programs) of inservice training for full-time and part-time personnel of the Border Patrol in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and human dignity, and in the process, to enhance the human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom such personnel have contact in their work.

"(2) The Attorney General shall provide that the annual report of the Service include a description of steps taken to carry out paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for fiscal year 1996 to carry out the inservice training described in section 103(e)(1) of the Immigration and Nationality Act. The funds appropriated pursuant to this subsection are authorized to remain available until expended.

Subtitle B—Pilot Programs

SEC. 111. PILOT PROGRAM ON INTERIOR REPARTITION.

(a) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to 2 years which provides for the detention and prosecution of aliens who have illegally entered the United States.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act.

SEC. 112. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF INADMISSIBLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall establish one or more pilot programs for up to 2 years each to determine the feasibility of the use of military bases available because of actions under a base closure law as detention centers by the Immigration and Naturalization Service.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate and the Committees on Armed Services of the House of Representatives and of the Senate, on the feasibility of using military bases closed under a base closure law as detention centers by the Immigration and Naturalization Service.

(c) DEFINITION.—For purposes of this section, the term "base closure law" means each of the following:


(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

SEC. 113. PILOT PROGRAM TO COLLECT RECORDS OF DEPARTING PASSENGERS.

(a) ESTABLISHMENT.—The Commissioner of the Immigration and Naturalization Service shall, within 180 days after the date of the enactment of this Act, establish a pilot program in which officers of the Service collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner such sums as may be necessary for fiscal year 1996 to carry out the pilot program.

(d) REPORT.—Not later than 30 months after the date the pilot program is implemented, the Commissioner shall submit a report to Congress not later than 2 years after the date the pilot program is implemented under subsection (a).

(e) USE OF INFORMATION ON VISA OVERRIDES.—Information on visas overstay identified through the pilot program shall be integrated into appropriate data bases of the Immigration and Naturalization Service and the Department of State, including those used at ports of entry and at consular offices.
Subtitle C—Interior Enforcement
SEC. 201. INCREASE IN PERSONNEL FOR INTE- 
RIOR ENFORCEMENT.
Subject to the availability of appropriations, the Attorney General shall provide for an in-
crease in the number of investigators and en-
forcement personnel of the Immigration and 
Naturalization Service who are deployed in the interior of the United States and the number of such personnel is adequate properly to investigate violations of, 
and to enforce, immigration laws.
TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUG-
GLING, EDU, AND DOCUMENT FRAUD
Subtitle A—Enhanced Enforcement and 
Penalties Against Alien Smuggling
SEC. 202. WIRETAP AUTHORITY FOR ALIEN SMUG-
GLING INVESTIGATIONS.
Section 2516(3) of title 18, United States Code, is amended—
(a) in paragraph (1), by striking "and" at the end of paragraph (n); and
(b) by redesignating paragraph (o) as par-
agraph (p), and
(c) by inserting after paragraph (n) the follow-
ing new paragraph:
"(o)(1) a felony violation of section 1028 (re-
ating to production of false identification docu-
mentation), section 1541 (relating to passport is-
suance), section 1542 (relating to false state-
ments in passport applications), section 1543 (relat-
ing to forgery or false use of passport), section 1544 (relating to misuse of passports), section 1546 (relating to fraud or mis-
use of visas, permits, or other documents) of this title; or
"(o)(2) a violation of section 274, 277, or 278 of the 
Immigration and Nationality Act (relating to the 
smuggling of aliens); or"
SEC. 203. RACKETEERING OFFENSES RELATING 
TO ALIEN SMUGGLING.
Section 1961(a) of title 18, United States Code, is amended—
(a) by inserting "section 1028 (relating to 
false statements in connection with identification documents), before "section 1029";
(b) by inserting "section 1542 (relating to false 
statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passports), section 1546 (relating to fraud and misuse of visas, permits, or other documents), sections 1547 (relating to peonage and slav-
ery), and section 1548 (relating to false statements in passport applications)," after "section 1513 (relating to retaliating against 
a witness, victim, or an informant),"; 
(c) by striking "or" before "(E)"; and
(d) by inserting at the end the following:
"(o) any act which is indict-
able under the Immigration and Nationality Act, section 274 (relating to bringing in and 
holding certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to impor-
tation of aliens for immoral purposes)"
SEC. 204. INCREASED NUMBER OF ASSISTANT 
UNITED STATES ATTORNEYS.
(a) In General.—The number of Assistant 
United States Attorneys employed by the De-
partment of Justice in the year 1996 shall be in-
creased by 25 above the number of Assist-
ant United States Attorneys that were author-
ized to be employed as of September 30, 1994.
(b) Assistant.— Individuals employed to fill 
the additional positions described in subsection 
(a) shall be specially trained to be used for 
the prosecution of persons who bring into the Unit-
ed States illegal aliens, fraud, and other 
and other criminal statutes involving illegal aliens.
SEC. 205. UNDERCOVER INVESTIGATION AUTHORITY.
(a) In General.—Title II is amended by add-
ing at the end the following new section:
"UNDERCOVER INVESTIGATION AUTHORITY
"SEC. 294. (a) In General.—With respect to any 
undercover investigative operation of the Service 
which is necessary for the detection and 
prosecution of crimes against the United States—
"(1) sums appropriated for the Service may be 
used for leasing space within the United States 
and the territories and possessions of the United States without regard to the following provi-
sions of law:
"(A) section 3679(a) of the Revised Statues (31 U.S.C. 1341),
"(B) section 3732(a) of the Revised Statues (41 U.S.C. 313a),
"(C) section 305 of the Act of June 30, 1949 (43 
Stat. 396; 41 U.S.C. 255),
"(D) the third undesignated paragraph under the 
heading "Miscellaneous" of the Act of March 3, 1877 (19 
Stat. 370; 40 U.S.C. 34).";
"(E) section 3648 of the Revised Statues (31 
U.S.C. 3324),
"(F) section 3741 of the Revised Statues (41 
U.S.C. 22), and
"(G) sections (a) and (c) of section 304 of the 
Federal Property and Administrative Serv-
ices Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) 
and (c));
"(2) sums appropriated for the Service may be 
used to establish or to acquire proprietary cor-
boration or business entities as part of an un-
dercover operation, and to operate such cor-
porations or business entities on a commercial 
basis, without regard to the provisions of 
section 300A of the Government Corporation Control Act 
(31 U.S.C. 9102);
"(3) sums appropriated for the Service, and the 
proceeds from the undercover operation, may be used to establish or to acquire proprie-
ty or business entities without regard to the provisions of 
section 648 of title 18, United States Code, and 
of section 3639 of the Revised Statutes (31 U.S.C. 3302); 
and
"(4) the proceeds from the undercover oper-
ation may be used to offset necessary and rea-
sonable expenses incurred in such operation 
without regard to the provisions of 
The authority set forth in this subsection may be 
exercised only upon written certification of 
the Commissioner, in consultation with the Dep-
uty Attorney General, that any action author-
ized by paragraph (1), (2), (3), or (4) is necessary for the 
conduct of the undercover operation.
"(b) DISPOSITION OF PROCEEDS NO LONGER 
REQUIRED.—As soon as practicable after 
the proceeds from an undercover investigative 
operation are brought into the United States or 
are no longer necessary for the 
conduct of the operation, the proceeds or 
the balance of the proceeds remaining at the 
time shall be deposited into the Treasury of the Unit-
ed States as miscellaneous receipts.
"(C) DISPOSITION OF CREDIT CORPORATION SUPPORT 
ENTITIES.—If a corporation or 
entity established or acquired as part of 
undercover operation under paragraph (2) 
of subsection (a) with a net value of over 
$50,000 is to be liquidated, sold, or otherwise 
disposed of by the Service, as much in advance as the Com-
misssioner or Commissioner's designee determines practicable, shall report the circumstances to the Attorney General, the Director of the Office of 
Management and Budget, and the Comptroller 
General. The proceeds of the liquidation, sale, 
or other disposition, after obligations are 
met, shall be deposited in the Treasury of the Unit-
ed States as miscellaneous receipts.
"(d) FINANCIAL AUDITS.—The Service shall 
conduct detailed financial audits of closed un-
dercover operations on a quarterly basis and 
report the results of the audits in writing to the 
Deputy Attorney General.
"(e) CLERICAL AMENDMENT.—The table of con-
 tents is amended by inserting after the item 
related to section 283 the following:
"Sec. 294. Undercover investigation author-
ity.

Subtitle B—Deterrence of Document Fraud
SEC. 211. INCREASED CRIMINAL PENALTIES FOR 
FRAUD AND MISUSE OF GOVERNMENT-
ISSUED DOCUMENTS.
(a) FRAUD AND MISUSE OF GOVERNMENT-
ISSUED IDENTIFICATION DOCUMENTS.—Section 
226 of title 18, United States Code, is amended—
(a) in paragraph (1), by inserting "except as 
provided in paragraphs (3) and (4)" after "(1)" and 
"striking "five years" and inserting "15 years";
(b) in paragraph (2), by inserting "except as 
provided in paragraphs (3) and (4)" after "(2)" 
and by striking "and" at the end; and
(c) by redesigning paragraph (3) as para-
graph (5); and
(d) by inserting after paragraph (2) the follow-
ing new paragraphs:
"(3) a fine under this title or imprisonment for 
not more than 20 years, or both, if the offense 
is committed to facilitate a drug trafficking 
crime (as defined in section 929(a)(2) of this 
title);
"(4) a fine under this title or imprisonment for 
not more than 25 years, or both, if the offense 
is committed to facilitate an act of international 
terrorism (as defined in section 2331(1) of this 
title); and
"(e) CHANGES TO THE SENTENCING LEVELS.— 
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 adopt a supplemental guideline that 
contends to the existing guidelines, relating to defendants convicted of 
violating, or conspiring to violate, sections 
1546(a) and 1028(a) of title 18, United States Code, 
without regard to the provisions of 
section 226 of title 18, United States Code.
SEC. 212. NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 1324c(a) of title 8, United States Code, is amended—

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

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

(b) CONFORMING AMENDMENTS FOR CIVIL PENALTIES.—Section 274C(d)(3) of title 8, United States Code, is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" both times it appears and inserting "each instance of use, acceptance, or creation" both times it appears.

SEC. 213. NEW CIVIL PENALTY FOR FAILURE TO PREPARE DOCUMENTS AND FOR PREPARING IMMIGRATION DOCUMENTS WITHOUT AUTHORIZATION.

(a) IN GENERAL.—Section 1324c(a), as amended by section 212(a), is further amended—

(1) by striking "or" at the end of paragraph (4); and

(2) by striking the period at the end of paragraph (5) and inserting a comma; and

(b) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply to violations occurring on or after the date of the enactment of this Act.

SEC. 214. NEW CRIMINAL PENALTIES FOR FAILING TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM AND FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C of title 8, United States Code, is amended by adding a new subsection—

(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—

(1) If a person is required by law or regulation to disclose the fact that the person, or one-half of another person and for a fee or other remuneration, has prepared or assisted in preparing an application for asylum pursuant to section 208, or the regulations promulgated thereunder, regardless of whether for a fee or other remuneration, any other such application for a period of at least 5 years and not more than 15 years.

(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for asylum pursuant to section 208, or the regulations promulgated thereunder, regardless of whether for a fee or other remuneration, any other such application for a period of at least 5 years and not more than 15 years.

SEC. 215. CRIMINAL PENALTY FOR KNOWINGLY PREPARING OR ASSISTING IN PREPARING A FALSE STATEMENT OR CLAIM TO CITIZENSHIP.

The fourth paragraph of section 1546(a) of title 18, United States Code, is amended by striking "containing any such false statement and" and inserting "containing any such false statement or claim to citizenship and for which contains any such false statement or claim to citizenship and"

SEC. 216. CRIMINAL PENALTIES FOR FALSELY MAKING OR USING A CLAIM TO CITIZENSHIP.

Section 1015 of title 18, United States Code, is amended—

(1) by striking the dash at the end of paragraph (d) and inserting "; and"; and

(2) by inserting after paragraph (d) the following:

"(e) Whoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States, with the intent to obtain on behalf of himself, or any other person, any Federal benefit or service, or to engage unlawfully in employment in the United States, shall be punished as follows:

"(1) A fine of not more than $10,000, or imprisonment for not less than 5 years or more than 15 years, or both."

SEC. 217. INCREASED FORFEITURE PENALTIES FOR VIOLATIONS OF IMMIGRATION LAWS.

Section 1541 of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3)(B) and inserting a comma; and

(2) by inserting after paragraph (3)(B) the following:

"(3) Not less than offense level 15 if the offense involves 100 or more documents;"

SEC. 218. NEW CRIMINAL PENALTIES FOR PASSPORT AND VISA OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

"(6) In a court, in imposing a sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1029 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, owned by the person, or proceeds intended to be used in committing, or in facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation."

(2) in subsection (b)(1), by inserting "or (a)(6) after ‘‘(a)’’.

SEC. 220. SUBPOENAS FOR BANK RECORDS.

Section 1001(a) of title 18, United States Code, is amended by inserting "1028, 1541, 1542, 1543, 1544, 1545," before "1956".

SEC. 222. CRIMINAL FORFEITURE FOR PASSPORT VIOLATIONS.

The amendment made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

TITLE III—INSPECTION, APPREHENSION, DEPORTATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

Section 300. OVERVIEW OF CHANGES IN REMOVAL PROCEDURES

This subtitle amends the provisions of the Immigration and Nationality Act relating to procedures for inspection, exclusion, and deportation of aliens so as to provide for the following:

(1) EXPEDITED REMOVAL FOR UNDOCUMENTED ALIENS.—Aliens arriving without valid documents are subject to an expedited removal process, without an evidentiary hearing and subject to strictly limited judicial review.

(2) NO REWARD FOR ILLEGAL ENTRANTS OR VISA OFFENSES.—No reward shall be paid for the arrest and return to the United States of either illegal entrants or aliens convicted of a violation of the immigration laws.

(3) STRICter FORFAITURE STANDARDS.—The standards for the forfeiture of property in connection with an alien's admission or entry shall be more stringent.

(4) SIMPLIFIED, SINGLE REMOVAL PROCEEDING.—The procedures for the removal of inadmissible and deportable aliens are simplified, with removal proceedings consolidated into a single, simpler, single procedure.

(5) STREAMLINED JUDICIAL REVIEW.—Judicial review is streamlined through removal of a layer of review in exclusion cases, shortening the time period to file for review, and permitting the removal of inadmissible aliens prior to a final administrative decision.

(6) INCREASED PENALTIES TO ASSURE REMOVAL AND PREVENT FURTHER REENTRY.—Aliens who are removed are subject to civil money penalties for failure to depart on time and if they reenter they are subject to immediate removal under the prior order.

(7) DISCRETION TO ACCEPT APPLICATIONS FOR ASYLUM.—Throughout the process, the procedures protect those aliens who present credible claims for asylum by giving them an opportunity for a full hearing on the merits of their claims.

(8) REORGANIZATION.—The provisions of the Act are reorganized to provide a more logical
(a) "ADMISSION"Defined. — Paragraph (13) of section 101(a)(8) (8 U.S.C. 1101(a)(8)) is amended to read as follows:

(ii) the alien’s unlawful presence in the United States at the time when the spouse or parent of the alien (without the alien’s consent) has been battered or subject to extreme cruelty for a period of 10 years.

(iii) A period of time in which an alien is the spouse of such an alien shall be calculated in determining the period of unlawful presence in the United States under clause (i).

(iv) EXTENSIONS. — The Attorney General may extend the period of 1 year under clause (i) to a period of 3 years in the case of any alien who is the spouse of an alien lawfully present in the United States under clause (i).

(b) EXCEPTION FOR CERTAIN BATTERED WOMEN AND CHILDREN. — Subparagraph (A) shall not apply to an alien who can demonstrate that—

(i) the alien qualifies for immigrant status under subparagraphs (A)(ii), (A)(iii), (B)(ii), or (B)(iii) of section 204(a)(1); and

(ii) the alien is the spouse of a U.S. citizen or the spouse or child of a permanent resident alien, and the alien’s reapplication for admission is made in accordance with such terms, conditions, and regulations as the Secretary of Homeland Security may prescribe, that such vaccination is medically appropriate; or

(iii) the alien has failed to present documentation of previous vaccination, or which the alien has failed to present documentation of previous vaccination, or

(iv) WAIVER.—In the case of an alien who is the spouse of a U.S. citizen or the spouse or child of a permanent resident alien, the Attorney General may waive clause (i) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(v) NATIONAL INTEREST WAIVER. — The Attorney General may waive clause (i) if the Attorney General determines that such a waiver is necessary to substantially benefit—

(i) the national security, national defense, or Federal, State, or local law enforcement;

(ii) the health care or educational opportunities for an indigent or low-income population; or

(iii) the export promotion or recreational needs for a specific industry or specific geographical area;
SEC. 202. INSPECTION OF ALIENS; EXPEDITED REMOVAL OF INADMISSIBLE ARRIVING ALIENS; REFERRAL FOR HEARING (REVISED SECTION 235).

Section 235 (8 U.S.C. 1225) is amended to read as follows:

"SEC. 235. (a) INSPECTION.—

(1) ALIENS TREATED AS APPLICANTS FOR ADMISSION.—Any alien present in the United States who has not been admitted, who arrives in the United States (whether or not at a designated port of arrival), or who is brought to the United States after having been interdicted in international or United States waters shall be deemed for purposes of this Act an applicant for admission.

(2) STOWAWAYS.—An arriving alien who is a stowaway is not eligible to apply for admission or to be admitted and shall be ordered removed upon inspection by an immigration officer. Upon such inspection if the alien indicates an intention to apply for asylum under section 208 or for admission, or reapplication to the United States shall be inspected by immigration officers.

(3) WITHDRAWAL OF APPLICATION FOR ADMISSION.—An alien applying for admission may, in the discretion of the Attorney General and at any time, be permitted to withdraw the application for admission and depart immediately from the United States.

(4) LIMITATION ON ADMINISTRATIVE REVIEW.—A removal order entered in accordance with subparagraph (A) or (B) is not subject to review by any court or agency except that to the Attorney General shall provide by regulation for prompt review of such an order under subparagraph (A) against an alien who claims under subsection (a)(9)(B) of title 8, except that no such challenge shall operate to take the alien out of the jurisdiction of the immigration judge.

(5) AUTHORITY TO SEARCH CONVEYANCES.—Immigration officers are authorized to board and search any vessel, railway car, or aircraft, or other conveyance in which they believe aliens are being brought into the United States.

(6) AUTHORITY TO ORDER DELIVERY OF ARRIVING ALIENS.—Immigration officers are authorized to order the master, commanding officer, person in charge, purser, or consignee of a vessel or aircraft bringing an alien (except an alien crewmember) to the United States—

(A) to detain the alien on the vessel or at the airport of arrival, and

(B) to deliver the alien to an immigration officer for inspection or to a medical officer for examination.

(7) ADMINISTRATION OF OATH AND CONSIDERATION OF EVIDENCE.—The Attorney General and any immigration officer shall have power to administer oaths and to take and consider evidence of or from any person touching the privilege of any alien or person he believes or suspects to be an alien to enter, remain, transit through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service.

(8) SUBPOENA AUTHORITY.—(A) The Attorney General and any immigration officer shall have power to require by subpoena the attendance of witnesses before immigration officers and the production of books, papers, and documents relating to the privilege of any
person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service. The alien may invoke the aid of any court of the United States.

(2) Any United States district court within the jurisdiction of which investigations or inquiries required by an immigration officer may, in the event of neglect or refusal to respond to a subpoena issued under this paragraph or refusal to testify before an immigration officer may, in the event of neglect or refusal to respond to a subpoena issued under this paragraph

Section 303. Apprehension and Detention of Aliens Not Lawfully in the United States (Revised Section 236).

(a) In General. — Section 236 (8 U.S.C. 1226) is amended as follows:

(1) in the section:

(2) after the word `service' insert `by mail to the

(3) the Attorney General shall create a system to record and preserve on a timely basis notices of addresses and telephone numbers (and changes) provided under section 240.

(b) In General. — In order that an alien be permitted the opportunity to secure counsel before the hearing date under section 240, the hearing date shall not be scheduled earlier than 10 days after the service of the notice to appear, unless the alien requests in writing for an earlier hearing.

(c) Current Lists of Counsel. — The Attorney General shall provide for lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(b) Revocation of Bond or Parole. — The Attorney General may at any time revoke a bond or parole authorized under subsection (a), by paying the bond, arresting the alien under the original warrant, and detaining the alien.

(c) Aliens Convicted of Aggravated Felonies. —

(1) Custody. — The Attorney General shall take into custody any alien convicted of an aggravated felony when the alien is released, without regard to whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the alien may continue to be detained.

(2) Release. — The Attorney General may release the alien only if:

(a) in the section:

(b) Current Lists of Counsel. — The Attorney General shall provide for lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(c) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(b) Revocation of Bond or Parole. — The Attorney General may at any time revoke a bond or parole authorized under subsection (a), by paying the bond, arresting the alien under the original warrant, and detaining the alien.

(c) Aliens Convicted of Aggravated Felonies. —

(1) Custody. — The Attorney General shall take into custody any alien convicted of an aggravated felony when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned for the same offense.

(2) Release. — The Attorney General may release the alien only if:

(a) in the section:

(b) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

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(2) Release. — The Attorney General may release the alien only if:

(a) in the section:

(b) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(c) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(b) Revocation of Bond or Parole. — The Attorney General may at any time revoke a bond or parole authorized under subsection (a), by paying the bond, arresting the alien under the original warrant, and detaining the alien.

(c) Aliens Convicted of Aggravated Felonies. —

(1) Custody. — The Attorney General shall take into custody any alien convicted of an aggravated felony when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned for the same offense.

(2) Release. — The Attorney General may release the alien only if:

(a) in the section:

(b) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(c) Current Lists of Counsel. — The Attorney General shall provide lists (updated not less often than quarterly) of persons who have indicated their availability to represent pro se aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

(b) Revocation of Bond or Parole. — The Attorney General may at any time revoke a bond or parole authorized under subsection (a), by paying the bond, arresting the alien under the original warrant, and detaining the alien.
or not the alien is removable.

(3) PRESENCE OF ALIEN.—If it is impractical by reason of an alien's mental incompetency for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

(4) ALIENS RIGHTS IN PROCEEDING.—In proceedings under this section, under regulations of the Attorney General—

(A) the alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings,

(B) the alien shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, to cross-examine witnesses presented by the Government, and

(C) a complete record shall be kept of all testimony and evidence produced at the proceeding.

(5) CONSEQUENCES OF FAILURE TO APPEAR.—

(A) IN GENERAL.—Any alien who, after written notice required under paragraph (1) or (2) of section 239(a) has been provided to the alien or the alien's counsel of record, does not attend a proceeding under this section, shall be ordered removed in absentia if the Service establishes by clear and convincing evidence that the written notice was so provided and that the alien is removable (as defined in subsection (e)(1)). The written notice by the Attorney General shall be considered sufficient for purposes of this subparagraph if provided at the most recent address provided under section 239(a)(1)(F).

(B) NO NOTICE IF FAILURE TO PROVIDE ADDRESS INFORMATION.—No written notice shall be required under subparagraph (A) if the alien has failed to provide the address required under section 239(a)(1)(F).

(C) RESCISSION OF ORDER.—Such an order may be rescinded only—

(i) upon a motion to reopen filed within 180 days of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances (as defined in subsection (e)(1)), or

(ii) upon a motion filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 239(a) or the alien demonstrates that the alien was in Federal or State custody and did not appear through no fault of the alien.

The filing of the motion to reopen described in clause (i) or (ii) shall stay the removal of the alien pending disposition of the motion.

(D) EFFECT ON JUDICIAL REVIEW.—Any petition for review under section 242 of an order entered in absentia under this paragraph shall (except in cases described in section 242(b)(5)) be confined to (i) the validity of the notice provided to the alien, (ii) the reasons for the alien's not attending the proceeding, and (iii) whether or not the order is removable.

(6) TREATMENT OF FRIVOLOUS BEHAVIOR.—The Attorney General shall, by regulation—

(A) define in a proceeding before an immigration judge or before an appellate administrative law judge a decision or ruling that will be considered frivolous and will be summarily dismissed, and

(B) specify the circumstances under which an attorney or an appellate administrative law judge may impose appropriate sanctions (which may include suspension and disbarment) in the case of frivolous behavior.

Nothing in this paragraph shall be construed as limiting the authority of the Attorney General to take actions with respect to inappropriate behavior.

(7) LIMITATION ON DISCRETIONARY RELIEF FOR A FAILED MOTION TO REOPEN.—If an alien against whom a final order of removal is entered in absentia under this subsection and who, at the time of the notice described in paragraph (1) of section 239(a) of the United States Code, was provided oral notice, either in the alien's native language or in another language the alien understands, of the time and place of the proceedings and of the alien's right, on request, to present evidence on the alien's behalf, the time within which the alien could have been present for the proceedings because of exceptional circumstances (as defined in subsection (e)(1)) to appear at the proceeding under this section, shall be eligible for discretionary relief under section 240(a), 240b, 245, 248, or 249 for a period of 10 years after the date of the entry of the final order of removal.

(8) DECISION AND BURDEN OF PROOF.—

(A) IN GENERAL.—At the conclusion of the proceeding the immigration judge shall decide whether an alien is removable from the United States. The determination of the immigration judge shall be based solely on the evidence produced at the hearing.

(B) CERTAIN MEDICAL DECISIONS.—If a medical officer or civil surgeon or board of medical officers has certified under section 232(b) that an alien has a disease, illness, or addiction which would make the alien inadmissible under paragraph (1) of section 212(a), the decision of the immigration judge shall be based solely upon such certification.

(9) BURDEN ALIEN.—In the proceeding the alien has the burden of establishing—

(A) if the alien is an applicant for admission, that the alien is clearly and beyond doubt entitled to be admitted and is not inadmissible under section 212; or

(B) by clear and convincing evidence, that the alien is lawfully present in the United States pursuant to a prior admission.

In meeting the burden of proof under subparagraph (B), the alien shall have access to the alien's visa or other entry document, if any, and any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

(10) BURDEN OF PROOF IN CASES OF DEPORTABLE ALIENS.—In the proceeding the Service has the burden of establishing by clear and convincing evidence that, in the case of an alien who has been admitted to the United States and is deportable, the alien is deportable. No decision on deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

(11) NOTICE.—If the immigration judge orders the removal of an alien who is removable and the alien is not in the United States, that the alien has the opportunity to appeal to an immigration judge or before an appellate administrative law judge the final order of removal.

(12) FILING OF PROOF UNDER SUBPARA-

GRAPH (B), the alien shall have access to the alien's visa or other entry document, if any, and any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

(13) BURDEN OF PROOF IN CASES OF DEPORTABLE ALIENS.—In the proceeding the Service has the burden of establishing by clear and convincing evidence that, in the case of an alien who has been admitted to the United States and is deportable, the alien is deportable. No decision on deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

(14) NOTICE.—If the immigration judge decides that the alien is removable and orders the alien to be removed, the judge shall inform the alien of the right of appeal that decision and of the consequences for failure to depart under the order of removal, including civil and criminal penalties.

(15) MOTIONS TO RECONSIDER.—

(A) IN GENERAL.—The alien may file one motion to reconsider a decision that the alien is removable from the United States.

(B) DEADLINE.—The motion must be filed within 30 days of the date of entry of a final administrative order of removal.

(C) CONTENTS.—The motion shall specify the errors of law or fact in the previous order and shall be supported by pertinent authority.

(16) MOTIONS TO REOPEN.—

(A) IN GENERAL.—The alien may file one motion to reopen proceedings under this section.

(B) CONTENTS.—The motion to reopen shall state the new facts that will be proven at a hearing and shall not be based on the motion being granted, and shall be supported by affidavits or other evidentiary material.

(17) DEADLINE.—

(A) IN GENERAL.—Except as provided in this subparagraph, the motion to reopen shall be filed within 90 days of the date of entry of a final administrative order of removal.

(B) ASCRIBED TO EXCEPTIONS.—There is no time limit on the filing of a motion to reopen if the basis of the motion to reopen applies for the alien to be removed pursuant to subsection (b)(3) and is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding.

(18) FILING OF MOTION TO REOPEN.—A motion to reopen shall be filed within 30 days after the date of the final order of removal if the order has been entered pursuant to subsection (b)(3) due to the alien's failure to appear for proceedings under this section and the alien establishes that the alien's failure to appear was because of exceptional circumstances beyond the control of the alien or because the alien did not receive the notice required under section 239(a)(2).

(19) STIPULATED REMOVAL.—The Attorney General shall provide by regulation for the entry by an immigration judge of an order of removal of an alien, pursuant to a prior admission. A stipulated order shall constitute a conclusive determination of the alien's removability from the United States.

(20) DEFINITIONS.—In this section and section 239(a), the term ‘excepted circumstances’ refers to exceptional circumstances such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien, but not including less compelling circumstances beyond the control of the alien.

(21) REMOVAL.—The term ‘removable’ means—

(A) in the case of an alien not admitted to the United States, that the alien is inadmissible under section 212.

(B) in the case of an alien admitted to the United States, that the alien is deportable under section 237.

(22) CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS—SEC. 240(a). CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS.—The Attorney General may cancel the removal of an alien who is inadmissible or deportable from the United States if the alien—

(1) has been an alien lawfully admitted for permanent residence for not less than 5 years,

(2) has resided in the United States continuously for 7 years after having been admitted in an alien lawfully admitted for permanent residence, and

(3) has not been convicted of an aggravated felony or felonies for which the alien has been sentenced, in the aggregate, to a term of imprisonment of at least 5 years.

(B) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—

(1) IN GENERAL.—The Attorney General may cancel removal in the case of an alien who is deportable from the United States if the alien—

(A) has been a person of good moral character and has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application; and

(B) has been a person of good moral character during such period;

(C) has not been convicted of an aggravated felony;

(D) establishes that removal would result in extreme hardship to the alien or to the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—The Attorney General may cancel removal in the case of an alien who is inadmissible or deportable from the United States if the alien—

(3) has been a person of good moral character during such period;

(4) establishes that removal would result in extreme hardship to the alien or to the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; and

(5) has been a person of good moral character during such period;
"(A) has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); (B) is currently present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; (C) is a person of good moral character during such period; (D) is not inadmissible under paragraph (2) or (3) of section 212(a)(3) or deportable under paragraph (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony; and (E) establishes that removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent.

In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.

"(3) ADJUSTMENT OF STATUS.—The Attorney General may adjust to the status of an alien lawfully present in the United States at the time of the alien's enlistment or induction who is a nonimmigrant alien as defined in section 101(a)(15)(J) or has acquired the status of a nonimmigrant exchange alien as defined in section 101(a)(15)(J), or has acquired education or training, regardless of whether the alien has departed the United States within the time specified.

"(4) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—(A) The Alien arranged in the中华人民共和国的United States for a period exceeding 60 days.

"(1) REMOVAL PERIOD.—(A) The date the order of removal becomes administratively final.

"(2) DETERMINATION AND RELEASE OF ALIENS ORDERED REMOVED.—(A) The Attorney General may, at any time prior to removal, determine that an alien who is inadmissible under section 212(a)(3) or deportable under this subsection shall not be valid (except under an immigration process), the date the alien is released from detention or confinement.

(b) Voluntary Departure.—(1) The Attorney General may adjust to the status of an alien lawfully present in the United States at the alien's own expense if, at the conclusion of a proceeding under section 240, the immigration judge enters an order granting voluntary departure in lieu of removal and finds that—

"(1) the alien has been physically present in the United States for a period of at least one year immediately preceding the date the notice to appear was served; (B) the alien is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure.

"(2) BOND.—(A) the alien has been physically present in the United States at the alien's own expense if, at the conclusion of a proceeding under section 240, the immigration judge enters an order granting voluntary departure in lieu of removal and finds that—

"(1) the alien has been physically present in the United States for a period of at least one year immediately preceding the date the notice to appear was served; (B) the alien is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure.

"(3) BOND.—(A) the alien has been physically present in the United States at the alien's own expense if, at the conclusion of a proceeding under section 240, the immigration judge enters an order granting voluntary departure in lieu of removal and finds that—

"(1) the alien has been physically present in the United States for a period of at least one year immediately preceding the date the notice to appear was served; (B) the alien is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure.

"(4) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsections (b)(1) and (2) if the alien has departed from the United States for any periods in the aggregate exceeding 180 days, unless the Attorney General finds that return could not be accomplished within a reasonable time due to emergency circumstances.

"(5) CONTINUITY NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRES-
Health Service Act (42 U.S.C. 259(a)), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, and the period of supervision in paragraph (3) of this subsection are not reasons for deferment of removal.

(5) REIMBURSEMENT FOR REMOVAL COSTS. Subject to paragraph (3) of this subsection, the Attorney General may arrange for the return of an alien who has been removed from the United States and whom it is impracticable to remove to any other country.

(6) INADMISSIBLE ALIENS. An alien ordered removed who is inadmissible under section 212 shall be subject to the terms of detention and removal specified in section 235(a)(1), and (i) the alien fails to designate a country to which the alien shall be removed; (ii) the Attorney General decides that removing the alien to the country is impracticable; or (iii) the Attorney General decides that removing the alien to the country is prejudicial to the United States.

(7) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(8) COSTS OF DETENTION AND MAINTENANCE PENDING REMOVAL. Subject to paragraph (3) of this subsection, (A) the alien remains in custody pending removal, if an alien is not removed to a country under subsection (d)(1)(B), the Attorney General may remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(A) does not inform the Attorney General and the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien; or

(B) finds that the government of the country is not willing to accept the alien into the country; or

(C) the government of the country does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(9) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(10) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(11) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(12) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(13) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(14) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(15) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(16) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.

(17) ALTERNATIVE COUNTRY. If an alien is not removed to a country under the previous subparagraph, the Attorney General shall remove the alien to a country of which the alien is a citizen or subject, national, or citizen unless the government of the country—

(1) does not inform the Attorney General or the alien within 30 days after the date the alien first enters into the custody of the Attorney General of the government’s willingness to accept the alien into the country; or

(2) finds that the government of the country is not willing to accept the alien into the country; or

(3) does not make necessary arrangements for the removal of the alien within a reasonable period of time.
"(III) the owner of the vessel or aircraft satisfies the Attorney General that the existence of the condition relating to inadmissibility could not have been discovered by exercising reasonable care before the alien boarded the vessel or aircraft.

(IV) the individual claims to be a national of the United States and has a United States passport or other travel document available issued by a United States consular official,

(V) the owner of the vessel or aircraft satisfies the Attorney General that the vessel or aircraft is not owned by the government of a foreign country, or

(VI) the individual claims to be a national of the United States and has a United States passport or other travel document available issued by a United States consular official.

(A) THROUGH APPROPRIATION.—Except as provided in subparagraph (B), in the case of an alien who has been admitted or permitted to land and is ordered removed, the cost (if any) of finding and detaining the alien pending judicial action on new charges or pending transfer to Federal custody.

(B) THROUGH ORDER.—With respect to review of an order of removal under section 242(a)(1), the following provisions of section 249 shall apply:

(i) IN GENERAL.—The petition for review shall be filed with the court of appeals for the appropriate Circuit in which the immigration judge completed the proceedings. The record of the proceedings shall be the record before the immigration judge and the record of the proceedings of the immigration judge which is based on the record of the proceedings before the immigration judge.

(ii) TREATMENT OF CERTAIN DECISIONS.—No alien who has been admitted or permitted to land and is ordered removed under this Act shall be entitled to receive a copy of any order of removal without a hearing pursuant to section 242(b)(1) if the alien

(1) is a criminal alien who has been convicted of an aggravated felony, or

(2) has been found to be inadmissible under section 202 and whose removal the Attorney General deems to be in the best interest of the United States.

(C) PLACES OF DETENTION.—In the case of an alien who is admitted or permitted to land and is ordered removed under section 242(a)(1), the following provisions of section 249 shall apply:

(i) IN GENERAL.—The petition for review shall be filed with the court of appeals for the appropriate Circuit in which the immigration judge completed the proceedings. The record of the proceedings shall be the record before the immigration judge and the record of the proceedings of the immigration judge which is based on the record of the proceedings before the immigration judge.

(ii) TREATMENT OF CERTAIN DECISIONS.—No alien who has been admitted or permitted to land and is ordered removed under this Act shall be entitled to receive a copy of any order of removal without a hearing pursuant to section 242(b)(1) if the alien

(1) is a criminal alien who has been convicted of an aggravated felony, or

(2) has been found to be inadmissible under section 202 and whose removal the Attorney General deems to be in the best interest of the United States.

(D) PROCEDURES AND POLICIES.—The procedures and policies adopted by the Attorney General to implement the provisions of section 235(b)(1) are subject to judicial review.

(E) APPLICABLE PROVISIONS.—The procedures and policies adopted by the Attorney General to implement the provisions of section 235(b)(1) are subject to judicial review.

(F) MODIFICATION OF AUTHORITY.—Section 235(b)(1) is amended—

(i) by adding at the end the following new subsection:

(III) the owner of the vessel or aircraft satisfies the Attorney General that the existence of the condition relating to inadmissibility could not have been discovered by exercising reasonable care before the alien boarded the vessel or aircraft.

(ii) by moving such subsection and the preceding provisions of section 235(b)(1).
"(4) Decision.—Except as provided in paragraph (5)(B)—

(A) the court of appeals shall decide the petition only on the administrative record on which the order of removal is based; or

(B) the administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole, and

(C) a decision that an alien is not eligible for admission to the United States is conclusive unless the order is contrary to law.

(5) Treatment of nationality claims.—

(A) Court determination if no issue of fact.—If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

(B) Transfer if issue of fact.—If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

(C) Limitation on determination.—The petition does not relieve the alien from complying with section 241(a); and

(6) Consolidation with review of motions to reopen or reconsider.—When a petitioner seeks review of an order under this section, any review sought of a motion to reopen or reconsider the alien's status under such chapter have been initiated, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

(7) Challenge to validity of orders in certain criminal proceedings.—

(A) In General.—If the validity of an order of removal has not been judicially decided, a defendant in a criminal proceeding charged with violating section 243(a) may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

(B) Claims of United States nationality.—If the alien is a national of the United States and the district court finds that

(i) no genuine issue of material fact about the nationality of the alien is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

(C) Limitation on determination.—The petition does not relieve the alien from complying with section 241(a); and

(8) Construction.—This subsection—

(A) does not prevent the Attorney General, after a final order of removal has been issued, from acting under section 242 of title 8, United States Code.

(B) does not relieve the alien from complying with section 241(a)(4) and section 243(g); and

(C) except as provided in paragraph (3), does not require the Attorney General to defer removal of the alien.
"(c) Penalties relating to vessels and aircraft.—

"(1) Civil penalties.—

(A) Failure to carry out certain orders. —The Attorney General may not compromise the amount of such penalty under this paragraph.

(B) Failure to remove alien stowaways. —If the Attorney General is satisfied that a person has failed to remove an alien stowaway as required under section 241(d)(2), the person shall pay to the Commissioner the sum of $5,000 for each alien stowaway not moved.

(C) No compromise. —The Attorney General may not compromise the amount of such penalty under this paragraph.

"(2) Clearing vessels and aircraft. —

(A) Clearance before decision on liability.—A vessel or aircraft may be granted clearance before a decision on liability is made under paragraph (1) only if a bond approved by the Attorney General or an amount sufficient to pay the civil penalty is deposited with the Commissioner.

(B) Prohibition on clearance while penalty unpaid.—A vessel or aircraft may not be granted clearance if a civil penalty imposed under paragraph (1) is not paid.

(d) Discontinuing granting visas to nationals of countries delaying or defrauding or accepting alien.—On being notified by the Attorney General that the government of a foreign country denies or unreasonably delays accepting and producing visas for nationals, residents, or citizens of that country, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Attorney General notifies the Secretary that the country has accepted the alien.

"Sec. 308. Redesignation and reorganization of other provisions; additional conforming amendments. —

(a) Conforming amendment to table of contents; overview of reorganized chapters.—The table of contents, as amended by section 851(d)(1), is amended—

(1) by striking the item relating to section 106, and

(2) by striking the item relating to chapter 4 of title II and all that follows the item relating to section 244A and inserting the following:

"CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

"Sec. 231. Lists of alien and citizen passengers arriving or departing; record of resident aliens and citizens leaving permanently for foreign countries.

"Sec. 232. Detention of aliens for physical and mental examination.

"Sec. 233. Entry through or from foreign contiguous territory and adjacent islands; landing stations.

"Sec. 234. Designation of ports of entry for aliens arriving by civil aircraft.

"Sec. 235. Inspection of immigration officers; expedited removal of inadmissible arriving aliens; referral for hearings.

"Sec. 236. Apprehension and detention of aliens not lawfully in the United States.

"Sec. 237. General classes of deportable aliens.

"Sec. 238. Expedited removal of inadmissible aliens.

"Sec. 239. Initiation of removal proceedings.

"Sec. 240. Removal proceedings.

"Sec. 240A. Cancellation of removal; adjustment of status.

"Sec. 240B. Voluntary departure.

"Sec. 240C. Records of admission.


"Sec. 243. Temporary arrest or detention.

"Sec. 244. Temporary protected status.

"CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS

(b) Reorganization of other provisions.—Chapters 4 and 5 of title II are amended as follows:

(1) Amending chapter heading.—Amend the heading for chapter 4 of title II to read as follows:

"CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

(2) Redesignating section 232 as section 232A.—Amend section 232 (8 U.S.C. 1222)—

(A) by inserting "(a) DETENTION OF ALIENS. —" after "Sec. 232"; and

(B) by amending the section heading to read as follows:

"DETENTION OF ALIENS FOR PHYSICAL AND MENTAL EXAMINATION."

(3) Redesignating section 234 as section 234A.—Amend section 234 (8 U.S.C. 1224)—

(A) by striking "Sec. 234", and inserting the following: "(b) PHYSICAL AND MENTAL EXAMINATION. —"

(B) by moving such provision to the end of section 232.

(4) Redesignating section 238 as section 238A.—Amend section 238 (8 U.S.C. 1228) as follows:

(A) by striking "section 233" and moving the section to immediately follow section 232.

(5) Redesignating section 242A as section 242A.—Amend section 242A (8 U.S.C. 1238a), striking section 242A and inserting "REMOVAL", and move the section to immediately follow section 237 (as redesignated by section 305(a)(2)).


(7) Striking sections 244 and redesignating sections 244A as section 244.—Strike sections 244 and redesignate section 244A as section 244.

(8) Amending chapter heading.—Amend the heading for chapter 5 of title II to read as follows:

"CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS."

(c) Additional conforming amendments. —

(1) Expedited procedures for aggravated felons (former section 242A).—Section 238 (which, previous to redesignation under section 308(b)(5), was section 242A) is amended—

(A) in subsection (a)(1), by striking "section 242" and inserting "section 236"; and

(B) in subsection (b)(1), by striking "section 242A(1)(ii)" and inserting "section 236(1)(ii)"; and

(C) in subsection (b)(1), by striking "section 242A(1)(lii)" and inserting "section 236(1)(lii)".

(2) Treatment of certain helpless aliens.—

(A) Certification of helpless aliens. —Section 232, as amended by section 308(b)(2), is further amended by adding at the end the following new subsection:

"(c) Certification of certain helpless aliens.—(1) The Attorney General may, on the basis of information obtained by the Attorney General or other sources, certify that an alien is inadmissible and is incapable of supporting himself or herself, or is an infant or otherwise an individual for whom a guardian is required, and, if so certified, that alien shall not be required to support himself or herself if admitted to the United States.

(2) Ground of inadmissibility for protection and guardianship of aliens denied admission for health or insanity. —The ground of inadmissibility for protection and guardianship of aliens denied admission for health or insanity is a person suffering from mental or physical disability, or insanity, is added.

(B) Adoption of §125a. —Subsection (a)(10)(B) of section 125a (8 U.S.C. 1182(a)(10)), as redesignated by section 301(a)(1), is amended to read as follows:

"(B) Guardian required to accompany helpless alien. —Any alien—

(i) who is accompanying another alien who is inadmissible and who is certified to be helpless, mentally ill, a minor, or otherwise an individual for whose protection or guardianship is determined to be required by the alien described in §121(f)(1); or

(ii) whose protection or guardianship is determined to be required by the alien described in §121(f)(1), is inadmissible."

(3) Contingent consideration in relation to removal of aliens.—Section 273a (8 U.S.C. 1233a) is amended—

(A) by inserting "(1) after "(a)"; and

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

"(2) It is unlawful for an owner, agent, master, commanding officer, person in charge, pursuer, or consignee of a vessel or aircraft who is bringing an alien (except an alien crewmember) to the United States to take any consideration or subject to the United States to any legal obligation to take any consideration in relation to the removal of such alien."

"(4) Clarification.—(A) Section 238a(a) (1), which, previous to redesignation under section 308(b)(5), was section 242a(a)(1), is amended by adding at the end the following new paragraph:

"(9) Nothing in this section 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."
(A) Section 101(a)(17) (8 U.S.C. 1101(a)(17)) is amended by striking "exclusion or deportation" and inserting "removal, or removal of".

(C) Section 103(c)(2) (8 U.S.C. 1103(c)(2)) is amended by striking "been excluded or deported" and inserting "not been admitted or have been removed".

(D) Section 206 (8 U.S.C. 1156) is amended by striking "excluded from admission to the United States and deported" and inserting "denied admission to the United States and removed".

(E) Section 216(f) (8 U.S.C. 1186a) is amended by striking "exclusion and deportation being inadmissible".

(F) Section 217 (8 U.S.C. 1187) is amended by striking "excluded from admission" and inserting "denied admission at the time of arrival" each place it appears.

(G) Section 221(f) (8 U.S.C. 1202) is amended by striking "exclude" and inserting "deny admission to".

(H) Section 232(a) (8 U.S.C. 1222(a)), as redesignated by subsection (b)(2), is amended by striking "excluded by" and "the excluded classes" and inserting "inadmissible under" and "inadmissible classes", respectively.

(I) Section 272 (8 U.S.C. 1322) is amended by striking "exclusion or deportation in the heading and inserting "DENIAL OF ADMISSION".

(J) in subsection (a), by striking "excluding condition and inserting "condition causing inadmissibility and"

(K) in subsection (c), by striking "excluding", "exclusion", or "excluded" each place it appears.

(2) The following provisions are amended by striking "DEPORTATION" and inserting "REMOVAL".

(A) in subsection (a), by striking "DEPORTATION" and inserting "REMOVAL".

(B) The item in the table of contents relating to section 237(b)(2)(C) of section 216A (8 U.S.C. 1186a(b)(1)) is each amended by striking "DEPORTATION", "deported", and "deportation", respectively.

(C) Section 221(f) (8 U.S.C. 1186a(b)(1)) is each amended by striking "DEPORTATION", "deportation", and "deport" and inserting "REMOVAL", "removal", and "remove", respectively.

(D) Section 221(f) (8 U.S.C. 1186a(b)(2)) is each amended by striking "DEPORTATION", "deportation", and "deport", respectively, and inserting "REMOVAL", "removal", and "remove", respectively.

(E) Section 221(f) (8 U.S.C. 1186a(b)(3)) is each amended by striking "DEPORTATION", "deportation", and "deport", respectively, and inserting "REMOVAL", "removal", and "remove", respectively.

(F) Section 221(f) (8 U.S.C. 1186a(b)(4)) is each amended by striking "DEPORTATION", "deportation", and "deport", respectively, and inserting "REMOVAL", "removal", and "remove", respectively.

(G) Section 221(f) (8 U.S.C. 1186a(b)(5)) is each amended by striking "DEPORTATION", "deportation", and "deport", respectively, and inserting "REMOVAL", "removal", and "remove", respectively.

(H) Each of the following is amended by striking "deportation" each place it appears and inserting "removal":

(1) Subparagraphs (A)(iii)(A), (A)(iv)(A), and (B)(i)(ii) of section 204(a)(1) (8 U.S.C. 1154a(1)(A)),

(2) Section 212(d)(1)(A) (8 U.S.C. 1182(d)(1))(A),

(3) Section 212(d)(1)(C) (8 U.S.C. 1182(d)(1)(C)),


(2) Each of the following is amended by striking "deported" each place it appears and inserting "removed":

(A) Section 212(d)(7)(A) (8 U.S.C. 1182(d)(7)),

(B) Section 214(d) (8 U.S.C. 1184(d)),

(C) Section 241(a) (8 U.S.C. 1251(a)), before redesignation as section 237 by section 305(a)(2).


(P) Section 413(b) of title 18, United States Code.

(Q) Subsection (b) and (c) of section 266 (8 U.S.C. 1356)(b) (2)(A)(v), as amended by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322).


(X) Section 276(b)(1)(A)(i) (8 U.S.C. 1360(b)(1)(A)(i)).


(Z) Section 276(b)(1)(B) (8 U.S.C. 1360(b)(1)(B)).

(1) Each of the following is amended by striking "exclusion or deportation" each place it appears and inserting "removal or removal of":

(2) Subsections (b)(2), (c)(2)(B), (c)(3)(D), (c)(4)(A), and (d)(2)(C) of section 216A (8 U.S.C. 1186b) are each amended by striking "DEPORTATION", "deportation", "deport", and "deported" each place it appears and inserting "REMOVAL", "removal", "remove", and "removed", respectively.

(3) Subsections (b)(2), (c)(2)(B), (c)(3)(D), and (d)(2)(C) of section 216A (8 U.S.C. 1186b) are each amended by striking "DEPORTATION", "deportation", and "deported" each place it appears and inserting "REMOVAL", "removal", "remove", and "removed", respectively.

(4) Subsections (b)(2), (c)(2)(B), (c)(3)(D), and (d)(2)(C) of section 216A (8 U.S.C. 1186b) are each amended by striking "DEPORTATION", "deportation", and "deported" each place it appears and inserting "REMOVAL", "removal", "remove", and "removed", respectively.

(5) Paragraph 2 of the Refugee Education Assistance Act of 1980 (Public Law 96–422) is amended by striking "deportation against" and inserting "removal of":

(6) Section 242(a) (8 U.S.C. 1252a), before redesignation as section 242 by section 305(a)(2), is each amended by striking "DEPORTATION", "deportation", and "deported" and inserting "REMOVAL", "removal", and "removed", respectively.

Amendments of 1991 (Public Law 101-223) is amended by striking "244(b)(2)" and inserting "240A(b)(2)".

(9) REFERENCES TO CHAPTER 5—
(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1205(c), 1361(c), 1361(b)) are amended by striking "chapter 5" and inserting "chapter 4".
(B) Section 6(b) of the Act of August 1, 1956 (50 U.S.C. 855b) is amended by striking "chapter 5" and inserting "chapter 4".

(10) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS FOR NEWLY ADDED PROVISIONS—
(A) Section 245(c)(6), as amended by section 331(e)(1), is amended by striking "241(a)(4)(B)" and inserting "237a(4)(B)".

(9) REFERENCES TO CHAPTER 5—
(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1205(c), 1361(c), 1361(b)) are amended by striking "chapter 5" and inserting "chapter 4".

(9) REFERENCES TO CHAPTER 5—
(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1205(c), 1361(c), 1361(b)) are amended by striking "chapter 5" and inserting "chapter 4".

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(A) Section 245(c)(6), as amended by section 331(e)(1), is amended by striking "241(a)(4)(B)" and inserting "237a(4)(B)".

(9) REFERENCES TO CHAPTER 5—
(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1205(c), 1361(c), 1361(b)) are amended by striking "chapter 5" and inserting "chapter 4".
TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

DEFINITIONS

"Sec. 501. In this title:

(1) The term 'alien terrorist' means an alien described in section 212(a)(9)(B).

(2) The term 'national security' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

(5) The term 'special removal court' means the court established under section 502(a).

(6) The term 'special removal hearing' means a hearing under section 505.

(7) Under this title means proceeding under this title.

(8) The term 'special removal proceeding' means a proceeding under this title.

ESTABLISHMENT OF SPECIAL REMOVAL COURT;

"Sec. 502. (a) IN GENERAL. The Chief Justice of the United States shall publicly designate special removal court judges from 5 of the United States judicial circuits which shall constitute a court to which shall be assigned the authority to conduct all special removal proceedings.

(b) TERMS. Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

(c) CHIEF JUDGE. The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the work of the court and other duties. The chief judge shall be responsible for conducting all special removal proceedings.

(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS. The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. App. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS. The special removal court shall provide for the designation of a panel of attorneys for the designation of a panel of attorneys for the special removal proceedings.

(f) Contains the following:

(1) The identity of the Department of Justice attorney making the application.

(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application.

(3) The identity of the alien for whom the special removal proceeding is sought.

(4) A statement of the facts and circumstances relied on by the Department of Justice to establish the basis for the special removal proceedings.

(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

(C) RIGHT TO DISMISS. The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

CONSIDERATION OF APPLICATION

"Sec. 504. Consideration of application. Whenever the Attorney General has received an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

(B) APPROVAL OF ORDER. The judge shall enter an order under section 503, after consideration of the application and such other information (if any), that there is probable cause to believe that:

(1) The alien who is the subject of the application has been correctly identified and is an alien terrorist, and

(2) Adherence to the provisions of title 11 regarding the removal of the identified alien would pose a risk to the national security of the United States.

(D) DENIAL OF ORDER. If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

EXCLUSIVE PROVISIONS. Whenever an order is issued under this section with respect to an alien terrorist:

(1) The alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title.

(2) Except as they are specifically referenced, no other provisions of this Act shall be applicable.

SPECIAL REMOVAL HEARINGS

"Sec. 505. In general. In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the hearing and the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

USE OF SAME JUDGE. The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability, is on leave of the judge, has died, or in which case the chief judge shall assign another judge to
conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

(c) The decision is subject to review.

(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

(2) DURATION.—The alien shall have the right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent him.

Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation in the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the Government's evidence against the alien and to cross-examine any witness.

(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

(7) USE OF ELECTRONIC SURVEILLANCE.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

(A) Asylum under section 208.

(B) Voluntary departure under section 244.

(C) Suspension of deportation under section 244.

(D) Adjustment of status under section 245.

(E) Registry under section 249.

(F) Specialized information, including the invocation of the privileges ordinarily available to the United States.

(8) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department of Justice with a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

(9) CONDITION FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—In general, if, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

(B) FINDINGS.—The findings described in this subparagraph are that—

(i) the content in the present of the alien in the United States would likely cause serious and irremovable harm to the national security or death or serious bodily injury to any person, and

(ii) the provision of the required summary would likely cause serious and irremovable harm to the national security or death or serious bodily injury to any person.

(10) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (9)(B)—

(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement of facts found and conclusions of law. Any portion of the order that contains a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (a) shall not be made available to the alien or the public.

(11) CONSIDERATION OF CLASSIFIED INFORMATION.—

SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information submitted, and shall not introduce in camera evidence or produced at such a hearing shall be introduced either in writing or through testimony in camera and ex parte and neither the alien nor the public shall be privy to the proceedings other than through reference to the summary provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice shall open the argument and, in the case of classified information, after coordination with the originating agency, elect to introduce such evidence in open session.

(12) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsection (a), (i), (f), (g), and (h) of section 106 of that Act.

(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—When an alien subject to removal under this title shall have the right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of exclusion.

(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

(D) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from introducing evidence introduced in the special removal hearing, subject to subsection (e) and section 504(a) used to obtain the order for the hearing under this section.

(E) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department with a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

(13) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—In general, if, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

(B) FINDINGS.—The findings described in this subparagraph are that—

(i) the content in the present of the alien in the United States would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person, and

(ii) the provision of the required summary would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

(14) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (13)(B)—

(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (a) shall not be made available to the alien or the public.

(15) CONSIDERATION OF CLASSIFIED INFORMATION.—
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“(A) shall not disclose the information to the alien or to any other attorney representing the alien, and

(B) who discloses such information in violation of this subsection (b) shall be subject to a fine under title 18, United States Code, imprisoned for not less than 10 years nor more than 25 years, or both.

(2) APPEALS

“SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the Court of Appeals shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous. (b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit:

(1) Any determination by the judge pursuant to section 506(a)—

(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

(2) Any order issued to make the findings permitted by section 506(b)(4)(B). In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

(c) APPEALS OF DECISION IN HEARING.

(1) IN GENERAL.—Subject to paragraph (2), the judge, after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case in which the Attorney General denied a permanent residence who is denied a written summary of classified information under section 506(b)(2) and with respect to which the procedures under section 506(c)(1)(C) shall not apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

(d) GENERAL PROVISIONS RELATING TO APPEALS.

(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought beginning which time the order shall not be executed.

(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c),—

(A) the entire record shall be transmitted to the Court of Appeals, and

(B) information received pursuant to section 505(a), which would reveal the substance or source of such information, shall be transmitted under seal.

(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c),—

(A) REVIEW.—The appeal or review shall be heard and determined on the record before the Court and the Court may dispose with full briefing and hearing the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c),—

(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

(B) QUESTIONS OF FACT.—Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

(iii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

(e) CERTIORARI.—Following a decision by the Court of Appeals by the order issued by the judge shall be reviewed by the Court of Appeals or a judge of the Supreme Court.

(f) APPEALS OF DETENTION ORDER.

(1) IN GENERAL.—If a judge of the special removal court denies the application with a charge of an offense punishable by imprisonment, the order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

(2) CUSTODY AND REMOVAL.

(A) CUSTODY.—If the judge decides pursuant to section 3145 that an alien shall be removed, the alien shall be released from custody.

(B) REMOVAL.—If the judge decides pursuant to section 3146 that an alien shall be removed, the alien shall be released from custody.

(2) CUSTODY AND REMOVAL.

(A) CUSTODY.—If the judge decides pursuant to section 3145 that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal, the Attorney General shall be required to remove the alien to any country which the alien shall be removed, to any country which the alien shall be removed, to any country which the alien shall be removed.

(3) CONTINUED DETENTION.—The provisions of sections 3142 and 3146 of title 18, United States Code, pertaining to civil detention of an alien, including the posting of any monetary amount, is not likely to flee, and

(B) the alien’s release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.

(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

Applies to any other person or the community.

The judge may not release the alien if he finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

(C) CUSTODY AND RELEASE AFTER HEARING.

(1) RELEASE.—

(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 3145 that an alien shall not be removed, the alien shall be released from custody.

(B) CUSTOM PENDING APPLICATION.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

(2) CUSTODY AND REMOVAL.

(A) CUSTODY.—If the judge decides pursuant to section 3146 that an alien shall not be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal, the Attorney General shall be required to remove the alien to any country which the alien shall be removed.

(3) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, does not designate a country to which the alien shall be removed, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody.

(4) CUSTODY OF ALIEN.—If in custody when an alien is released pending an order of removal, the Attorney General may, in consultation with the Secretary of State, order the alien to be released to any country willing to receive such alien.
of the provisions of subsection 276(b).

(3) SUBSEQUENT REMOVAL—Following the completion of a sentence of confinement by an alien described in paragraph (1), such an alien shall be returned to the custody of the Attorney General pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

(7) RIGHTS OF ALIENS IN CUSTODY.—

(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien’s country of citizenship or nationality or of any representative designated by that official at any time.

(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien’s country of citizenship or nationality or of any representative designated by that official at any time.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
Subtitle C—Deterring Transportation of Unlawful Aliens to the United States

SEC. 342. LIST OF ALIEN AND CITIZEN PASSENGERS ON VESSELS OR AIRCRAFT ARRIVING.

(a) IN GENERAL.—Section 231(a) (8 U.S.C. 1221(a)) is amended—

(1) by amending the first sentence to read as follows: "In connection with the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commander of each vessel or aircraft, having such person on board to deliver to the immigration officers at the port of arrival, or other place designated by an immigration judge, typewritten, or printed lists or manifests of the persons on board such vessel or aircraft;'';

(2) by amending the second sentence, by striking "shall be prepared and submitted''; and

(3) by inserting after the second sentence the following sentence: "Such lists or manifests shall be limited to the following information for each person transported, the person's full name, date of birth, gender, citizenship, travel document number (if applicable) and arriving flight number;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 351. DEFINITION OF CONVICTION.

(a) IN GENERAL.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end of such section the following new paragraph:

"(47) The term 'conviction' means a formal finding of guilt entered by a court, or, if adjudication of guilt has been withheld, where all of the following elements are present:

(A) A judge or jury has found the alien guilty of a violation (it has entered a plea of guilty or no contest or has admitted sufficient facts to warrant a finding of guilt).";

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proceedings commenced on or after March 19, 1996.

SEC. 335. CIVIL PENALTIES FOR FAILURE TO DEPART.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 274C the following new section:

"CIVIL PENALTIES FOR FAILURE TO DEPART. "SEC. 274D. (a) IN GENERAL.—Any alien subject to a final order of removal who—

(1) willfully fails or refuses to depart from the United States pursuant to such order;

(2) makes timely application in good faith for travel or other documents necessary for departure, or

(3) present for removal at the time and place required by the Attorney General;

shall pay a civil penalty of not more than $500 to the Attorney General for each day that the alien is in violation of this section.

(b) CONSTRUCTION.—Nothing in this section shall be construed to diminish or qualify any penalty that may be imposed for activities proscribed by section 243(a) or any other section of this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions occurring on or after the date of the enactment of this Act (as defined in section 309(a)).

SEC. 356. USE OF RETIRED FEDERAL EMPLOYEES FOR INSTITUTIONAL HEARING PROGRAM.

(a) AUTHORIZATION OF TEMPORARY EMPLOYMENT OF CERTAIN ANNUITANTS AND RETIREES.—For the purpose of performing duties in connection with supporting the enhanced Institutional Hearing Program, the Attorney General may employ for a period not to exceed 24 months (beginning 3 months after the date of the enactment of this Act) not more than 300 individuals (at any one time) who, by reason of separation from service on or before January 1, 1995, are receiving—

(1) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, chapter 40 of title 31, United States Code; or

(2) annuities under any other retirement system for employees of the Federal Government; or

(3) retired or retainee pay as retired officers of regular components of the uniformed services.

(b) NO REDUCTION IN ANNUITY OR RETIREMENT PAY OR REDETERMINATION OF PAY DURING TEMPORARY EMPLOYMENT.—

(1) RETIREES UNDER CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—In the case of an individual employed under subsection (a) who is receiving an annuity described in subsection (a)(1)—

(A) such individual's annuity shall continue during the employment under subsection (a) and shall not be increased as a result of service performed during that employment;

(B) retirement deductions shall not be withheld from such individual's pay; and
(C) such individual’s pay shall not be subject to any deduction based on the portion of such individual’s annuity which is allocable to the period of employment.

(2) RETIRED OFFICERS.—The President shall apply the provisions of paragraph (1) to individuals who are receiving an annuity described in subsection (a)(2) and who are employed under subsection (a) in the same manner and to the same extent as such provisions apply to individuals who are receiving an annuity described in subsection (a)(1) and who are employed under subsection (a).

(3) RETIRED OFFICERS OF THE UNIFORM SERVICES.—The retired or retainer pay of a retired officer of a regular component of a uniformed service referred to in section 242(e) of title 18, United States Code, is subject to the same refunds under paragraph (1) as the retired or retainer pay of a retired officer of the uniformed services referred to in subparagraph (A).

SEC. 357. ENHANCED PENALTIES FOR FAILURE TO DEPART, ILLEGAL REENTRY, AND PASSPORT AND VISA FRAUD.

(a) FAILING TO DEPART.—The United States Sentencing Commission shall promptly promulgate, pursuant to section 994 of title 28, United States Code, amendments to the sentencing guidelines to make appropriate increases in the base offense level for offenses described in subsections (a)(4), (a)(7), (a)(10), (a)(11), (a)(14), (a)(16), and (a)(18) of section 242(e) of title 18, United States Code, to reflect the amendments made by section 130009 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) PASSPORT AND VISA OFFENSES.—The United States Sentencing Commission shall promptly promulgate, pursuant to section 994 of title 28, United States Code, amendments to the sentencing guidelines to make appropriate increases in the base offense level for offenses described in section 242(e) and 276(b) of the Immigration and Nationality Act (8 U.S.C. 1252(e) and 1256(b)) to reflect the amendments made by section 130001 of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 358. AUTHORIZATION OF ADDITIONAL FUNDS FOR REMOVAL OF ALIENS.

(a) IN GENERAL.—Section 242(e) of title 8, United States Code, is amended to read as follows:

``(i) the identification, investigation, apprehension, detention, and removal of illegal immigrants, inadmissible aliens, and aliens illegally entering the United States; and

(ii) for the repair, maintenance, or construction of the United States border, in areas experiencing high levels of illegal crossings of illegal aliens, or structures to deter illegal entry into the United States.

(b) The amounts which are required to be refunded under subparagraph (A) shall be refunded at least quarterly on the basis of estimates made by the Attorney General of the expenses referred to in subparagraph (A). Proper adjustments may be made in the amounts subsequently refunded under subparagraph (A) to the extent prior estimates were in excess of, or less than, the amount required to be refunded under subparagraph (A).

(c) IMMIGRATION USER FEE ACCOUNT.—Section 286(h)(1)(B) of title 8, United States Code (18 U.S.C. 1356(h)(1)(B)) is amended by striking "271" and inserting "273-, 271-".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fines and penalties collected or assessed after the date of the enactment of this Act.

SEC. 359. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress authorizes the Attorney General to negotiate treaties or other arrangements to accomplish the purposes of this Act.

(b) IDENTIFICATION OF CRIMINAL ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—(1) The Attorney General shall cause the Attorney General of the United States, upon the request of the Attorney General of any other foreign country, to identify and track criminal aliens, inadmissible aliens, and aliens unlawfully present in the United States.

(c) EFFECTIVE DATE.—The amendments made by this section are effective in returning aliens unlawfully in the United States who have committed offenses for which the alien is effective in returning aliens unlawfully in the United States who have committed offenses for which the alien is sentenced.

SEC. 360. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

(a) OPERATION AND PURPOSE.—Subsection (a) of section 23002 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended to read as follows:

``(1) by amending subparagraph (F) of subsection (d) of section 23002 of the Violent Crime Control and Law Enforcement Act of 1994 to read as follows:

``(F) SUBJECT OF CIVIL PENALTY.—

``(i) IN GENERAL.—An alien who is subject to a final order for violation of section 274C is inadmissible.

``(ii) WAIVER AUTHORIZED.—For provision authorizing waiver of clause (i), see subsection (d).''

SEC. 361. CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN CRIMINAL ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Upon the request of the governor or chief executive officer of any State, the Immigration and Naturalization Service shall provide assistance to State courts in the identification of aliens unenforceable sentences by the United States in the United States pending criminal prosecution.

SEC. 362. WAIVER OF EXCLUSION AND DEPORTATION GROUND FOR CERTAIN SEC- TION 274C VIOLATORS.

(a) EXCLUSION GROUNDS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by amending subparagraph (F) of subsection (a)(6) to read as follows:

``(F) SUBJECT OF CIVIL PENALTY.—

``(i) IN GENERAL.—An alien who is subject to a final order for violation of section 274C is inadmissible.

``(ii) WAIVER AUTHORIZED.—For provision authorizing waiver of clause (i), see subsection (d).''

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

``(12) The Attorney General may, in the discretion of the Attorney General for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, waive application of clause (i) of subsection (a)(6) in the case of an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an overt act of deportation and is otherwise admissible to the United States as a returning resident under section 211(b), and

``(8) in the case of an alien seeking admission or readmission under section 201(b)(2)(A) or under section 203(a), if the violation under section 274C was committed solely to assist, aid, or support the alien’s spouse, parent, son, or daughter (and not another individual).''.

(b) GROUND OF DEPORTATION.—Subparagraph (C) of section 241a(a)(3) (8 U.S.C. 125a(a)(3)), before redesignation by section 306(a)(2), is amended to read as follows:

``(C) DOCUMENT FRAUD.—

``(i) IN GENERAL.—An alien who is the subject of a final order for violation of section 274C is deportable.

``(ii) WAIVER AUTHORIZED.—The Attorney General may waive clause (i) in the case of an alien lawfully admitted for permanent residence if the alien’s civil money penalty under section 274C was incurred solely to assist, aid, or support the alien’s spouse, parent, son, or daughter (and no other individual).''

(c) CONSTRUCTION.—Subparagraph (A) of section 241a(a)(3) (8 U.S.C. 125a(a)(3)) is amended by striking "(5)" and inserting "(5)" in paragraph (5), if the alien is "lawfully present in the United States", and in paragraph (6) (8 U.S.C. 125a(a)(6)) as amended by striking "and (5)" and inserting "(5)" thereunder.

(d) CONSTRUCTION.—Subparagraph (A) of section 241a(a)(3) (8 U.S.C. 125a(a)(3)) is amended by striking "and (5)" and inserting "(5)" thereunder.

SEC. 363. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(b) (8 U.S.C. 1330(b)(2)) is amended by inserting " and (5)" and inserting "(5)" thereunder.

SEC. 364. CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), no case before the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such Department) involving such Department or any other Department shall make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using information furnished solely by—

(1) a spouse or parent who has battered the alien or subjected the alien to extreme cruelty,

(2) a member of the spouse’s or parent’s family who has battered the alien or subjected the alien to extreme cruelty when the spouse or parent consented to or acquiesced in such battery or extreme cruelty,

(3) a spouse or parent who has battered the alien’s child or subjected the alien’s child to extreme cruelty (without the active participation of the alien in the battery or extreme cruelty), or

(4) a member of the spouse’s or parent’s family residing in the same household as the alien.
who has battered the alien's child or subjected the alien's child to extreme cruelty when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty unless the alien has been convicted of a crime or crimes listed in section 244(a)(2) of the Immigration and Nationality Act; or
(2) public disclosure to anyone (other than a sworn officer or employee of the Department, or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of information which relates to an alien who is the beneficiary of an application for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(A)(i)(I) of the Immigration and Nationality Act of 204(a)(3) of such an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.

The limitation under paragraph (2) ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

(b) EXCEPTIONS.
(1) The Attorney General may provide, in the Attorney General’s discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed in the Census of Commerce under section 8 of title 13, United States Code.
(2) The Attorney General may provide in the discretion of the Attorney General for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose.

(c) PENALTIES FOR VIOLATIONS.—Anyone who uses, publishes, or permits information to be disclosed in violation of this section shall be fined not more than 5 years, or both.

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT SEC. 403. PILOT PROGRAM FOR VOLUNTARY USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.

(a) VOLUNTARY ELECTION TO PARTICIPATE IN PILOT PROGRAM CONFIRMATION MECHANISM.
(1) Voluntary election to participate.—An employer (or recruiter or referrer subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) may elect to participate in the pilot program for employment eligibility confirmation provided under this section (such program in this paragraph referred to as the “pilot program”). Except as specifically provided in this section, the Attorney General is not authorized to require any entity to participate in the program under this section. The pilot program shall operate in at least 5 of the 7 States with the highest estimated population of unauthorized aliens.

(2) EFFECT OF ELECTION.—The following provisions apply in the case of an entity electing to participate in the pilot program:

(A) OBLIGATION TO USE CONFIRMATION MECHANISM.—The entity agrees to comply with the confirmation mechanism under subsection (c) to confirm employment eligibility under the pilot program for all individuals covered under the election in accordance with this section.

(B) BENEFIT OF REBUTTABLE PRESUMPTION.—

(i) If the entity obtains a confirmation of employment eligibility under the pilot program with respect to the hiring (or recruiter or referrer) who is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act of an individual for employment in the United States, the entity has established a rebuttable presumption that the entity has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act with respect to such hiring (or such recruiting or referral).

(ii) Clause (i) shall not be construed as preventing an entity that has an election in effect under this section from establishing an affirmative defense under section 274A of the Immigration and Nationality Act if the entity complies with the requirements of section 274A(a)(1)(B) of such Act but fails to comply with the obligations under subparagraph (A).

(C) BENEFIT OF NOTICE BEFORE EMPLOYMENT-RELATED INSPECTIONS.—The Immigration and Naturalization Service Administrator for Immigration-Related Unfair Employment Practices, and any other agency authorized to inspect forms required to be retained under section 274A of the Immigration and Nationality Act or to search for property for purposes of enforcing such section shall provide at least 3 days notice prior to such an inspection or search, except that such notice is not required if the inspection or search is conducted with an administrative or judicial subpoena or warrant or under exigent circumstances.

(3) GENERAL TERMS OF ELECTIONS.—

(A) IN GENERAL.—An election under paragraph (1) shall be in a form and manner and under such terms and conditions as the Attorney General may take effective as the Attorney General shall specify. Such an election shall apply (such terms and conditions as the Attorney General may take effective as the Attorney General shall specify). An election shall apply under such terms and conditions as the Attorney General may take effective as the Attorney General shall specify. An election shall apply (such terms and conditions as the Attorney General may take effective as the Attorney General shall specify).

(B) ACCEPTANCE OF ELECTION.—Except as otherwise provided in this paragraph, the Attorney General shall accept all elections made under paragraph (1). The Attorney General may establish a process under which entities seek to make elections in advance, in order to permit the Attorney General to identify, number (if the individual has been issued such an identification number), and work eligibility.

(C) REJECTION OF ELECTIONS.—The Attorney General may reject an election by an entity under paragraph (1) because the Attorney General has determined that there are insufficient resources to provide services under the pilot program for the entity.

(D) TERMINATION OF ELECTIONS.—The Attorney General may terminate an election by an entity under paragraph (1) because the entity has substantially failed to comply with the obligations of the entity under the pilot program.

(E) RECISIOIION OF ELECTION.—An entity may rescind an election under paragraph (1) in such form and manner as the Attorney General shall specify.

(f) CONSULTATION, EDUCATION, AND PUBLICITY.—

(1) Consultation.—The Attorney General shall consult with representatives of employers (and recruiters and referrers whose recruiting or referring is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) in the development and implementation of the confirmation mechanism (including the education of employers (and such recruiters and referrers) about the program).

(2) PUBLICITY.—The Attorney General shall widely publicize the pilot program under this section, including the voluntary nature of the program and the advantages to employers of making an election under subsection (a).

(3) ASSISTANCE THROUGH DISTRICT OFFICES.—The Attorney General shall designate one or more district offices of the Immigration and Naturalization Service—

(A) to inform entities that seek information about the program of the voluntary nature of the program, and

(B) to assist entities in electing and participating in the pilot program, in complying with the requirements of section 274A of the Immigration and Nationality Act and in facilitating the identification of individuals authorized to be employed consistent with such section.

(j) PROGRAM FOR THE ALIEN'S CHILD.—An entity that is participating in the pilot program shall have all opportunities for appeal of the denial have been exhausted.

(b) EXCEPTIONS.—

(1) Provision of additional information.—The entity shall obtain from the individual (and the individual shall provide) and shall record on the form used for purposes of section 274A(b)(1)(A) of the Immigration and Nationality Act—

(A) the individual’s social security account number (if the individual has been issued such a number), and

(B) if the individual is an alien, such identification or authorization number established by the Attorney General under section 274A(a)(1)(A) of the Immigration and Nationality Act.

(2) Seeking confirmation.—

(A) IN GENERAL.—The entity shall make an inquiry, under the confirmation mechanism established under subsection (d), to seek confirmation of the identity, applicable number (or numbers) established under section 274A(b)(1)(A) of the Immigration and Nationality Act, and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Attorney General) after the date of the hiring (or recruitment or referral, as the case may be).

(B) EXTENSION OF TIME PERIOD.—If the entity in good faith attempts to make an inquiry during such 3 working days and the confirmation mechanism has registered that not all inquiries were responded to during such time period, the entity can make an inquiry in the first subsequent 3 working days after the date in which the confirmation mechanism registers nonresponses and quality for the presumption. If the confirmation mechanism is not responding to inquiries at all times during the entity’s working day, the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

(3) Confirmation.—

(A) IN GENERAL.—If the entity receives an appropriate confirmation of such identity, application (or number) established for purposes of section 274A(b)(1)(A) of the Immigration and Naturalization Service the time period specified under subsection (d) after the time the confirmation inquiry was received, the entity may record on the form used for purposes of section 274A(b)(1)(A) of the Immigration and Nationality Act an appropriate code indicating a confirmation of identity, number, and work eligibility.

(B) FAILURE TO OBTAIN CONFIRMATION.—If the entity has made the inquiry described in paragraph (2) but has received a nonconfirmation within the time period specified—

(i) the presumption under subsection (a)(2)(B) shall not be considered to apply, and

(ii) the entity shall notify the Attorney General that such fact through the confirmation mechanism or in
such other manner as the Attorney General may specify.

(1) CONSEQUENCES.—

(i) FAILURE TO NOTIFY.—If the entity fails to provide notice with respect to an individual as required under subparagraph (B)(ii), the failure is deemed to constitute a violation of section 274a(a)(1)(A) of the Immigration and Nationality Act with respect to such entity and individual, of establishing that the individual is not an unauthorized alien as defined in section 274a(h)(3) of such Act.

(ii) CONTINUED EMPLOYMENT.—If the entity provides notice under subparagraph (B)(ii) with respect to an individual, the entity has the burden of proof with respect to the application of section 274a(a)(1)(A) of the Immigration and Nationality Act with respect to such entity and individual, of establishing that the individual is not an unauthorized alien as defined in section 274a(h)(3) of such Act.

(iii) NO APPLICATION TO CRIMINAL PENALTY.—

Clauses (i) and (ii) shall not apply in any prosecution under subsection section 274a(a)(1)(A) of the Immigration and Nationality Act.

(d) EMPLOYMENT ELIGIBILITY PILOT CONFIRMATION MECHANISM.

(1) IN GENERAL.—The Attorney General shall establish a pilot program confirmation mechanism (in this section referred to as the "confirmation mechanism") through which the Attorney General may include a nongovernmental entity—

(A) responds to inquiries by electing entities made at any time through a toll-free telephone line or other electronic media in the form of an appropriate confirmation code or otherwise, on whether an individual is authorized to be employed,

(B) maintains a record that such an inquiry was made and the confirmation provided (or not provided). To the extent practicable, the Attorney General shall seek to establish such a mechanism using one or more nongovernmental entities. For purposes of this section, the Attorney General (or a designee of the Attorney General) shall provide a process for the prompt correction of erroneous information.

(2) EXCEPTED PROCEDURE IN CASE OF NONCONFIRMATION.—In connection with paragraph (1), the Attorney General shall establish, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, expedited procedures that shall be used to confirm the validity of information entered into the confirmation mechanism in cases in which the confirmation is sought but is not provided through the confirmation mechanism.

(3) SIGN AND OPERATION OF MECHANISM.—

The confirmation mechanism shall be designed and operated—

(A) to maximize the reliability of the confirmation process, and the ease of use by entities making elections under subsection (a) (consistent with insulating and protecting the privacy and security of the underlying information, and

(B) to respond to all inquiries made by such entities on whether individuals are authorized to be employed registering all times when such response is not possible.

(4) CONFIRMATION PROCESS.—

(A) CONFIRMATION OF VALIDITY OF SOCIAL SECURITY ACCOUNT NUMBER.—As part of the confirmation mechanism, the Commissioner of Social Security, in consultation with the entity responsible for administration of the mechanism, shall establish a reliable, secure method, which within the time period specified under paragraph (A) of the name and social security account number provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information.

(B) CONFIRMATION OF ALIEN AUTHORIZATION.—As part of the confirmation mechanism, the Attorney General shall establish a reliable, secure method, which within the time period specified under paragraph (A), shall confirm the name and alien identification or authorization number (if any) described in subsection (c)(3)(B) provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided and whether the alien is authorized to be employed in the United States.

(C) PROCEDURE FOR TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an expedited time period not to exceed 10 working days after the date of the tentative nonconfirmation within which final confirmation or denial must be provided through the confirmation mechanism in accordance with the procedures under paragraph (A).

(D) UPDATING INFORMATION.—The Commissioners shall update their information in a manner that promotes the maximum accuracy and availability of information to the person or entity that provides or the prompt correction of erroneous information.

(5) PROTECTIONS.—(A) In no case shall an employer terminate employment of an individual because a failure to work eligibility confirmed under this section, unless there is a timely and accessible process to challenge nonconfirmations made through the mechanism.

(B) If an individual would not have been dismissed from a job but for an error of the confirmation mechanism, the individual will be entitled to compensation through the mechanism of the Federal Tort Claims Act.

(6) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE EMPLOYMENT ELIGIBILITY PILOT CONFIRMATION MECHANISM.—No person shall be civilly or criminally liable under any law (including the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Age Discrimination in Employment Act of 1967, or the Age Discrimination in Employment Act of 1967) for any action taken in good faith reliance on information provided through the employment eligibility confirmation mechanism established under this subsection.

(7) MULTIPLE MECHANISMS PERMITTED.—Noth-

ing in this subsection shall be construed as pre-

venting the Attorney General from experiment-

ing with different mechanisms for different en-


tities.

(8) SELECT ENTITIES REQUIRED TO PARTICI-

PATE IN PILOT PROGRAM.—

(1) FEDERAL GOVERNMENT.—Each entity of the Federal Government that is subject to the requirements of section 274a of the Immigration and Nationality Act (including the Legislative and Executive Branches of the Federal Government) shall participate in the pilot program under this subsection and shall comply with the terms and conditions of such an election.

(2) APPLICATION TO CERTAIN VIOLATORS.—An order under section 274a(e)(4) or section 588(d) of the Immigration and Nationality Act may require the subject of the order to participate in the pilot program and comply with the requirements of subsection (c).

(3) CONCLUSION OF PILOT PROGRAM.—If an entity is required under this subsection to participate in the pilot program and fails to comply with the requirements of subsection (c) with respect to an individual such failure shall be treated as a violation of section 274a(a)(3) (B) of the Immigration and Nationality Act.

(f) PROGRAM INITIATION; REPORTS; TERMINATION.

(1) INITIATION OF PROGRAM.—The Attorney General shall implement the pilot program in a manner that permits entities to have elections under subsection (a) and in effect by not later than 1 year after the date of the enactment of this Act.

(2) REPORTS.—The Attorney General shall submit to Congress annual reports on the pilot program under this section at the end of each year in which the program is in effect. The last two such reports shall each include recommendations on whether or not the pilot program should be continued or modified and on benefits to employers and enforcement of section 274a of the Immigration and Nationality Act obtained from use of the pilot program.

(3) TERMINATION.—Unless the Congress otherwise provides, the Attorney General shall terminate the pilot program under this section at the end of the third year in which it is in effect under this section.

(g) CONSTRUCTION.—This section shall not af-

fect the authority of the Attorney General under other provisions of the Immigration and Nationality Act (including the Legislative and Nationality Act).

(h) LIMITATION ON USE OF THE CONFIRMATION PROCESS AND ANY RELATED MECHANISMS.—

Notwithstanding any other provision of law, nothing in this section shall be construed to permit or encourage any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under the pilot program under this section.

SEC. 402. LIMITING LIABILITY FOR CERTAIN TECHNICAL VIOLATIONS OF PAPERWORK REQUIREMENTS.

(1) IN GENERAL.—Section 274a(e)(1) (8 U.S.C. section 1324a(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting ",", and

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

"(E) under which a person or entity shall not be liable to having to have failed to meet the requirements of subsection (b) based upon a technical or procedural failure to meet a requirement of such subsection in which there was a good faith attempt to comply with the require-

ment unless (ii) the Service (or another enforce-

ment agency) has explained to the person or en-

try the basis for the failure, (iii) the person or entity has been provided a period of not less than 10 business days (beginning after the date of the explanation) within which to correct the failure, and (iv) the person or entity has not corrected the failure voluntarily within such pe-

riod, except that this subparagraph shall not apply with respect to the engaging by any per-

son or entity of a pattern or practice of viola-

tions of subsection (a)(I) or (a)(II).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 403. PAPERWORK AND OTHER CHANGES IN THE EMPLOYER SANCTIONS PROGRAM.

(a) REDUCING TO 6 THE NUMBER OF DOCS.

MENTS ACCEPTED FOR EMPLOYMENT VERIFI-

CATION.—Section 274a(b) (8 U.S.C. section 1324a(b)) is amended to read—

(1) in paragraph (1)(B)—

(A) by adding "or" at the end of clause (i),

(B) by striking clauses (iii), (iv), and (v) of

(C) in clause (v), by striking "or other alien registration card, if the card" and inserting ","
alien registration card, or other document designated by regulation by the Attorney General, if the document and redesignating such clause as clause (ii); and

(2) the amendments made by subsections (a)(1) and (a)(2) shall apply with respect to the hiring (or recruiting or referring) occurring on or after such date (not later than 18 months after the date of enactment of this Act) as the Attorney General shall designate.

(3) The amendment made by subsection (b) shall apply to individuals hired on or after 60 days after the date of the enactment of this Act.

(4) The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

The amendment made by subsection (d) applies to hiring occurring before, on, or after the date of the enactment of this Act, but no penalty shall be imposed under section 274A(e) of the Immigration and Nationality Act for such hiring occurring before such date.

(5) The amendment made by subsection (e) shall apply with respect to the earnings, and the amount of the earnings.

(6) The amendments made by subsection (f) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (g) and (h) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (i) and (j) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (k) and (l) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (m) and (n) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (o) and (p) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (q) and (r) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (s) and (t) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (u) and (v) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (w) and (x) shall apply to the annual numerical limit on admission of aliens for such fiscal year.

The amendments made by subsections (y) and (z) shall apply to the annual numerical limit on admission of aliens for such fiscal year.
(3) Employment-Based Immigrants.—Employment-based immigrants will fall within the following categories and numerical limitations:

(A) Extraordinary Immigrants.—First, aliens who have extraordinary ability, up to 10,000 each year.

(B) Outstanding Professors and Researchers and Multinational Executives.—Second, aliens who are outstanding professors and researchers in science, technology, business, or education, or in the arts, who have been invited to the United States to engage in research, teaching, or business in any field of the sciences or the arts, up to 20,000 each year.

(C) Professional with Advanced Degrees or Exceptional Ability.—Third, aliens who are members of the professions holding advanced degrees in science or engineering, or in the arts, or have exceptional ability, up to 30,000 each year, plus any left from the previous categories.

(D) Other Professionals and Skilled Workers.—Fourth, aliens who are skilled workers with at least 4 years of training and work experience or are professionals with a baccalaureate degree and at least 2 years’ experience, up to 45,000 each year, plus any left from the previous categories.

(E) Investors.—Fifth, aliens who are investing at least $1,000,000 in enterprises in the United States that will employ at least 10 workers, up to 10,000 each year (with a 2-year pilot program for those investing at least $500,000 in enterprises employing at least 5 workers).

(F) Immigrants.—Lastly, aliens who fall within certain classes of special immigrants (such as religious ministers, aliens who have worked for the Government abroad, certain long-term alien members of the Armed Forces, aliens in need of protection, aliens who base on religious persecution, orphans, and former major refugees who have worked for the Government abroad, up to 5,000 each year.

(G) Diversity Immigrants.—Diversity immigrants are chosen from the 10 countries in each region with the highest demand for diversity visas based on the number of relatives who are United States citizens.

(H) Humanitarian Immigrants.—Humanitarian immigrants will fall within the following categories and numerical limitations:

(1) Refugees.—Refugees, subject to a numerical limitation (after a transition and excluding emergency refugees) of 50,000, or such higher number as the Congress may provide by law.

(2) Asylees.—Asylees seeking asylum, subject to no numerical limitation in any year. As under current law, asylees may adjust to permanent residence status at a rate of up to 10,000 each year.

(I) Other Humanitarian Immigrants.—Other immigrants who are of special humanitarian concern to the United States, up to 10,000 each year.

(J) Transition.—

(A) Additional Visa Numbers for Spouses and Children of Permanent Resident Aliens.—In order to reduce the current backlog for spouses and minor, unmarried children of lawful permanent resident aliens, there will be at least an additional 50,000 diversity immigrant visa numbers made available for these aliens for each of 5 fiscal years, with priority for spouses and children of aliens who did not participate in the diversity visa program.

(B) Phase-Down in Normal Flow Refugee Numerical Limitation.—The annual numerical limitation on non-emergency refugees (without specific approval of Congress) will be phased down to 75,000 in fiscal year 1997 and 50,000 in fiscal year 1998 and thereafter.

Subtitle A—Worldwide Numerical Limits

SEC. 501. WORLDWIDE NUMERICAL LIMITATION ON FAMILY-SPONSORED IMMIGRANTS.

(A) Overview.—

(1) The amendment made by subsection (b) provides for a worldwide level of family-sponsored immigrants of 330,000 less the number of spouses and children of citizens admitted in the previous fiscal year.

(2) However, there will be no limit on spouses and children of citizens, nor would the number of visas available to spouses and children of lawful permanent residents go below 85,000, nor would the number of visas available to parents of citizens go below 25,000.

(3) Any family-based immigration above 330,000 would come from other unused visas and, if necessary, from future visa numbers.

(4) If there are any remaining family visas, these visas made available to spouses and children of lawful permanent resident aliens.

(B) Amendment.—Subsection (c) of section 201 (8 U.S.C. 1151) is amended as follows:

(1) Subsection (c)(4) by adding at the end the following new paragraph (B):

(2) by adding at the end the following new paragraph (A):
level of humanitarian immigrants (in this subsection referred to as the ‘worldwide humanitarian level’) under this subsection for a fiscal year is equal to 70,000.

‘(2) REDUCTION FOR IMMIGRATION VISA NUMBERS.—(A) In general.—The worldwide humanitarian level for a fiscal year shall be reduced by the sum of—

(A) 50,000, or, if the aggregate number of aliens who were admitted as refugees under section 207 of the United States or a permanent resident resident, the age of the alien shall be determined as of the date of the filing of the classification petition under section 203(a)(1) as the child of a citizen of the United States or a permanent resident alien.”.

‘(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to immigrant visas issued on or after October 1, 1996.

SEC. 512. CHANGE IN FAMILY-SUPPORTED CLASSIFICATION.

(a) In General.—Section 203(a)(8 U.S.C. 1151a) is amended by striking paragraphs (1) through (4) and inserting the following:

‘(1) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—Immigrants who are the spouses and children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 85,000, plus any immigrant visas not used under paragraphs (2) and (3).

‘(2) PARENTS OF UNITED STATES CITIZENS.—

‘(A) In General.—Immigrants who are the parents of an individual who is at least 21 years of age and a citizen of the United States shall be allocated visas in a number, which is not less than 25,000 and does not exceed the lesser of—

(i) 45,000, or

(ii) 5,000, or

(iii) the number by which the worldwide level exceeds 65,000.

‘(B) Reference to Insurance Requirement.—For requirement relating to insurance for parents, see section 212(a)(10)(D).

‘(3) ADULT SONS AND DAUGHTERS.—

‘(A) In General.—Immigrants who are the qualifying adult sons or daughters (as defined in subparagraph (C)) of an individual who is at least 21 years of age and either a citizen of the United States or an alien lawfully admitted for permanent resident status shall be allocated visas according to the levels established in subparagraph (B).

‘(B) Allocation of Visas to Adult Sons and Daughters of United States Citizens and Permanent Resident Aliens.—

‘(i) In General.—Subject to clause (ii), any remaining visas shall be allocated under this paragraph in a number not to exceed the lesser of—

(1) 5,000, or

(2) the number by which the worldwide level exceeds the sum of the number of immigrant visas used under paragraph (2).

‘(ii) Allocation of Additional Visa Numbers.—

‘(1) In General.—If the demand for visa numbers under this paragraph exceeds the number (if any) available under clause (i) in any fiscal year, an additional number of visas shall be made available under this paragraph, but not to exceed 5,000 additional visas numbers in any fiscal year.

‘(2) Offsetting Reduction in the Levels of Employment-Based Visas.—If an additional number of visa numbers are made available under subsection (b) in a fiscal year, the number of immigrant visas available in section 204(a)(2) and paragraphs (1) through (6) of subsection (b) in the fiscal year shall be reduced by a number equal to such additional number reduced by the amount made available pursuant to—

(iii) the number of immigrant visas used under paragraphs (1) and (2) of this section in the fiscal year. The reduction under each such paragraph of subsection (b) shall be in the same proportion to the total reduction as the ratio of the numerical limitation under each such paragraph specified under such subsection to the worldwide level of employment-based immigrants (as specified in section 201(d)).

‘(3) Qualifications.—For purposes of this paragraph, the term ‘qualifying adult son or daughter’ means an individual who is—

(i) a citizen of the United States or a permanent resident alien, and

(ii) at least 21 years of age and a lawful permanent resident alien, and

(iii) has been married to the individual for a period of at least 5 years, if the individual marries the qualifying adult son or daughter before the filing of the classification petition under section 204(a)(1) and

(iv) would qualify as a dependent of the petitioning individual for Federal income tax purposes, except that the immigrant does not meet the residence requirements.

SEC. 513. THREE-YEAR CONDITIONAL REQUIREMENT.—

‘(i) Conditional Basis for Status.—Notwithstanding any other provision of this Act, an alien lawfully admitted for permanent residence status on the basis of being a qualifying adult son or daughter shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent resident status, to be the dependent of such status on a conditional basis subject to the provisions of this subparagraph.

‘(ii) Requirements of Notice and Petitioning for Removal of Conditional Status.—The Attorney General shall establish, by regulation, procedures which incorporate the requirements of notice and petitioning for removal of conditional status similar to the requirements for removal of conditional status under section 216A.

‘(iii) Termination of Status.—In the case of an alien with permanent resident status on a conditional basis under clause (i), the alien must demonstrate that the alien met the qualifications set forth in subparagraph (C) of the date of approval of the petition under section 204(a). In the absence of such a demonstration by the alien, the alien’s status shall be terminated.

‘(iv) Special Rule.—In applying section 216A under this subparagraph, any reference to the ‘second anniversary in such section is deemed a reference to the ‘third anniversary’.

‘(v) Insurance Requirement.—Section 212(a)(4) (8 U.S.C. 1182(a)(4)), as amended by section 621(a), is amended by adding at the end of such section the following new subparagraph:

‘(D) INSURANCE REQUIREMENTS FOR PARENTS.—

‘(1) In General.—Any alien who seeks admission as a parent under section 203(a)(2) is inadmissible unless the alien demonstrates at the time of issuance of the visa (and at the time of admission) to the satisfaction of the consular officer and the Attorney General that the alien—

(i) will have coverage under an adequate health insurance policy (at least comparable to coverage provided under the medicare program under title XVIII of the Social Security Act), and

(ii) will have coverage with respect to long-term health needs (at least comparable to such coverage provided under the medicare program under title XVIII of such title) in which either the alien intends to reside or in which the petitioner, on behalf of the alien under section 204(a)(1), resides, throughout the period the individual is residing in the United States.

‘(ii) Factors to be Taken into Account.—In making a determination under clause (i), the Attorney General shall take into account the age of the parent and the likelihood of the parent securing health insurance coverage through employment.”

SEC. 514. ECONOMIC RECLASSIFICATION.

(a) In General.—Section 203(b) (8 U.S.C. 1153b) is amended—

(1) by redesignating paragraph (6) as paragraph (7);

(2) by striking paragraphs (1) through (5) and inserting the following:

‘(1) Aliens with Extraordinary Ability.—Visa numbers first made available under aubsection (a) shall not be limited to 15,000 and the number of visas first made available for any other purpose under this subsection shall not exceed 15,000 of such worldwide level to immigrants—

‘(A) who have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose

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achievements have been recognized in the field through sufficient documentation,

(B) who seek to be admitted into the United States to continue work in the area of extraordinary ability. 

(C) whose admission into the United States will substantially benefit prospectively the United States.

(2) ALIENS WHO ARE OUTSTANDING PROFESSORS AND RESEARCHERS.

(a) IN GENERAL. — An alien is described in this subparagraph if the alien holds an advanced degree or its equivalent in an academic field in which he is recognized as being among the small percentage (not in excess of 0.1 percent) of the very best in the relevant field of scholarship and research, and has been engaged in research activities and has achieved documented accomplishments in an academic field.

(b) PROFESSIONALS. — An alien is described in this subparagraph if the alien has at least 3 years of experience in teaching or research in the academic area, and

(i) the alien seeks to enter the United States

(ii) for a tenured position (or tenure-track position) within a university or institution of higher education in the area.

(iii) for a comparable position with a university or institution of higher education to conduct research in the area, or

(iv) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

(3) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.

(a) IN GENERAL. — An alien is described in this subparagraph if the alien, in the 3 years preceding the date of the enactment of the Immigration Act of 1990, was employed by a firm or corporation or other organization (other than a government entity) in a capacity that is managerial or executive.

(b) OUTSTANDING PROFESSORS AND RESEARCHERS. — An alien is described in this subparagraph if—

(i) the alien is recognized internationally as outstanding in a specific academic area,

(ii) in which the alien has invested (after section 216A the following new section:)

(j) DEFINITIONS. — In this section:

(A) the term `alien foreign language teacher' means an alien who obtains the status of an alien foreign language teacher in the United States for the purpose of engaging in a new commercial enterprise—

(i) in which the alien has established,

(ii) in which the alien was invested (after the date of the enactment of the Immigration Act of 1990), or is actively in the process of investing, capital (including any loans) in an amount not less than $500,000, and

(iii) which will benefit the United States economy and create full-time employment for (A) not fewer than 5 persons full-time at an accredited elementary or middle school in which the teacher is teaching a language (other than English) full-time at an accredited elementary or middle school.

(B) Pilot Program. — For each fiscal years 1997 and 1998, up to 2,000 visas otherwise made available under this paragraph shall be made available to immigrants who would be described in subparagraph (A) if `$500,000' were substituted for `$1,000,000' in subparagraph (C) thereof, if `for not fewer than 10' in subparagraph (A)(iii), and for `for not fewer than 5' in subparagraph (B)(ii) and if `$500,000' were substituted for `$1,000,000' in subparagraph (C) thereof, if `for not fewer than 15' in subparagraph (A)(iii).
(2) Clerical Amendment.— The table of contents in this section, inserting after the item relating to section 216A the following:

"Sec. 216A. Conditional permanent resident status for certain foreign language teachers."

SEC. 514. CHANGES IN DIVERSITY IMMIGRANT PROGRAM.
(a) Application Only to 10 Countries with Highest Registrants.—Section 203(c) (8 U.S.C. 1153c) is amended—

(1) in paragraph (1)(B), by striking "and" at the end of clause (I), by striking the period at the end of clause (II) and inserting "; and", and by adding at the end the following new clause:

"(III) within each region, the 10 foreign states which had the highest number of registrants for the diversity immigrant program under this subsection for the period beginning October 1, 1994, and ending September 30, 1996, and which are not high-admission states.; and"

(2) by adding at the end of paragraph (1)(E) the following new clause:

"(vii) Ten States eligible in each region. — Only natives of the 10 states identified for each region in subparagraph (B)(ii)(III) are eligible for diversity visas.
(b) Change in Definition of Region.—Section 203(c)(3)(F) (8 U.S.C. 1153c(3)(F)) is amended—

(1) by striking "Northern Ireland shall be treated as a separate foreign state.
(2) by striking the comma after "foreign state".
(3) in clause (iv), by striking "(other than Mexico)"
(4) in clause (vii), by striking "Mexico.";
(c) Establishing Job Offer Requirement.— Paragraph (2) of section 203(c) (8 U.S.C. 1153c) is amended to read as follows:

"(2) REQUIREMENT OF JOB OFFER OR EDUCATION OR SKILLED WORKER.—An alien is not eligible for a visa under this subsection unless the alien—

"(A) has a job offer in the United States which has been verified;
"(B) has at least a high school education or its equivalent; and
"(C) has at least 2 years of work experience in an occupation which requires at least 2 years of training.
(d) Additional Provisions.—Section 203(c) (8 U.S.C. 1153c) is amended by adding at the end the following new paragraphs:

"(4) FEES.—Fees for the furnishing and verification of applications for visas under this subsection, and for the issuance of visas under this subsection, may not be charged to the Department of State for the costs of administering the diversity immigrant program. Any such fees collected may be deposited in a special fund, to be used to cover the costs of such program and shall remain available for obligation until expended.
"(5) Ineligibility of Aliens Unlawfully Present in the United States.—An alien who is unlawful present in the United States or was present in the United States at the time of filing of an application, within 5 years prior to the filing of such application, or at any time subsequent to the filing of the application is ineligible for a visa under this subsection. For a visa under this subsection, an alien who is the petitioner to seek admission of the alien shall be required to show that the alien—

"(A) is a citizen or national of the United States, or lawful permanent resident alien, regardless of age, who has never been married, and who has a severe mental or physical impairment that is not being ameliorated through medical treatment to the maximum extent reasonably possible given the petitioner's resources and the resources of any such other individual or entity; or
"(B) is the child of a citizen or national of the United States or lawful permanent resident alien who is the alien's parent.
SEC. 515. AUTHORIZATION TO REQUIRE PERIODIC CONFIRMATION OF CLASSIFICATION PETITIONS.
(a) In General.—Section 204(b) (8 U.S.C. 1154(b)) is amended by inserting "after" ("I") and by adding at the end the following new paragraph:

"(2) The Attorney General may provide that a petition approved with respect to an alien (and the priority date established with respect to the petition) shall expire after a period (specified by the Attorney General and of not less than 2 years) following the date of approval of the petition, unless the petitioner files with the Attorney General a form described in subparagraph (B).
"(B) The Attorney General shall specify the form to be used under this paragraph. Such form shall be designed—

"(i) to confirm the continued intention of the petitioner to seek admission of the alien based on the classification involved, and
"(ii) as may be provided by the Attorney General, to update the contents of the original classification petition.
(c) The Attorney General may apply subparagraph (A) to one or more classes of classification petitions and for different periods of time for different classes of such petitions, as specified by the Attorney General.
(d) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall not apply to classification petitions filed before October 1, 1996.
(2) The Attorney General may apply such amendments to such classification petitions, but only if the alien is not ineligible for a visa under such amendments before October 1, 2000.

SEC. 516. CHANGES IN SPECIAL IMMIGRANT STATUS.
(a) Repealing Certain Obsolete Provisions.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking subparagraphs (B), (E), (F), (G), and (I).
(b) Special Immigrant Status for Certain NATO Civilian Employees.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is further amended—

(1) by striking "or" at the end of subparagraph (J),
(2) by striking the period at the end of subparagraph (K) and inserting "; or",
(3) by adding at the end the following new subparagraph:

"(L) an immigrant who would be described in clause (I), except that if the immigrant is described in paragraph (1) if any reference in such a clause—
"(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North American Treaty Organization (NATO);
"(ii) to a nonimmigrant under subsection (27)(L) were treated as a reference to the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters Pursuant to the North Atlantic Treaty, or as a dependent; and
"(iii) to the Immigration Technical Corrections Act of 1998 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the Immigration in the National Interest Act of 1995;
(c) Conforming Nonimmigrant Status for Certain Parents of Special Immigrant Children.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting "after analogous authority under paragraph (27)(L)" after "(27)(J)"
(2) by adding at the end "(or under analogous authority under paragraph (27)(L))" after "(27)(J)"
(e) Additional Conforming Amendments.—

(1) Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by inserting "(1)" after "(b)"
(2) Section 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by striking "or" ("B")
(3) Section 214(l)(3) (8 U.S.C. 1186b(l)(3)) is amended by striking "(8)(I)(1)" and inserting "(8)(I)(2)
(4) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking "101(a)(27)(H), (1), (I), and (j)" and inserting "101(a)(27)(I)"
(f) Effective Dates.—(1) Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.
(2) The amendments made by subsection (a) shall not apply to any alien with respect to whom an application for special immigrant status under a subparagraph repealed by such amendment has been filed by not later than September 30, 1996.

SEC. 517. REQUIREMENTS FOR REMOVAL OF CONDITIONAL STATUS OF ENTREPRENEURS.
(a) In General.—Section 216A(b) (8 U.S.C. 1186b(b)) is amended by—

(1) inserting clause (ii) of paragraph (1)(B) to read as follows:

"(ii) subject to paragraph (3), the alien did not invest (and maintain investment of the requisite capital, or did not employ the requisite number of employees, throughout substantially the entire period since the alien's admission; and
"(2) by adding at the end the following new paragraph:

"(3) Exceptions.—
"(A) Good faith exception.—Paragraph (1)(B)(ii) shall not apply to an alien to the extent that the alien continues to attempt in good faith throughout the period in question to invest and maintain the requisite capital, and to employ the requisite number of employees, but was unable to do so due to circumstances for which the alien should not justly be held responsible.
"(B) Extension.—In the case of an alien whom the exception under subparagraph (A) applies, the application period under subparagraph (A) and period for termination under paragraph (1)(I) shall be extended (for up to 3 additional years) by such additional period as may be necessary to enable the alien to have had the requisite capital, and number of employees throughout a 2-year period. Such extension shall terminate at any time at which the Attorney General finds that the alien has not continued to attempt in good faith to invest such capital and employ such employees.
"(c) Effective Date.—The amendments made by subsection (a) shall apply to aliens admitted on or after the date of the enactment of this Act.

SEC. 518. ADULT DISABLED CHILDREN.
Section 101(b)(1) (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E) by striking "or" at the end,
(2) in subparagraph (F) by striking the period at the end and inserting "; or", and
(3) by adding at the end the following new subparagraph:

"(G) a child of a citizen or national of the United States or lawful permanent resident alien, regardless of age, who has never been married, and who has a severe mental or physical impairment, or combination of mental or physical impairments, which—
"(i) is likely to continue indefinitely; and
"(ii) causes substantially total inability to perform work functions necessary to support living, including but not necessarily limited to 3 or more of the following areas of major life activity—
"(I) self-care
"(II) interpersonal communication
"(III) learning
"(IV) mobility, and
"(V) self-direction.
Provided, That no child may be considered to be a child within the meaning of this subparagraph on the basis, in whole or in part, of any physical or mental impairment that is not being ameliorated through medical treatment to the maximum extent reasonably possible given the resources and opportunities of such child and the citizen, national, or lawful permanent resident alien who is the child's parent."
SEC. 519. MISCELLANEOUS CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS RELATING TO IMMEDIATE RELATIVES.—

(1) Section 101(b)(1)(F) (8 U.S.C. 1101(b)(1)(F)) is amended by striking “as an immediate relative under section 201(b)” and inserting “as a child of a citizen of the United States”.

(2) Section 204 (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)(A)(ii), by striking “an immediate relative” and inserting “‘immediate relative’ and inserting “a spouse, or child of a citizen of the United States’”;

(B) in subsection (a)(1)(A)(iii), by striking “as an immediate relative” and inserting “‘as a child of a citizen of the United States’”;

(C) in subsection (a)(1)(B), by striking “as an immediate relative” and inserting “‘as a child of a citizen of the United States’”; and

(D) in subsection (b), by striking “an immediate relative” and inserting “‘as a child of a citizen of the United States’.”

(b) CONFORMING AMENDMENTS FOR OTHER FAMILY-Sponsored IMMIGRANTS.—

(1) PETITIONING REQUIREMENTS.—Section 204 (8 U.S.C. 1154) is amended—

(A) in paragraphs (1), (3), and (4) of section 204(a)(1)(A)(ii), by striking “(paragraph (1), (3), or (4)” and inserting “paragraph (1) or (3) of section 204(a)(1)”;

(B) in clause (i) of subsection (a)(1)(B), by striking “section 203(a)(2)” and inserting “section 203(a)”;

(C) in clauses (ii) and (iii) of subsection (a)(1)(B), by striking “section 203(a)(2)” and inserting “section 203(a)”;

and

(D) in subsection (f)(1), by striking “203(a)(3), or 203(a)(3)”.  

(2) APPLICATION OF PER COUNTRY LEVELS.—

Section 202 (8 U.S.C. 1152) is amended—

(A) by amending paragraph (4) of subsection (a) to read as follows:

“(4) SPECIAL RULES FOR SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—

“(A) by amending section 201(b) of the Act (8 U.S.C. 1152(b)) in paragraph (4) of such section to read as follows:

“(4) in paragraph (4), by striking ‘(on or after such date)’,” and inserting the following: ‘(on or after such date), and before redesignation by section 524(a)(1)’.”

(B) by striking “the alien’s” and “the alien”, respectively; and

(C) in clause (iii), by striking “(3) shall each be reduced by 1⁄4” and inserting “(3) shall each be reduced by the same proportion, as the proportion of the visa numbers made available under all such paragraphs that were made available under each respective paragraph, “.””

(3) GROUND FOR INADMISSIBILITY.—Section 212(a)(5)(C) (8 U.S.C. 1182(a)(5)(C)) is amended by striking “(2) or (3)” and inserting “(3)”.

(4) CONFORMING AMENDMENTS.—

Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking “(through (3))” and inserting “(through (4))”.

(5) CONFORMING AMENDMENTS RELATING TO PETITIONING RIGHTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(A) in subparagraph (C), by striking “203(b)(3)” and inserting “203(b)(4)”;

(B) in subparagraph (D), by striking “203(b)(4)” and inserting “203(b)(6)”;

(C) in subparagraph (E), by striking “203(b)(4)” and inserting “203(b)(6)”;

(D) Section 206(a) of the Immigration Act of 1990 is amended by striking “203(b)(6)” and inserting “203(b)(7)”.

(E) The Soviet Scientists Immigration Act of 1992 (Public Law 102±509) is amended—

(i) in section 3, by striking “203(b)(3)” and inserting “203(b)(4)”;

(ii) in section 4(a)(1), by striking “(on or after such date),” and inserting the following: “(on or after such date)”, and before redesignation by section 524(a)(1)”;

(iii) by striking “203(b)(4)” and inserting “203(b)(6)”.

(6) Section 207 of the Immigration Act of 1990 is amended by striking “203(b)(6)” and inserting “203(b)(4)”.

(7) The Immigration Act of 1992 (Public Law 102±404) is amended by striking “203(b)(3)” and inserting “203(b)(6)”.

(8) Section 209 of the Immigration Act of 1992 (Public Law 102±404) is amended by striking “203(b)(3)” and inserting “203(b)(4)”.

(9) Section 341 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (Public Law 104±132) is amended by striking “203(b)(3)” and inserting “203(b)(4)”.

(F) The Soviet Scientists Immigration Act of 1992 (Public Law 102±509) is amended—

(i) in sections 3 and 4(a), by striking “203(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2))” and inserting “203(b)(3)”;

(ii) in section 5, by striking “203(b)(3)” and inserting “203(b)(4)”.

(G) Section 209 of the Immigration Act of 1990 (Public Law 102±509) is amended by striking “203(b)(3)” and inserting “203(b)(4)”.

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(1) Section 9 of Public Law 94–571 (90 Stat. 2707).

(2) Section 19 of Public Law 97–116 (95 Stat. 1621).

Subtitle C—Refugees, Parole, and Humanitarian Admissions

SEC. 521. CHANGES IN REFUGEE ANNUAL ADMISSIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 207(a) (8 U.S.C. 1157(a)) are amended to read as follows:

"(1) Except as provided in paragraph (2) and subsection (b), the number of refugees who may be admitted under section 207 in any fiscal year shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(2) The number determined under paragraph (1) for a fiscal year may not exceed—

"(i) 75,000 in the case of fiscal year 1997, or

"(ii) 50,000 in the case of any succeeding fiscal year.

(b) SEC. 522. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL PROGRAMS AND TIMING OF THE REFUGEE CONSULTATION PROCESS.

(1) Section 207(b) (8 U.S.C. 1157(b)) and section 207(d)(3)(B) (8 U.S.C. 1157(d)(3)(B)) are amended to read as follows:

"(b) SEC. 523. PAROLE AVAILABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

(a) IN GENERAL.—Paragraph (5) of section 212(d) (8 U.S.C. 1182(d)) is amended to read as follows:

"(5)(A) Subject to the provisions of this paragraph and section 214(f), the Attorney General, in the sole discretion of the Attorney General, may on a case-by-case basis parole an alien into the United States if the Attorney General determines, under such conditions as the Attorney General may prescribe, only—

"(i) for an urgent humanitarian reason (as described under subparagraph (B)); or

"(ii) for a reason deemed strictly in the public interest (as described under subparagraph (C)).

(1) Section 202(a) (8 U.S.C. 1152(a)) is amended by redesignating subsection (a)(1), as redesignated by section 214(j), as paragraph (4) and by inserting after paragraph (3) the following new subparagraph:

"(4) Parole of an alien under this section shall be considered for admission to the United States for a crime.

(2) Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following:

"(f) Exception to extraordinary circumstances. The Attorney General, in the sole discretion of the Attorney General, may waive the inadmissibility requirement described in subparagraph (d) of this section if the Attorney General determines that compelling reasons in the public interest require the alien to be admitted to the United States for a crime.

SEC. 524. ADMISSION OF HUMANITARIAN IMMIGRANTS.

(a) IN GENERAL.—Section 203 (8 U.S.C. 1153), as amended by section 214(f), is amended—

"(1) by redesigning subsections (d) through (g) as subsections (e) through (h), respectively, and

"(2) by inserting after subsection (c) the following new subsection:

"(d) HUMANITARIAN IMMIGRANTS.

"(I) Any alien desiring to be provided an immigrant visa under section 203(d) may file a petition with the Attorney General for such classification only if the Attorney General has determined that the alien is a refugee or looks like a refugee or possesses other extraordinary circumstances sufficiently extraordinary to provide a basis for such a visa.

"(ii) Notification of approval. The Secretary of State shall inform the Attorney General of the approval and shall forward a copy of the petition to the Attorney General.

"(3) Immigrant visas made available under subsection (d) (relating to humanitarian immigrants) shall be issued to eligible immigrants in an order specified by the Attorney General.

(b) APPLICATION OF PER COUNTRY NUMERICAL LIMITATIONS. Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new subparagraph:

"(6) Any waiver of the numerical limitations under subsection (c) of this section shall be treated as a class of petitioners other than the class of petitioners for which the numerical limitations were prescribed, only—

"(1) in paragraph (4), as amended by sections 621(a) and 521(b), by inserting at the end the following:

"(E) Waiver authorized for humanitarian immigrants. The Attorney General, in the discretion of the Attorney General, may waive the inadmissibility requirement described in subparagraph (d) of this section if the Attorney General determines that compelling reasons in the public interest require the alien to be admitted to the United States for a crime.

SEC. 525. HUMANITARIAN VISAS.

(a) IN GENERAL.—Section 203(d) (8 U.S.C. 1153) is amended—

"(1) by redesigning subsections (d) through (g) as subsections (e) through (h), respectively, and

"(2) by inserting after subsection (c) the following new subsection:

"(d) HUMANITARIAN IMMIGRANTS.

"(I) Any alien desiring to be provided an immigrant visa under section 203(d) may file a petition with the Attorney General for such classification only if the Attorney General has determined that compelling reasons in the public interest require the alien to be admitted to the United States for a crime.

"(ii) Notification of approval. The Secretary of State shall inform the Attorney General of the approval and shall forward a copy of the petition to the Attorney General.

"(3) Immigrant visas made available under subsection (d) (relating to humanitarian immigrants) shall be issued to eligible immigrants in an order specified by the Attorney General.

"(b) APPLICATION OF PER COUNTRY NUMERICAL LIMITATIONS. Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new subparagraph:

"(6) Any waiver of the numerical limitations under subsection (c) of this section shall be treated as a class of petitioners other than the class of petitioners for which the numerical limitations were prescribed, only—

"(1) in paragraph (4), as amended by sections 621(a) and 521(b), by inserting at the end the following:

"(E) Waiver authorized for humanitarian immigrants. The Attorney General, in the discretion of the Attorney General, may waive the inadmissibility requirement described in subparagraph (d) of this section if the Attorney General determines that compelling reasons in the public interest require the alien to be admitted to the United States for a crime.
Subtitle D—Asylum Reform

SEC. 331. ASYLUM REFORM.

(a) ASYLUM REFORM.—Section 208 (8 U.S.C. 1158) is amended to read as follows:

"ASYLUM

"Sec. 208. (a) AUTHORITY TO APPLY FOR ASYLUM.

"(1) IN GENERAL.—Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival), irrespective of such alien's status, may apply for asylum in accordance with this section.

"(2) EXCEPTIONS.—

"(A) SAFE THIRD COUNTRY.—Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be returned, including under a voluntary or deferred removal agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the national interest of the alien to receive asylum in the United States.

"(B) TIME LIMIT.—Paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and compelling evidence that the application has been filed within 30 days after the alien's arrival in the United States.

"(C) PREVIOUS ASYLUM APPLICATIONS.—Paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and has had such application denied.

"(D) CHANGED CONDITIONS.—An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General the existence of fundamentally changed circumstances which affect the applicant's eligibility for asylum.

"(3) LIMITATION ON JUDICIAL REVIEW.—No court shall have jurisdiction to review a determination of the Attorney General under paragraph (2).

"(b) CONDITIONS FOR GRANTING ASYLUM.—

"(1) IN GENERAL.—The Attorney General may grant asylum to an alien who has applied for asylum in accordance with the requirements and procedures established by the Attorney General under section 208(b)(4), and the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(2) EXCEPTIONS.—

"(A) GENERAL.—Paragraph (1) shall not apply to an alien if the Attorney General determines that—

"(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(ii) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(iii) for serious reasons believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

"(iv) the alien is inadmissible under subsection (I), (II), (III), or (IV) of section 212(a)(3)(B)(i) or (ii) of subparagraph (A).

"(B) ADDITIONAL REGULATORY CONDITIONS.—

"(1) The Attorney General may by regulation establish additional limitations and conditions under which an alien shall be ineligible for asylum under paragraph (1).

"(2) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Attorney General under subparagraph (A).

"(1) TREATMENT OF SPOUSE AND CHILDREN.—A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be considered as the same status as the alien if accompanying, or following to join, such alien.

"(ASYLUM STATUS.—

"(1) IN GENERAL.—In the case of an alien granted asylum under subsection (b), the Attorney General—

"(A) shall not remove or return the alien to the alien's country of nationality or, in the case of a person having no nationality, the country of the alien's last habitual residence;

"(B) shall authorize the alien to engage in employment in the United States and provide the alien with appropriate endorsement of that authorization; and

"(C) may hire the alien to travel abroad with the prior consent of the Attorney General.

"(2) TERMINATION OF ASYLUM.—Asylum granted under subsection (b) does not convey a right to remain permanently in the United States, and may be terminated if the Attorney General determines that—

"(A) the alien no longer meets the conditions described in subsection (b)(1) owing to a fundamental change in circumstances;

"(B) the alien meets a condition described in subsection (b)(2);

"(C) the alien may be removed, including pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien cannot establish that it is more likely than not that the alien's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) the alien has voluntarily availed himself or herself of the protection of the alien's country of nationality or, in the case of an alien having no nationality, the alien's country of last habitual residence, by returning to such country with permanent resident status or the reasonable possibility of obtaining such status with the same rights and obligations pertaining to other permanent residents of that country; or

"(E) the alien has acquired a new nationality and enjoys the protection of the country of his new nationality.

"(3) REMOVAL WHEN ASYLUM IS TERMINATED.—An alien described in paragraph (2) is subject to removal under subsection (b)(4)(B) or (C) (relating to deportation or removal), unless the alien is granted asylum under subsection (b)(2) or (c) of section 208.

"(4) TREATMENT OF SPOUSE AND CHILDREN.—A spouse or child of an alien having no nationality, the alien's country of nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence shall not be subject to removal or other disposition unless—

"(A) at least 180 days have elapsed since the date of the order directing the alien to leave the United States; and

"(B) the alien demonstrates to the satisfaction of the Attorney General that the alien is a continuous presence in the United States, or is in the process of gaining such status.
the alien shall be permanently ineligible for any benefits under this Act, effective as of the date of a final determination on such application."

(2) MATERIAl MISREPRESENTATIONS.—An application for admission that is determined to be frivolous if the Attorney General determines that the application contains a willful misrepresentation or concealment of a material fact.

(7) NOTICE OF ACTION.—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.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The item in the table of contents relating to section 208 is amended to read as follows: "Sec. 208. Asylum...."

(2) Section 104(d)(2) of the Immigration Act of 1990 (Public Law 101-649) is amended by striking "1996(b)") and inserting "1998(b).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applications for asylum filed on or after the first day of the first month beginning more than 180 days after the date of the enactment of this Act.


(a) IN GENERAL.—Section 209(b) (8 U.S.C. 1151(b)) is amended by striking "Not more than" and all that follows through "adjust" and inserting "May prescribe, and in a number not to exceed 10,000 aliens per fiscal year, may adjust.

(b) CONFORMING AMENDMENT.—Section 207(a) (8 U.S.C. 1157(a)) is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 333. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) AUTHORIZATION OF TEMPORARY EMPLOYMENT OF CERTAIN ANNUNCIANTS AND RETIREEES.—

(1) IN GENERAL.—For the purpose of performing duties in connection with adjudicating applications for asylum pending as of the date of the enactment of this Act, the Attorney General may employ for a period not to exceed 24 months (beginning 3 months after the date of the enactment of this Act) any individual who is a retiree of the uniformed services and is an annunciant of the Attorney General's discretion and under such regulations as the Attorney General may prescribe, and in a number not to exceed 10,000 aliens per fiscal year, may adjust.

(b) CONFORMING AMENDMENT.—Section 208(a)(1) (8 U.S.C. 1158(a)) is amended by striking paragraph (4).

SEC. 334. ADJUSTMENT AND ACQUISITION OF PROPERTY TO CARRY OUT THE PURPOSES OF THIS ACT.

(a) IN GENERAL.—Section 203(a)(1) of the Immigration and Nationality Act, as amended by this title, is amended by striking subsection (a) and inserting the following:

"(a) Authorization of temporary employment of certain annunciants and retireees.—

(1) IN GENERAL.—For the purpose of performing duties in connection with adjudicating applications for asylum pending as of the date of the enactment of this Act, the Attorney General may employ for a period not to exceed 24 months (beginning 3 months after the date of the enactment of this Act) any individual who is a retiree of the uniformed services and is an annunciant of the Attorney General's discretion and under such regulations as the Attorney General may prescribe, and in a number not to exceed 10,000 aliens per fiscal year, may adjust.

(b) CONFORMING AMENDMENT.—Section 207(a) (8 U.S.C. 1157(a)) is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 335. SPECIAL TRANSITION FOR CERTAIN BACKLOGGED SPOUSES AND CHILDREN OF LEGAL PERMANENT RESIDENT ALIENS.

(a) IN GENERAL.—In addition to any immigrant visa numbers otherwise available, immigrant visa numbers in a number not to exceed 50,000 (or, if greater, ½ of the number of aliens described in paragraph (2)) immigrant visa numbers shall be made available in each of fiscal years 1997 through 2001 for petitions approved for classification under section 203(a)(1) of the Immigration and Nationality Act (as amended by this title) for the fiscal year."

(b) ADJUDICATION.—Subject to the availability of appropriations, the Attorney General shall provide for an increase in the number of asylum officers to at least 600 asylum officers by fiscal year 1997.

Subtitle E—Effective Date, Transition Provisions

SEC. 551. GENERAL EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) or in this title, this title shall take effect on October 1, 1996, and shall apply beginning with the commencement of the first fiscal year beginning with fiscal year 1997.

(b) PROVISIONS TAKING EFFECT UPON ENACTMENT.—Sections 523 and 554 shall take effect on the date of the enactment of this Act.

SEC. 552. GENERAL TRANSITION FOR CURRENT CLASSIFICATION PETITIONS.

(a) FAMILY-SPONSORED IMMIGRANTS.—

(1) IMMEDIATE RELATIVES.—Any petition filed under section 203(a)(1) of the Immigration and Nationality Act before October 1, 1996, for immediate relative status under section 201(b)(2)(A) of such Act (as in effect before such date) as a spouse or child of a United States citizen or as a parent of a United States citizen shall be deemed, as of such date, to be a petition filed under section 201(b)(2)(A) (as such a spouse or child) or under section 203a(a)(2), respectively, of such Act (as amended by this title).

(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Any petition filed under section 203(a)(1) of the Immigration and Nationality Act before October 1, 1996, for preference status under section 201(b)(2)(A) of such Act as a parent of a United States citizen shall be deemed, as of such date, to be a petition filed under section 203a(a)(2), respectively, of such Act (as amended by this title).

(b) EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), any petition filed under section 203(a)(1), 1996, and approved on any date, to accord status under section 203(b)(1)(A), 203(b)(1)(B), 203(b)(1)(C), 203(b)(2), 203(b)(3)(A)(ii), 203(b)(3)(A)(ii), 203(b)(3)(A)(ii), or 203(b)(4)(C), 203(b)(4)(C), 203(b)(A)(ii), or 203(b)(5), respectively, of such Act (as in effect on and after such date), Nothing in this paragraph shall be construed as excluding the beneficiaries of such petitions from the numerical limitations under section 203(b) of such Act (as amended by this title).

(2) TIME LIMITATION.—(Paragraph 1 shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.

(c) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an expired immigrant visa issued before October 1, 1996, makes application for admission, the immigrant's admissibility shall be as determined under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act (as amended by this title) in effect on the date of the issuance of such visa.

(c) CONSTRUCTION.—Nothing in this title shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-661.

SEC. 553. SPECIAL TRANSITION FOR CERTAIN BACKLOGGED SPOUSES AND CHILDREN OF LEGAL PERMANENT RESIDENT ALIENS.

(a) IN GENERAL.—In addition to any immigrant visa numbers otherwise available, immigrant visa numbers in a number not to exceed 50,000 (or, if greater, ½ of the number of aliens described in paragraph (2)) immigrant visa numbers shall be made available in each of fiscal years 1997 through 2001 for petitions approved for classification under section 203(a)(1) of the Immigration and Nationality Act (as amended by this title) for the fiscal year.

(b) ADJUDICATION.—Subject to the availability of appropriations, the Attorney General shall provide for an increase in the number of asylum officers to at least 600 asylum officers by fiscal year 1997.

Subtitle F—For Uruguayan Married Sons and Daughters of United States Citizens

SEC. 554. SPECIAL TRANSITIOn For CERTAIN BACKLOGGED SPOUSES AND CHILDREN OF LEGAL PERMANENT RESIDENT ALIENS.

(a) DISREGARD OF PER COUNTRY LIMITS FOR LAST HALF OF FISCAL YEAR 1996.—The per country numerical limitations specified in section 202(a) of the Immigration and Nationality Act shall not apply to immigrant numbers made available under section 203(a)(1) of such Act (as in effect before the date of the enactment of this Act) on or after April 1, 1996, but only to the extent necessary to assure that the per country limitations in such section shall not be counted in determining the priority date for aliens classified under such section who are nationals of a country that is not earlier than the priority date for aliens classified under section 203(a)(2)(B) of such Act for aliens who are nationals of that country.

(b) ADDITIONAL VISA NUMBERS POTENTIALLY AVAILABLE TO ASSURE EQUITABLE TREATMENT FOR URUGUAYAN MARRIED SONS AND DAUGHTERS OF UNITED STATES CITIZENS.—

(1) IN GENERAL.—In addition to any immigrant visa numbers otherwise available, immigrant visa numbers in a number not to exceed 50,000 (or, if greater, ½ of the number of aliens described in paragraph (2)) immigrant visa numbers shall be made available in each of fiscal years 1997 through 2001 for petitions approved for classification under section 203(a)(1) of the Immigration and Nationality Act (as amended by this title) for the fiscal year.
for spouses and children of such aliens who would otherwise be eligible to immigrant status under section 203(e) of the Immigration and Nationality Act in relation to such aliens if the aliens and the spouse or parent, or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to, and the alien did not actively participate in, such battery or cruelty; or
(ii) the alien’s child has been battered or subject to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty) or by a member of the spouse or parent’s family residing in the same household as the alien when the spouse or parent consented or acquiesced to, and the alien did not actively participate in, such battery or cruelty;
and
(B)(ii) the alien has petitioned (or petitions within 45 days after the first application for assistance subject to the limitations under section (a) or (b) for—
(I) status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,
(ii) classification pursuant to clauses (ii) or (iii) of section 204(a)(1)(B) of such Act, or
(iii) cancellation of removal and adjustment of status pursuant to section 240(b)(2) of such Act;
or
(i) the alien is the beneficiary of a petition filed for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act.
(2) TERMINATION OF EXCEPTION.—The exception under paragraph (1) shall terminate if no complete petition which sets forth a prima facie case is filed pursuant to the requirement of paragraph (1)(B) or (1)(C) when a petition is based on a relationship with an alien who is not the alien’s spouse or child.

SEC. 562. MAKING UNAUTHORIZED ALIENS INELIGIBLE FOR UNEMPLOYMENT BENEFITS.
(a) IN GENERAL.—Notwithstanding any other provision of law, no unemployment benefits shall be payable (in whole or in part) out of the Unemployment Trust Fund to the extent that the benefits are attributable to any employment of the alien in the United States for which the alien was not granted employment authorization pursuant to Federal law.
(b) PROCEDURES.—Entities responsible for providing unemployment benefits subject to the restrictions of this section shall make such inquiries may be necessary to assure that recipients of such benefits are eligible consistent with this section.
SEC. 603. GENERAL EXCEPTIONS.
Sections 601 and 602 shall not apply to the following:
(1) EMERGENCY MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services).
(2) IMMUNIZATION SERVICES.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.
(3) SURVEILLANCE.—The provision of non-cash, in-kind, short-term emergency relief.
(4) FAMILY VIOLENCE SERVICES.—The provision of any service related to assisting the victims of domestic violence or child abuse.
(5) SCHOOL LUNCH ACT.—Programs carried out under the National School Lunch Act.
(6) SCHOOL LUNCH ACT.—Programs of assistance under the Child Nutrition Act of 1966.

SEC. 604. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXEMPTION.
(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services (as defined for purposes of section 603(1)) through a public hospital or other public facility (including a nonprofit hospital) shall be entitled to payment from the Federal Government of its costs of providing such services, but only to the extent that such costs are not otherwise reimbursed through any other Federal program and cannot be recovered from the alien or other person.
(b) CONFIRMATION OF IMMIGRATION STATUS REQUIRED.—Payment shall be made under this section with respect to services furnished to an individual unless the identity and immigration status of the individual has been verified with the Immigration and Naturalization Service in accordance with procedures established by the Attorney General.
(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.
(d) EFFECTIVE DATE.—Subsection (a) shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 605. REPORT ON DISQUALIFICATION OF ILLEGALLY ALIEN FROM HOUSING ASSISTANCE PROGRAMS.
Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980. Such report shall contain statistics with respect to the number of individual denied financial assistance under such section.

SEC. 606. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

SEC. 607. PAYMENT OF PUBLIC ASSISTANCE BENEFITS.

SEC. 608. DEFINITIONS.
For purposes of this part:
(1) LAWFUL PRESENCE.—The determination of whether an alien is lawfully present in the United States shall be made in accordance with regulations prescribed by the Attorney General. An alien shall not be considered to be lawfully present in the United States for purposes of this title merely because the alien may be considered to be permanently residing in the United States under color of law for purposes of any particular program.
(2) STATE.—The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

SEC. 609. REGULATIONS AND EFFECTIVE DATES.
(a) REGULATIONS.—The Attorney General shall first issue regulations to carry out this part (other than section 605) by not later than 60 days after the date of the enactment of this Act. Such regulations shall take effect on an interim basis, pending change after opportunity for public comment.
(b) EFFECTIVE DATE FOR RESTRICTIONS ON ELIGIBILITY FOR UNEMPLOYMENT BENEFITS.—Except as provided in this subsection, section 601 shall apply to restrictions on eligibility for unemployment benefits, but only to the extent that such costs are not otherwise reimbursed through any other Federal program and cannot be recovered from the alien or other person.
(c) EFFECTIVE DATE FOR RESTRICTIONS ON ELIGIBILITY FOR UNEMPLOYMENT BENEFITS.—(1) Except as provided in this subsection, section 601 shall apply to restrictions on eligibility for unemployment benefits provided on or after such date as the Attorney General specifies in regulations under subsection (a). Such date shall be at least 30 days, and not more than 60 days, after the date the Attorney General first issues such regulations.
(2) The Attorney General, in carrying out section 601(a)(2), may permit such section to be waived in the case of individuals for whom an application for the grant, contract, loan, or license is pending (or approved) as of a date that is on or after the effective date specified under paragraph (1).
(d) EFFECTIVE DATE FOR RESTRICTIONS ON ELIGIBILITY FOR UNEMPLOYMENT BENEFITS.—(1) Except as provided in this subsection, section 602 shall apply to unemployment benefits provided on or after such date as the Attorney General specifies in regulations under subsection (a). Such date shall be at least 30 days, and not more than 60 days, after the date the Attorney General first issues such regulations.
(2) The Attorney General, in carrying out section 602, may permit such section to be waived in the case of individuals for whom an application for the grant, contract, loan, or license is pending (or approved) as of a date that is on or before the effective date specified under paragraph (1).
(e) BROAD DISSEMINATION OF INFORMATION.—Before the effective dates specified in subsections (b) and (c), the Attorney General shall take such action as is necessary to ensure that the restrictions on eligibility established under this part are known to the public.

PART 2.—EARNED INCOME TAX CREDIT
SEC. 610. 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 individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:
(1) 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:
(ii) such individual’s taxpayer identification number, and
(b) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amendment made by subsection...
(a) shall apply to applications submitted on or after such date, not earlier than 30 days and not later than 60 days after the date the Attorney General promulgates under section 632(f) a standard for the establishment of the United States, as a standard for the Attorney General shall specify.

(2) Section 212(a)(4)(C)(i) of the Immigration and Nationality Act, as amended by subsection (a), shall apply to an alien seeking legal reentry or an adjustment of status under a visa number issued on or after October 1, 1996.

SEC. 622. GROUND FOR DEPORTABILITY.

(a) In general. (A) Any alien who, within 7 years after the date of entry or admission, becomes a public charge is deportable.

(B) Exceptions. (i) Subparagraph (A) shall not apply if the alien establishes that the alien has become a public charge from causes that arose after entry or admission. A condition that has become a public charge from causes that arose after entry or admission shall be deemed to be a cause that arose before entry or admission.

(ii) The Attorney General, in the discretion of the Attorney General, may waive the application of subparagraph (A) in the case of an alien who is admitted as a refugee under section 207 or granted asylum under section 208.

(C) Individuals treated as public charge.--

(i) In general. (A) For purposes of this title, an alien is deemed to be a ‘public charge’ if the alien receives benefits (other than benefits described in subparagraph (E) under one or more of the public assistance programs described in subsection (b)(1)(A)) for an aggregate period, except as provided in clauses (ii) and (iii), of at least 12 months within 7 years after the date of entry. The previous sentence shall not be construed to include any other bases for considering an alien to be a public charge, including bases in effect on the day before the date of the enactment of the Immigration in the National Interest Act of 1995. The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish rules regarding the counting of health benefits described in subparagraph (D)(iv) for purposes of this subparagraph.

(ii) Determination with respect to battered women and children.--For purposes of a determination under clause (i) and except as provided in clause (iii), the aggregate period shall be 48 months within 7 years after the date of entry if the alien can demonstrate that (I) the alien was battered or subject to extreme cruelty in the United States by a spouse or parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent, (II) the spouse or parent consented or acquiesced to such battery or cruelty, or (III) the alien's child has been battered or subject to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien who is the spouse or parent or the alien's minor child.
The text contains a legal document discussing the requirements for sponsors' affidavit of support. It includes various sections and clauses defining terms such as "means-tested public benefits program," "affidavit of support," and regulating the process for who is eligible for such support. The document outlines the criteria for an individual to be considered a sponsor, the requirements for providing an affidavit of support, and the penalties for failure to comply. It also discusses the process for filing appeals and the responsibilities of sponsors and beneficiaries.
Act, as inserted by subsection (a) of this section, shall apply to affidavits of support executed on or after a date specified by the Attorney General, which date shall be not earlier than 60 days (and not less than 90 days) after a date authorized by the Attorney General formulates the form for such affidavits under subsection (f) of this section.

(a) FORMULATION OF FORM.—Not later than 90 days after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate a standard form for an affidavit of support consistent with the provisions of section 213A of the Immigration and Nationality Act.

TITLE VII—FACILITATION OF LEGAL ENTRY

SEC. 701. ADDITIONAL LAND BORDER INSPECTORS; INFRASTRUCTURE IMPROVEMENTS.

(a) INCREASED PERSONNEL.—

(1) IN GENERAL.—In order to eliminate undue delays and ensure 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 the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service 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 ensure full staffing during peak crossing hours of all border crossing lanes now in use, under construction, or construction of which has been authorized by Congress.

(2) 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 this subsection 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.

(b) IMPROVEMENTS TO INFRASTRUCTURE.—

(1) IN GENERAL.—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.

(2) PRIORITIES.—Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded prior to construction of any other projects of the United States at the border between the United States and Canada, the United States and Mexico, or any other international boundary line across which the Attorney General, in consultation with the Secretary of the Treasury, determines the need to be greatest or most immediate before the Attorney General may obligate funds for construction of any improvement otherwise located.

SEC. 702. COMMUTER LINE PILOT PROGRAMS.

(a) MAKING LAND BORDER INSPECTION FEE PERMANENT.—Section 288(q) (8 U.S.C. 1356(q)) is amended—

(1) in paragraph (1), by striking "a project" and inserting "projects";

(2) in paragraph (1), by striking "Such projects" and inserting "such projects";

(3) by striking paragraph (5).

(b) CONFORMING AMENDMENT.—The Department of Homeland Security, the Department of Justice, and Related Agencies Appropriations Act, 1994 (Public Law 103-121, 107 Stat. 1161) is amended by striking the fourth proviso under "Transportation and Related Agencies Appropriations Act, 1994."
Congressional Record — House H2437

March 19, 1996

SEC. 806. CHANGES RELATING TO H-1B NONIMMIGRANTS.

(a) Provisions Relating to Wage Determinations.—Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2) and inserting “paragraphs (2) and (6),”

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

“(4) For purposes of determining the actual wage level paid under paragraph (1)(A)(i)(I), a non-H-1B dependent employer shall be treated as an employer that it no longer is an H-1B dependent employer as defined in subparagraph (E) if—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the highest wage paid to any nonimmigrant who is sought or is employed, the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the highest wage paid to any nonimmigrant who is sought or is employed by the employer, the employer shall be treated as an H-1B dependent employer until such time as the employer can prove to the Secretary of Labor that it no longer is an H-1B dependent employer as defined in subparagraph (B).

(II) the employer will pay an amount that is substantially the same as the wage the nonimmigrant was paid by another employer at which the nonimmigrant is sought or is employed, the employer will pay an amount that is substantially the same as the wage the nonimmigrant was paid by another employer at which the nonimmigrant is sought or is employed, the employer shall be treated as an H-1B dependent employer until such time as the employer can prove to the Secretary of Labor that it no longer is an H-1B dependent employer as defined in subparagraph (B).

III) the employer will pay an amount that is at least 10 percent of the arithmetic mean of the last wage earned by all such laid-off employees, the employer shall be treated as an H-1B dependent employer until such time as the employer can prove to the Secretary of Labor that it no longer is an H-1B dependent employer as defined in subparagraph (B).

(b) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) has at least 51 full-time equivalent employees who are employed in the United States, and (II) is a non-H-1B dependent employer as defined in subparagraph (E).

(2) Section 212(n)(2)(B) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(i) When an employer lays off any protected individual with substantially the same benefits or under which the individual was employed, the employer shall be treated as a non-H-1B dependent employer.

(c) Limitation on Authority to Initiate Complaints and Conduct Investigations for Non-H-1B-Dependent Employers.—Section 212(n)(2)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (A) the following new subparagraph:

“(B) The employer is not required to file a complaint and have certified an additional application under paragraph (1) with respect to such an immigrant for an area of employment not listed in the previous application because the employer has placed such nonimmigrants in such a nonlisted area so long as either—

(I) each such nonimmigrant is not placed in such nonlisted areas for a period exceeding 45 workdays in any 12-month period and not to exceed 90 workdays in any 36-month period, or (II) each such nonimmigrant’s principal place of employment has not changed to a nonlisted area, and

(II) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(d) Limitation on Authority to Initiate Complaints and Conduct Investigations for Non-H-1B-Dependent Employers.—Section 212(n)(2)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

“(B) The employer is not required to file a complaint and have certified an additional application under paragraph (1) with respect to each such immigrant for an area of employment not listed in the previous application because the employer has placed such nonimmigrants in such a nonlisted area so long as—

(I) each such nonimmigrant is not placed in such nonlisted areas for a period exceeding 45 workdays in any 12-month period and not to exceed 90 workdays in any 36-month period, or (II) each such nonimmigrant’s principal place of employment has not changed to a nonlisted area, and

(II) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(e) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the last wage earned by all such laid-off employees, or (III) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(f) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the last wage earned by all such laid-off employees, or (III) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(g) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the last wage earned by all such laid-off employees, or (III) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(h) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the last wage earned by all such laid-off employees, or (III) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.

(i) No Displacement of American Workers Permitted.—(1) Section 212(n)(1)(A)(i) of Title 8, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) In this subsection, the term ‘H-1B-dependent employer’ means an employer that—

(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it no longer is an H-1B dependent employer, and

(II) the employer will pay a wage to the nonimmigrant that is at least 110 percent of the arithmetic mean of the last wage earned by all such laid-off employees, or (III) the employer is not required to pay per diem and transportation costs at any specified rates for work performed in such a nonlisted area.
such year other than in accordance with a general company-wide reduction of wages for substantially all employees).

(ii) Except as provided in clause (iii), in the case of an H-1B-dependent employer who employs an H-1B nonimmigrant, the employer shall not place the nonimmigrant with another employer if—

(1) the nonimmigrant performs his or her duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer, and

(2) there are indicia of an employment relationship between the nonimmigrant and such other employer.

(iii) Other employer has executed an attestation that it, within the period beginning 6 months before and ending 90 days following the date of filing of the application or during the 90 days immediately preceding and following the date of filing of any visa petition supported by the application, has not laid off and will not lay off any protected individual with substantially equivalent qualifications and experience in the specific employment as to which the H-1B nonimmigrant is being sought or is employed,

(1) the employer pays a wage to the nonimmigrant equal to at least 110 percent of the arithmetic mean of the last wage earned by all such laid off individuals (or, if greater, at least 110 percent of the arithmetic mean of the highest wage earned by all such laid off individuals within the most recent year if the other employer reduced the wage of any such laid off individual during such year other than in accordance with a company-wide reduction of wages for substantially all employees), and

(iv) For purposes of this subparagraph, the term "protected individual" means an individual who—

(I) is a citizen or national of the United States, or

(ii) is an alien who is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 210(a), 210A(a), or 245(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208.

(2) Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (b)(1), is amended by adding at the end the following new subparagraph:

"(7) In computing the prevailing wage level for an occupational classification in an area of employment for purposes of paragraph (6) for an occupation in an area of employment for which the applicable prevailing wage level is based on wages earned by all such laid off individuals, the prevailing wage level shall only take into account employees at such institutions and entities in the area of employment.

(c) EFFECTIVE DATE.ÐThe amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed or records of the Service pertaining to the following:

(1) The date or disposition of the application to a Federal court of competent jurisdiction for an order authorizing disclosure of information contained in the application of the alien under this section to be used—

(i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; and

(ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses an immediate risk to life or to national security, or would be punishable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant and

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

Nothing in this section shall preclude the release for immigration enforcement purposes of the following information contained in files or records of the Service pertaining to the application:

(i) The immigration status of the alien on any given date after the date of filing the application (including whether the applicant was or is expected to work) but only for purposes of a determination of whether the applicant is eligible for relief from deportation or removal and not otherwise.

(ii) The date of the applicant's adjustment (if any) to the status of an alien lawfully admitted for permanent residence.

For purposes of determining whether the alien has been convicted of a crime occurring after the date of filing the application.

(iv) The date or disposition of the application.

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.ÐSection 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(5) by inserting", except as permitted under paragraph (6)(B)" after "consent of the alien"; and

(2) in paragraph (6) (A) in subparagraph (A), by striking the period at the end and inserting a comma, (B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iii), respectively, and

(C) by striking "Neither" and inserting "(A) Except as provided in this paragraph, neither"; and

(3) by redesigning the last sentence as subparagraph (D),

(4) by striking the semicolon and inserting a period; and

(5) by striking "except that" and inserting the following:

(8) by inserting after subparagraph (B), as created by the amendment made by paragraph (5), the following:

"(C) The Attorney General may authorize an application to a Federal court of competent jurisdiction for an order authorizing disclosure of information contained in the application of the alien under this section to be used—

(i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

(ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses an immediate risk to life or to national security, or would be punishable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant and

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

Nothing in this section shall preclude the release for immigration enforcement purposes of the following information contained in files or records of the Service pertaining to the application:

(i) The immigration status of the applicant on any given date after the date of filing the application (including whether the applicant was or is expected to work) but only for purposes of a determination of whether the applicant is eligible for relief from deportation or removal and not otherwise.

(ii) The date of the applicant's adjustment (if any) to the status of an alien lawfully admitted for permanent residence.

For purposes of determining whether the applicant has been convicted of a crime occurring after the date of filing the application.

(iv) The date or disposition of the application.

(b) AUTHORIZING APPLICATION OF RECIPROCITY RULE FOR NONIMMIGRANT VISA IN CASE OF REFUGEES AND PERMANENT RESIDENTS—Section 212(n) (8 U.S.C. 1182(n)) is amended—

(3) in paragraph (1)(A), by striking "nonimmigrant described in section 101(a)(15)(H)(ii)(B)" and inserting "H-1B nonimmigrant";

(e) EFFECTIVE DATE—The amendments made by this section shall apply to applications filed or records of the Service pertaining to the following:

(1) The date or disposition of the application to a Federal court of competent jurisdiction for an order authorizing disclosure of information contained in the application of the alien under this section to be used—

(i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

(ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses an immediate risk to life or to national security, or would be punishable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant and

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

Nothing in this section shall preclude the release for immigration enforcement purposes of the following information contained in files or records of the Service pertaining to the application:

(i) The immigration status of the applicant on any given date after the date of filing the application (including whether the applicant was or is expected to work) but only for purposes of a determination of whether the applicant is eligible for relief from deportation or removal and not otherwise.

(ii) The date of the applicant's adjustment (if any) to the status of an alien lawfully admitted for permanent residence.

For purposes of determining whether the applicant has been convicted of a crime occurring after the date of filing the application.

(iv) The date or disposition of the application.


SEC. 823. UNIFORM VITAL STATISTICS.

(a) PILOT PROGRAM.—The Secretary of Health and Human Services shall consult with the State agencies responsible for registration and certification of births and deaths and, within 2 years of the date of enactment of this Act, shall establish a pilot program for 3 of the 5 States with the largest number of undocumented aliens of an electronic network linking the vital statistics records of such States. The network shall provide, without fees, the matching of deaths with births and shall enable the confirmation of births and deaths of citizens of such States, or of aliens within such States, by any official in the performance of official duties. The Secretary and participating State agencies shall institute measures to achieve uniform and accurate reporting to the network, to protect the integrity of the registration and certification process, and to prevent fraud against the Government and other persons through the use of false birth or death certificates.

(b) REPORT.—Not later than 180 days after the establishment of the pilot program under subsection (a), the Secretary shall issue a written report to Congress with recommendations on how the pilot program could effectively be instituted as a national network for the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1997 and 1998, such sums as may be necessary to carry out this section.

SEC. 833. COMMUNICATION BETWEEN STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any provision of Federal, State, or local law, no State or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from receiving from or providing to Federal, State, or local government agencies any information regarding the immigration status, lawful or unlawful, of an alien in the United States. The network for the communication of such information shall be established under the authority of political subdivisions of a State or any division thereof. The network shall be effective as if included in the enactment of the Immigration and Nationality Act of 1986 as amended.

SEC. 834. CRIMINAL ALIEN REIMBURSEMENT COSTS.

Amounts appropriated to carry out section 501 of the Immigration and Reform 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 unaccompanied alien children found to be eligible for introduction to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.
(3) Section 351(a) (8 U.S.C. 1483(a)), as amended by section 105(a)(2)(A) of INTCRA, is amended by striking the comma after “nationality”. (4) Section 207(2) of INTCRA is amended by inserting “country” subsequent to “nationality”. (5) Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended— (A) in paragraphs (I)(ii), by striking the comma after “1998”, and (B) in subparagraph (O), by striking “specifying” and inserting “specifies”. (6) Section 273(b) (U.S.C. 1322(b)), as amended by section 209(a) of INTCRA, is amended by striking “specifying” and inserting “specifies”. (7) Section 209(a)(1) of INTCRA is amended by striking “subsection (a)” and inserting “subsection (b)” and inserting “section 308(b)(5), is amended— (A) by striking “and” at the end of clause (iv), (B) by moving clauses (v) and (vi) 2 ems to the left, (C) by striking “and” in clauses (v) and (vi) and inserting “and for”, (D) by inserting the colons in clauses (v) and (vi), and (E) by striking the period at the end of sentence (iv). (8) Section 209(b) of INTCRA is amended by striking “subsection (b)” and inserting “subsection (a)”. (9) Section 217(f) (8 U.S.C. 1187(f)), as amended by section 210(c) of INTCRA, is amended by adding a period at the end. (10) Section 219(cc) of INTCRA is amended by striking “year 1993 the first place it appears” and inserting “year 1993 the first place it appears”. (11) Section 219(e) of INTCRA is amended by adding at the end the following new paragraph: “(3) The amendments made by this subsection shall take effect as if included in the enactment of this Act.” (12) Paragraphs (4) and (6) of section 288(c) (U.S.C. 1356(c)) are amended by inserting “and” in the word before “Funds” each place it appears. (13) Paragraph (6) of section 103(b) (U.S.C. 1151(b)(6)), as amended by section 101(b)(5), is amended by redesignating subsection (b) as subsection (c). (14) Section 225 of INTCRA is amended— (A) by striking section “242(i)” and inserting sections “242(i)” and “242(a)” and (B) by inserting “242(a)” after “242(i)”. (15) Section 222 of INTCRA is amended— (A) by striking “The official” and inserting “the official”. (16) Section 242A (8 U.S.C. 1252a), as added by section 224(a) of INTCRA and before redesignation as section 238 by section 308(b)(5), is amended by redesignating subsection (d) as subsection (c). (17) Section 255 of INTCRA is amended— (A) by inserting “and” after “section 242(i)” and inserting “and sections 242(i)” and “242(a)”, and (B) by inserting “242(a)” after “242(i)”. (18) Section 242(i) (8 U.S.C. 1251(a)(1)), before redesignation by section 305(a)(2), is amended— (A) by inserting “and section 212(f)” after “section 212(f)”, and (B) in subsections by striking “(g)” and all that follows through “shall” and inserting “(g)” Subsections (d) and (e) shall.” The CHAIRMAN. No other amendments are in order except the amendments printed in part 2 of the report and pursuant to the order of the House of today and amendments en bloc described in section 2 of House Resolution 384. Amendments printed in part 2 of the report shall be considered in the order printed, may be offered only by a member designated in the report, shall be considered read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question. At the conclusion of debate shall the amendments be equally divided and controlled by the proponent and an opponent of the amendment. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows a recorded vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes. It shall be in order at any time for the chairman of the Committee on the Judiciary or a designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of such amendments. The amendments on en bloc shall be considered read (except that modifications shall be reported), shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees. The original proponents of the amendments on en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments on en bloc. It is now in order to consider amendment No. 1 printed in part 2 of House Report 104-483. AMENDMENT OFFERED BY MR. SMITH OF TEXAS Mr. SMITH of Texas. 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. SMITH of Texas: In section 1(a), strike “1995” and insert “1996” and conformed to present references throughout the bill accordingly. TITLE I AMENDMENTS In section 202(b)(2), add at the end the following: “The previous sentence shall not apply to border patrol agents located at checkpoints.” In section 202(b)(3), strike “6 months” and insert “18 months”. At the end of section 112(a), relating to a pilot program for the use of closed military bases, add the following new sentence: “In selecting real property at a military base for use as a detention center under the pilot program, the Attorney General and the Secretary shall consult with the establishment authority established for the military base and give substantial deference to the redevelopment plan prepared for the military base.” TITLE II AMENDMENTS In section 204(a), strike “fiscal year 1996” and insert “fiscal year 1997” and strike “1994” and insert “1996”. Amend subsection (b) of section 204 to read as follows: (b) ASSIGNMENT.—Individuals employed to fill any additional positions described in section (a) shall prosecute persons who bring into the United States or harbor illegal aliens or violate other criminal statutes involving illegal aliens. TITLE III AMENDMENTS In section 301(a), in proposed paragraph (3)(A), insert “lawful” before “entry” and insert “section 103(a)” after “proposed subparagraph (B)” and strike “in” as follows: BATTERED WOMEN AND CHILDREN.—Clause (i) shall not apply to an alien who would be described in paragraph (9)(B) if ‘violation of the terms of the alien’s non-immigrant visa’ were substituted for ‘unlawful entry into the United States’ in clause (iii) of that paragraph. In section 301, add at the end the following new subsection: (h) WAIVERS FOR IMMIGRANTS CONVICTED OF CRIMES. —Section 212(h) (8 U.S.C. 1182(h)) is amended by adding at the end the following: “and the Attorney General shall be authorized to waive under this subsection to an immigrant who previously has been admitted to the United States unless that alien has fulfilled the time in status and the continuous residence requirements of section 212(c). No court shall have jurisdiction to review a decision of the Attorney General to grant or deny a waiver under this subsection.” *In section 304(a)(3), in the new section 240A of the Immigration and Nationality
Act, add at the end the following new subsection:
``(e) ANNUAL LIMITATION.—The Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Immigration in the Nationality Act) for a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment and whether such an alien had previously applied for suspension of deportation under such section 244(a).
``
In section 303(a)(3), amend paragraph (4) of section 244(a) of the Immigration and Nationality Act (inserted by such section) to read as follows:
``(4) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—
``(A) IN GENERAL.—Except as provided in section 343(a) of the Public Health Service Act (42 U.S.C. 259(a)) and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien has completed a sentence of imprisonment.
``(i) 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 an offense related to smuggling or harboring of aliens) and (II) the removal of the alien is appropriate and in the best interest of the United States; or
``(ii) 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, (II) the removal 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 removed.
``(B) EXCEPTION FOR REMOVAL OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.—The Attorney General is authorized to remove an alien in accordance with applicable procedures under this Act before the alien has completed a sentence of imprisonment:
``(I) 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, (II) the removal is appropriate and in the best interest of the United States; or
``(ii) 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, (II) the removal 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 removed.
``(C) NOTICE.—Any alien removed pursuant to this paragraph shall be notified of the reasons to defer removal.
``(D) ALIENS REMOVED UNDER SUBPARAGRAPH (B).''

SEC. 343. PROVISIONS RELATING TO CONTRACTS WITH TRANSPORTATION LINES.
``(a) COVERAGE OF NONCONTIGUOUS TERRITORY.—Section 228 (8 U.S.C. 1228), before redesignation as section 223 under section 308(b), is amended—
``(1) by striking "CONTIGUOUS," and
``(2) by striking "contiguous" each place it appears in subsections (a), (b), and (d).
``(b) COVERAGE OF RAILROAD TRAIN.—Subsection (d) of such section is amended by inserting "or railroad train" after "aircraft.
``(c) STRIKE IN SECTION 356.—Section 356 and insert the following (and conform the table of contents accordingly):
``SEC. 356. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.
``(a) AUTHORITY.—The Attorney General may conduct a project demonstrating the feasibility of identifying, from among the individuals who are incarcerated in local government prison facilities prior to arraignment on criminal charges, those individuals who are aliens unlawfully present in the United States.
``(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include—
``(1) the detail to incarceration facilities within the city of Anaheim, California and the county of Ventura, California, of an employee of the Immigration and Naturalization Service who has expertise in the identification of aliens unlawfully in the United States, and
``(2) provision of funds sufficient to provide for—
``(A) access for such employee to records of the Service necessary to identify unlawful aliens, and
``(B) the case of an individual identified as an unlawful alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.
``(c) TERMINATION.—The authority under this section shall cease to be effective 6 months after the date of the enactment of this Act.
``(d) APPROPRIATIONS.—In section 359(a), strike the quotation marks at the end of the matter inserted and insert the following:
``SEC. 359. APPROPRIATIONS.
``(1) the detail to incarceration facilities within the city of Anaheim, California and the county of Ventura, California, of an employee of the Immigration and Naturalization Service who has expertise in the identification of aliens unlawfully in the United States.
``(2) provision of funds sufficient to provide for—
``(A) access for such employee to records of the Service necessary to identify unlawful aliens, and
``(B) in the case of an individual identified as an unlawful alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.
``(c) TERMINATION.—The authority under this section shall cease to be effective 6 months after the date of the enactment of this Act.
``(d) APPROPRIATIONS.—In section 359(a), strike the matter inserted and insert the following:
``SEC. 359. APPROPRIATIONS.
``(1) the detail to incarceration facilities within the city of Anaheim, California and the county of Ventura, California, of an employee of the Immigration and Naturalization Service who has expertise in the identification of aliens unlawfully in the United States.
``(2) provision of funds sufficient to provide for—
``(A) access for such employee to records of the Service necessary to identify unlawful aliens, and
``(B) the case of an individual identified as an unlawful alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.
discretion of the Attorney General upon the giving of a suitable and proper performance bond approved by the Attorney General and furnished either by the alien or by any individual, organization, or entity approved by the Attorney General upon the alien pursuant to section 212(a) if the alien demonstrates that the alien, despite reasonable attempts, has been unable to secure such a bond in accordance with subparagraphs (A) and (B) of paragraph (4) of section 212(a)(4)(D). Such performance bond shall be in such amount and containing such conditions (including conditions similar to those required under subparagraphs (A) and (B) of paragraph (4) of section 212(a)(4)(D)) as the Attorney General may prescribe and shall cover all costs which would otherwise be covered under such insurance.

“(2) MECHANISM FOR CREATING BOND.—

The Attorney General shall create a mechanism for establishing a suitable and proper performance bond as set forth in paragraph (1). The use of such bond for the purpose of satisfying the provisions of this subsection shall be at the discretion of the Attorney General.".

In section 513(a)(2), in the paragraph (4)(E) inserted by such section, strike “or 101(a)(15)(L)” and insert “101(a)(15)(L), 101(a)(15)(L), or 101(a)(15)(L)”. In section 524(a)(2), in the subsection (d) inserted by such section, add at the end the following new paragraph:

“C) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7) of section 212(a) shall not be applicable to any alien seeking admission to the United States or adjustment of status under subsection (a) as the Attorney General may waive any other provision of such section (other than subparagraphs (A), (B), (C), and (D) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any waiver of the provisions of section 212(a) shall be in writing and shall be granted only on an individual basis following investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this subparagraph in the previous fiscal year and a summary of the reasons for granting such waivers.

Strike subsection (d) of section 524 (relating to application of per country numerical limits for humanitarian immigrants), and insert the following:

(d) SPECIAL RULES IN CASE OF ADJUSTMENT OF STATUS.—Section 246 (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(k) For purposes of subsection (a), an alien who is in the United States and is identified by the Attorney General under section 204(a)(1)(I) may be treated as having been paroled into the United States.”.

Strike subsection (e) of section 524 (relating to waiver of certain grounds of inadmissibility), and redesignate the succeeding subsection accordingly.

Amend section 533 to read as follows (and conform to its predecessor numbers and contents accordingly):

SEC. 533. INCREASE IN ASYLUM OFFICERS.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the number of asylum officers to at least 600 asylum officers by fiscal year 1997.

[TITLE VI AMENDMENT]:

In section 600, amend paragraph (7) to read as follows:

(7) With respect to the State authority to make determinations concerning the eligibility of aliens for public benefits, a State that chooses to follow the Federal classification in determining the eligibility of such aliens for public assistance shall be considered to have chosen the least restrictive means available for achieving the compelling government interest of assuring that aliens be self-reliant in accordance with national immigration policies.

In section 601(c)(2), strike “programs” and insert “programs (and include any successor to such a program as identified by the Attorney General in consultation with other appropriate officials):”.

In section 603, amend paragraph (2) to read as follows:

(2) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to communicable diseases, whether or not such symptoms are actually caused by a communicable disease.

In section 603(5), insert “(and any successor to such a program as identified by the Attorney General in consultation with other appropriate officials)” after “National School Lunch Act.”

In section 603(e), insert “(and any successor to such a program as identified by the Attorney General in consultation with other appropriate officials)” after “1966.”

At the end of section 603, add the following new paragraph:

(7) HEAD START PROGRAM.—Benefits under the Head Start Act.

At the end of subtitile VI of title VI (and conform the table of contents accordingly):

PART 3—HOUSING ASSISTANCE

SEC. 615. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “may, in its discretion,” and inserting “shall”;

(2) in subparagraph (A), by inserting after the period at the end the following new sentence: “Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for such assistance,”; and

(3) in subparagraph (B), by striking “6-month period” and all that follows through “affordable housing” and inserting “single 3-month period.”

(b) SCOPE OF APPLICATION.—The amendment made by subsection (a)(3) shall apply to any case under section 214(c)(1)(B) of the Housing and Community Development Act of 1980 on or after the date of the enactment of this Act, including any renewal of any deferred initially granted before such date of enactment, except that a public housing agency or other entity referred to in such section 214(c)(1)(B) may not renew, after such enactment, any deferred which was granted under such section before such date and has been effective for at least 3 months on and after such date.

SEC. 616. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting “or to be” after “being”;

(2) in paragraph (1), by inserting at the end the following new sentences: “If the declaration states that the individual is not a citizen or national of the United States, the Secretary shall inform the individual of his or her rights under the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary shall request verification of the declaration by requiring presentation of documentation the Secretary considers appropriate including a social security card, certificate of birth, driver’s license, or other documentation.”;

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “on the date of the enactment of the Housing and Community Development Act of 1980” and inserting “or apply for financial assistance”;

(B) in subparagraph (B)—

(i) by striking “, not to exceed 30 days,” after “reasonable opportunity”;

(ii) by striking “(C)” and inserting “(B)”;

(iii) by striking clause (ii) and inserting the following new clauses: “(ii) in the case of any individual who is already receiving assistance, may not delay, deny, or terminate the individual’s eligibility for financial assistance on the basis of the individual’s immigration status until such 30-day period has expired;” and

(C) in subparagraph (B), by striking clause (ii) and inserting the following new clause: “(ii) pending such verification or appeal, the Secretary may not—

(A) deny the individual’s application for financial assistance or terminate the individual’s eligibility for financial assistance, as the case may be; and

(B) provide the individual with written notice of the determination under this paragraph.”;

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “on the date of the enactment of the Housing and Community Development Act of 1980” and inserting “or apply for financial assistance”;

(B) in subparagraph (A)—

(i) by striking “(B)” after “the Secretary shall request verification of the declaration...”;

(ii) by striking “(C)” and inserting “(D)”;

(iii) by striking clause (ii) and inserting the following new clauses: “(ii) in the case of any individual who is applying for financial assistance, may not delay the application for such assistance on the basis of the individual’s immigration status until such 30-day period has expired;” and

(5) in paragraph (5), by striking all that follows “satisfactory immigration status” and inserting the following: “,” the Secretary shall—

(A) deny the individual’s application for financial assistance or terminate the individual’s eligibility for financial assistance, as the case may be; and

(B) provide the individual with written notice of the determination under this paragraph.”;

(6) by striking paragraph (6) and inserting the following new paragraph:

(6) The Secretary shall terminate the individual’s eligibility for financial assistance in cases where the individual or the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual, who is not eligible for such assistance, to use the assistance (including residence in the unit assisted).”.

SEC. 617. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 246 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)(4)) is amended—
SEC. 628. REGULATIONS.
(a) ISSUANCE.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of a final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or an opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the expiration of the period referred to in such subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN 2501-AAA6 (Dock

SEC. 618. REGULATIONS.

Provide the plain text representation of the document as if you were reading it naturally.

Amended by such section) by striking “30 days” and inserting “180 days”.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume to the gentleman from California [Mr. BECERRA].

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

Mr. BRYANT of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 10 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume. I do not wish to repeat the arguments I have made. I would hope to modify it substantially so that it is not disqualifying people who are here who have now been approved for participation and that the right to have access to schooling and to be able to provide for their children and to get the services they need is not disqualifying people with children who are here who are legal residents in the United States.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 10 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.
Mr. Chairman, I too must rise in opposition to this particular amendment and acknowledge that there are some changes that are made in the amendment, the manager’s amendment, which I think improve the bill. I thank the manager for making some of those changes. Unfortunately, some of the changes made were matters that were never even discussed in committee, and which many of us on this side of the aisle never had a chance to really examine until just recently.

It is true, because we are talking about making some major changes in immigration policy and law, and it would be a shame, I believe, to break from what is currently a bipartisan effort; although I still am still opposed to the bill, there is a bipartisan effort to try to do this. I think it is unfortunate that there are various provisions in this particular amendment that I think go beyond the scope of real reform.

The gentleman from Texas [Mr. Bryant] mentioned that we talk now in this particular amendment of terminating Federal housing assistance to someone who is eligible to receive it, based on a particular criteria which may either be negligible or not, but not receiving Federal assistance from being denied, accidentally or not, some assistance.

I think before we take steps that would get us to that point, we should have had opportunity to have had input from the public. We find out if in fact this is the way to go. I would say it is not, but certainly I would be willing to consider this as something that might be possible if in fact we were told by the experts that we would not be denying those lawfully entitled to housing assistance that assistance, and that we would not end up causing discrimination in the process of trying to somehow decipher who is and who is not going to fall under the umbrella of this particular provision within the amendment.

I would also mention that this amendment broaches an area which has been one of great delicacy for quite some time; that is, the law enforcement powers of the Federal Government and when we should extend those to the States and local governments.

Mr. Chairman, we have on many occasions rightfully been very circumspect in allowing someone other than those who belong to the Federal Government to enforce or administer the laws of the Federal Government, because you never know when it gets out of your own hands how it will be done. There is a great concern, and I know it was expressed in the terrorism bill, that we were going to send some bodies to find out if in fact the Attorney General’s discretion, to enter into agreements with States to allow State law enforcement officials to perform deportation duties, those things that are conducted currently by immigration officials.

I would say that when you start allowing local law enforcement to go out there and seek out people who may be undocumented, or who may have questions of what you are doing is asking them to perform the work of immigration or Border Patrol officers. If they are going to go through the whole training that a Border Patrol officer goes through, that is something different, and perhaps we could understand something getting in this amendment that would provide for that. I see no monies in the amendment to provide for that, and what it does for me is cause a great deal of concern that what we are doing is extending the reach of the Federal Government, without extending the protections that should be there with it.

For those reasons, Mr. Chairman, I believe that we should be opposing this particular amendment.

Mr. Smith of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cox].

Mr. Cox of California. Mr. Chairman, I rise in support of the inclusion of the manager’s amendment from Texas [Mr. Smith] in the manager’s amendment. The inclusion of provisions that will help us make sure that our law really means what it says; that is, that you cannot come into this country illegally, but you must follow the rules of the law.

Mr. Chairman, if the Federal Government has a law that requires an honest procedure for admission into the country, and people violate it willfully, then they are to lose that status, and they may be subject to any realistic threat of enforcement of the law if there is no realistic prospect of deportation. We are going to have ever worsening illegal immigration, and millions of lawbreakers in this respect, millions of people crossing our borders illegally, it is quickly becoming beyond the capacity of the INS to keep up. There is not any realistic threat of enforcement, because they simply are not doing the job.

Mr. Chairman, if the Federal Government were in charge of prosecuting all murderers, rapes, robberies, or what have you in America, we would have a big better process and nobody would ever get prosecuted for anything, but we have a marvelous system for dealing with that problem. All the important laws in America are enforced by our police, are enforced in our State courts.

The amendment included in the manager’s amendment would permit the Attorney General of the United States to deputize States who elect and who are willing to use their own resources to assist in the enforcement of these Federal laws. Once we do that, only when we do that, only when we expand the number of personnel who are involved in picking up people in violation of the law, only when we expand the court facilities that we have to process deportation matters, are we going to have a realistic threat of enforcement of the law.

That is why this amendment is so important. I note in response to my colleague from California’s concerns that the Attorney General will enter into agreements with States requiring Federal supervision of these efforts so that everything will be conducted under the watch of the INS and the Attorney General in conformity with Federal standards. I think this is a very wise and sound amendment, and I congratulate the gentleman from Texas [Mr. Smith] for including it in his manager’s amendment.

Mr. Smith of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. Goodlatte].

Mr. Goodlatte. I thank the gentleman from Texas for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from California [Mr. Cox] for the amendment that he offered and the gentleman from Texas for including it in his manager’s amendment. I think it is a very, very important part of the bill.

A few years ago when I was practicing law, I represented a client whose family was being harassed by an individual who was unlawfully in the United States and who also was engaged in unlawful, unauthorized employment in the United States as well. After a great deal of effort we finally got through to a representative of the Immigration Service who had authority to act on this and requested that they send an investigator down to Roanoke, VA, 240 miles from the office here in Washington, to investigate this. We assured them that we had very substantial evidence to indicate this individual was in the country without authorization. The individual said that there was absolutely nothing they could do. There was simply no money in the budget to send somebody down to Roanoke, VA to make this investigation. When we pressed him harder, he finally said, "Look, I can go right outside the door on the street in front of our building and find 5 people who are in a similar status, who have overstayed their visas, are not authorized in the United States and who also is engaged in unlawful employment in the United States as well." We simply don’t have the manpower and resources to take this action and apprehend people who are not here legally.

This provision in the bill would enable the Attorney General to designate local law enforcement authorities in Roanoke, VA and everywhere else in the country to be able to step in and assist in dealing with what is a very, very difficult problem for the understaffed, underresourced Immigration Service to handle.

I commend the gentleman for including this in the bill and strongly urge support for the manager’s amendment.
Mr. BECERRA. Mr. Chairman, let me mention one other provision within this amendment that does cause some concern. It is a change in an amendment that was made to what came out of committee, the Committee on the Judiciary, in the immigration bill. That is a change that would permit someone who was sponsoring an immigrant coming into the country, and in the process of trying to meet the income threshold required to be able to sponsor, we provided for the case where there might be a joint sponsorship, so that if one wanted to come into this country and we had sponsors who were willing to obligated themselves to provide the support necessary for this immigrant to come into the country, that would make it possible for this individual, this immigrant, to make it into the country.

The change that is being made in this amendment would no longer allow individuals to be able to jointly sponsor an immigrant that wishes to come into this country, as a family member of otherwise. It makes it a requirement that there must be a citizen in this case. It is, in and of itself, that is not bad. But if you have the case where you have a lawful, permanent resident who may have been in this country 25 years, is awaiting the INS to process an application to become a citizen, there is a spouse, or a child, or a parent of a citizen that wishes to come in, we have a situation now where that legal immigrant, who is financially capable of sponsoring that individual and a lawful permanent resident who is not only financially able to sponsor or help jointly sponsor this immigrant that wishes to come in but is also preparing to become a U.S. citizen himself or herself, is now no longer qualified under this new change to be able to be a joint sponsor to allow this immigrant to come in.

I do not understand the rationale for it. It would have been, I think, preferable had we had an opportunity in committee to discuss this, especially since in committee, both subcommittee and full committee, we had the opportunities to do the changes and provide for certain aspects of sponsorship. Yet here we find all of a sudden that we are going to be able to be a joint sponsor to allow this immigrant to come in.

I do not understand the rationale for it. It would have been, I think, preferable had we had an opportunity in committee to discuss this, especially since in committee, both subcommittee and full committee, we had the opportunities to do the changes and provide for certain aspects of sponsorship. Yet here we find all of a sudden that we are going to be able to be a joint sponsor to allow this immigrant to come in.
AMENDMENT NO. 1 OFFERED BY MR. CARDIN, AS MODIFIED:

At the end of section 404 the following new subsection:

(c) Priority for Worksite Enforcement—

(1) In General.—In addition to its efforts on border control and easing the worker verification obligations under this Act, the Attorney General shall make worksite enforcement of employer sanctions a top priority of the Immigration and Naturalization Service.

(2) Other Efforts.—Not later than one year after the date the enactment of this Act, the Attorney General shall submit to Congress a report on any additional authority or resources needed—

(A) by the Immigration and Naturalization Service in order to enforce section 274A of the Immigration and Nationality Act; or

(B) by Federal agencies in order to carry out the Executive Order of February 13, 1996 entitled “Economy and Efficiency in Government Through Compliance with Certain Immigration and Naturalization Act Provisions”) and to expand the restrictions in such Order to cover agricultural subsidies, grants, job training programs, and other Federally subsidized assistance programs.

AMENDMENT NO. 2 OFFERED BY MR. LIPINSKI:

At the end of subsection B of title VIII insert the following new section:

SEC. 837. ADJUSTMENT OF STATUS FOR CERTAIN POLISH AND HUNGARIAN PAROLES.

(a) In General.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment,

(2) has been physically present in the United States for at least one year and is physically present in the United States on the date the application for such adjustment is filed,

(3) is admissible to the United States as an immigrant, except as provided in subsection (c), and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) Aliens Eligible for Adjustment of Status.—The benefits provided in subsection (a) shall only apply to an alien who—

(1) was a national of Poland or Hungary, and

(2) was inspected and granted parole into the United States during the period beginning on November 1, 1989, and ending on December 31, 1991, after being denied refugee status.

(c) Waiver of Certain Grounds for Inadmissibility.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this section and the Attorney General may waive any other provision of such section (other than paragraph (2)(C) and subparagraphs (A), (B), and (D) of such paragraph) in order to adjust such an immigrant for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d) Procedure.—In order to adjust the status of an alien described in subsection (a), the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(1).

AMENDMENT NO. 26 OFFERED BY MR. FARR OF CALIFORNIA:

At the end of subsection B of title VIII insert the following new section:

SEC. 837. SUPPORT OF DEMONSTRATION PROJECTS.

(a) In General.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service, the Joint immigration and naturalization activities (including funds in the Immigration and Naturalization Service and to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around significant dates, and the development of appropriate outreach and ceremonial and celebratory activities.

(b) Selection of Sites.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Each of the selected sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(c) Amounts Available; Use of Funds.—

(1) Amount.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $50,000.

(2) Use.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) Availability of Funds.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examination Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(4) Application.—In the case of an entity other than the Immigration and Naturalization Service that seeks to carry on demonstration projects under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(5) Notice to Recipients of Grants.—In providing grants under this Act, the Attorney General, to the greatest extent practicable, shall provide to each recipient of a grant a description of the statement made in subsection (a) by the Congress.

AMENDMENT NO. 29 OFFERED BY MR. VENTO:

At the end of subsection B of the VIII add the following new section:

SEC. 837. TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) Waiver of English Language Requirement for Certain Aliens Who Served with Special Guerrilla Units in Laos.—It is the sense of Congress that the requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1432(a)) shall not apply to the nationalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) Naturalization Through Service in a Special Guerrilla Unit in Laos.—

(1) In General.—The first sentence of subsection (a) and subsection (b) (other than subparagraph (2)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(b) Certification.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through review of refugee processing documentation for the alien,

(b) the affidavit of the alien's superior officer,

(c) original documents,

(b) two affidavits from persons who were also serving with such a special guerrilla unit, and

(b) who personally knew the alien's service, or

(b) other appropriate proof.

The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

AMENDMENT NO. 30 OFFERED BY MR. WALDHOLTZ:

After section 836, insert the following:

SEC. 837. SENSE OF CONGRESS; REQUIREMENTS REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) Notice to Recipients of Grants.—In providing grants under this Act, the Attorney General, to the greatest extent practicable, shall provide to each recipient of a grant a description of the statement made in subsection (a) by the Congress.
Naturalization Service of the Department of Justice should include that it is the responsibility of the Service to detect, apprehend, and remove those noncitizens whose entry was illegal, whether undocumented or fraudulent, and those found to have violated the conditions of their stay, particularly those involved in drug trafficking or other criminal activity.

AMENDMENT NO. 32 OFFERED BY MR. KLECKA:

At the end of subtitle B of title VIII insert the following new section:

SEC. 837. AUTHORIZATION OF REIMBURSEMENT OF POLISH APPLICANTS FOR THE 1995 DIVERSITY IMMIGRANT PROGRAM.

(a) In General.—After the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of the Immigration and Naturalization Service, shall establish a process to provide for the reimbursement of all fees to each national of Poland (other than a national illegally residing in the United States) who was an applicant for the diversity immigrant program for 1995 under section 203(c) of the Immigration and Nationality Act who did not receive such a visa.

(b) Funding.—The Secretary of State shall use such funds as may be available at the discretion of the Secretary to carry out the purpose of this section.

(c) Review.—The Secretary of State shall review the procedures of the Department of State regarding the administration of the diversity immigrant program to ensure that the erroneous notification which occurred with respect to the 1995 diversity immigrant program for Polish residents does not recur.

AMENDMENT NO. 32 OFFERED BY MR. DREIER:

After section 836, insert the following:

SEC. 837. SENSE OF THE CONGRESS WITH RESPECT TO STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Findings.—The Congress finds as follows:

(1) Of the $130,000,000 appropriated in fiscal year 1995 for the State Criminal Alien Assistance Program (SCAAP), the Department of Justice disbursed the first $43,000,000 to States on October 6, 1994, 32 days before the 1994 general election, and then failed to disburse the remaining $87,000,000 until January 31, 1995, 123 days after the end of fiscal year 1995.

(2) While H.R. 2880, the continuing appropriation measure funding certain operations of the Department of Justice, provided for disbursement from January 31, 1996, to March 15, 1996, included $66,000,000 to reimburse States for the cost of incarcerating documented illegal immigrant felons, the Department of Justice failed to disburse any of the funds to the States during the period of the continuing appropriation.

(b) Sense of the Congress.—It is the sense of the Congress that:

(1) The Department of Justice was disturbingly slow in disbursing fiscal year 1995 funds under the State Criminal Alien Assistance Program. The initial payments were released just prior to the 1994 election; and

(2) The Attorney General should make it a high priority to expedite the disbursement of Federal funds intended to reimburse States for the cost of incarcerating illegal immigrants, aiming for all State Criminal Alien Assistance Program funds to be disbursed during the fiscal year for which they are appropriated.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BECERRA. Mr. Chairman, I am wondering if we could just take a moment to just go quickly through the amendments.

I do not wish to have all the amendments discussed. I just want to make sure I know which amendments are being consolidated in the en bloc amendment. I could just take a moment to pull out my list of the amendments. I would just like to make sure, if the gentleman would run through those.

Mr. SMITH of Texas. If the gentleman will yield, as I understand the gentleman, he was asking for a description—

The CHAIRMAN. The gentleman will suspend.

The gentleman from California reserves the right to object to the reading of the modifications.

Mr. BECERRA. To the reading of the modifications, no, but to the consolidation of various amendments en bloc, I am reserving the right to object.

The CHAIRMAN. The gentleman is not correct.

The amendments are offered en bloc pursuant to the rule. However, the modifications have to be read, and there was one modification.

PARLIAMENTARY INQUIRY

Mr. BECERRA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BECERRA. Mr. Chairman, are we in the process of consolidating amendments en bloc, which the rule provides?

The CHAIRMAN. Yes, under section 2 of House Resolution 384.

Mr. BECERRA. Further parliamentary inquiry. Is it then, based on the rule that was passed earlier, the prerogative of an individual who wishes to object only to the objecting to the dispensing of the reading of those particular amendments?

The CHAIRMAN. No, just to germane modifications.

Mr. BECERRA. If the Chair would indulge me in explaining what the Chair means.

The CHAIRMAN. The rule makes in order amendments en bloc and dispenses with the reading. But the rule does not dispense with the reading of germane modifications, and there is one modification.

Mr. BECERRA. Mr. Chairman, I understand that the changes being made are purely technical, in the modification.

Mr. Chairman, I am being advised that the changes are technical in nature in the modification. I would accept the representations that are made.

Mr. Chairman, for those reasons, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] and the gentleman from Texas [Mr. BRYANT] each will control 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

Mr. BRYANT of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding me this time to my friend, Mr. Bryant.

I just want to again offer my support for this amendment en bloc, which includes amendment 29 which I spoke on earlier. I anticipated we would be moving expeditiously at this time and I do not want to delay things. I do appreciate the gentleman's work and that of the gentleman from Texas [Mr. BRYANT] on this.

I do not see anything controversial in this amendment, as I peruse it. My learned colleagues here, who have spent time in the committee, may find some basis, but this amendment, insofar as amendment 29, is an important amendment to those of us who much appreciate the inclusion of this consideration under this expedited procedure.

Mr. BRYANT of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I will not be opposing the amendment so much as asking some questions and perhaps maybe some clarification.

A couple of the amendments are of interest to me because, for example, the Lipski amendment would adjust the status of approximately 800 Poles and Hungarians from parolee to permanent resident status.

Now, I do not question whether that is something that is worthwhile or not. I just am wondering why we do it for some people and not others, and it seems to me that this legislation, I hope, is going to be meaningful reform.

We have another amendment that is part of the en bloc, which I see here would require the Department of State to refund fees for Poles who were erroneously notified of their eligibility for visas but did not receive a visa. If I recall correctly, I had an amendment to that effect which was not passed under the same expedited procedure.

It was a result of the elimination of categories of immigrants in the bill, there were a number of people who should be refunded money by the State Department for fees paid for something they would no longer receive, and that is an opportunity to have an immigrant emigrate to this country.

If I can try to simplify what I am saying, right now, in order for someone to consume to the gentleman from Texas [Mr. BRYANT]...

Mr. BECERRA. Mr. Chairman, if I could just point out that one modification, no, but to the consolidation of amendments en bloc, I am reserving the right to object to the reading of those particular amendments.

Mr. BECERRA. Mr. Chairman, I yield the time to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. If the Chair would indulge me in providing an example of amendments en bloc, which the rule provides?...
As a result of H.R. 2202, various categories of individuals will no longer qualify for visas, siblings of U.S. citizens. For example, adult children of U.S. citizens can no longer come into the country in most cases. Yet fees were paid by U.S. citizens to get these folks, their relatives, to come into the country.

Now as I understand it, that is no longer part of the legislation we are considering. Yet, in the case of one of these en bloc amendments, we will be reimbursing fees paid by some individuals even though what we are doing in this bill is saying that they no longer qualify or because they no longer qualify for admission as immigrants in this case.

We are doing this for the Poles that are mentioned in this particular amendment. Again I have no problems in doing so, because I think it is only fair to the Polish people if somebody paid a fee and now the service the fee is paid for is to provide can no longer be rendered, then someone should get that fee reimbursed.

But it is not just Poles who have paid a fee that should be reimbursed. It seems to me that anyone who has paid for something is entitled to either receive the service or get the money reimbursed, and I would have that reservation.

I would still support all of the amendments, including those that I just mentioned, but I would have the reservation. It seems we should be doing this on an equal and fair basis and not in some particular cases.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I might consume.

I just wanted to respond to my friend from California to say there is in the bill a mechanism to reimburse individuals who are not admitted to this country. But furthermore, I want to say in regard to the amendment he was referring to, I would distinguish this amendment from the overall group of individuals who might not be admitted by saying that this amendment is specifically to reimburse individuals who were given an erroneous notification by the State Department.

So in this case the State Department made a mistake, and we are simply trying to rectify that. This is a very narrow instance of where we need to bring some equity to bear.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mrs. WALDHOLTZ]

Ms. WALDHOLTZ. Mr. Chairman, included in the en bloc amendment offered by Chairman SMITH is an amendment I offered that will express the sense that the misstatement of the Immigration and Naturalization Service should include a provision that the INS has the responsibility to detect, apprehend, and deport illegal aliens, particularly those involved in criminal trafficking or other criminal activity.

Like many other communities around the Nation, the people in my district are having a critical problem with illegal aliens dealing in drugs, that are involved in criminal activities, especially drug trafficking.

In 1995 alone, Salt Lake City police arrested over 3,600 people for felony-level narcotic violations, of which 80% were illegal aliens. This is consistent with what we have found during the past 18 months as we have made major employer sanctions. During the approximate time frame of May to November 1994 we found that in about 7,000 contacts of persons they encountered that were undocumented aliens (85%). This is consistent with what we have found during the past 18 months as we have made major efforts to arrest drug dealers.

During 1995, the data indicate that we made 3,652 arrests for felony level narcotics violations. Of those arrests, 2,922 were undocumented aliens (80%). The local INS Office could not even begin to deal with this volume and had to focus their efforts on only the most egregious offenders. During 1995 there was a record numbers (27) committed in Salt Lake City. Of these homicides 11 were directly related to the drug trade (41%). Of the 27 homicides, 14 of the suspects were undocumented aliens (52%) and 8 of the suspects were undocumented aliens (30%). These statistics clearly show that criminal undocumented aliens are violent and dangerous to our communities.

This year we have conducted one drug operation in the city that netted 193 felony level arrests with 159 of those arrests being undocumented aliens (81%). I.N.S. attempted to assist but ran out of funds and staffing. Virtually all of the suspects from these arrests were released from jail with their promise to appear in court (history indicates they do not appear in court). They are back on the street dealing drugs as I write this document. It was one of these drug dealers that shot and killed a mother of five over a traffic dispute. He is still at large and has been arrested 4 times prior to committing the homicide.

Salt Lake City, Salt Lake County and the State of Utah are at a crisis point. Despite thousands of arrests, strong enforcement efforts and the City's unceasing efforts the numbers of criminal aliens are increasing. I believe the word is out that State of Utah and Salt Lake City are prime markets where there is no consequence for criminal behavior. We must have more assistance in dealing with criminal undocumented aliens.

Thank you for your attention to and attendance in this very important matter.

I feel free to contact me for any questions or assistance. I can be reached at (801) 799-3115.

Sincerely,
ROY W. WASDEN, CAPTAIN, Pioneer Patrol Division.

Mr. CARDIN. Mr. Chairman, I rise in strong support of amendment No. 11 to H.R. 2202, included in the en bloc amendment currently under consideration. The amendment is straightforward; it strengthens enforcement of employer sanctions.

Despite the rhetoric on the issue, border enforcement will not solve the illegal immigration problem. The lure of high wages and plentiful job opportunities attracts illegal immigrants each year. If illegal workers could not secure employment, they would go home and fewer unauthorized aliens would attempt to enter the United States legally.

We must reduce the job magnet. We can do this by deterring employers who hire illegal immigrants in order to obtain an unfair competitive advantage over law-abiding employers. Those employers who do not abide by the law, pay lower wages, given no benefits, pay no taxes, and thereby, suppress wages and working conditions for our country's legal workers.

In 1986, Congress, enacted the Immigration Reform and Control Act (IRCA) prohibiting the employment of unauthorized aliens. Although the intent of Congress was clear, the INS administration has not properly enforced, except immediately after passage of the Act, because the Federal Government until recently lacked the resources . . . [and] has not made employer sanctions a sufficiently high priority.

The President should be commended for his efforts in this area, where the enforcement become a high priority of his Administration, on February 13, 1996, the President issued an Executive Order, stating that
"in procuring goods, . . . contracting agencies should not contract with employers that have not complied with section 274A of the IRCA . . . prohibiting the unlawful employment of aliens."

Amendment No. 11 to H.R. 2202 would ensure that section 274A of the IRCA, which details the Executive Order, can be enforced properly. The amendment states that worksite enforcement should be a high priority for the Immigration and Naturalization Service. In addition, it requires the Attorney General to report to Congress whether there are any additional authorized resources needed to enforce the Immigration Reform and Control Act's employer sanctions; the Presidential Executive Order which states that employers who hire illegal immigrants are denied Federal contracts; and an expansion of the Executive Order so that employers who hire illegal immigrants are denied all federally subsidized assistance programs.

I urge my colleagues to support the en bloc amendment so that sanctions become a reality for those employers who break the law.

Mr. BRYANT of Texas. Mr. Chairman, I would say that the minority has no objection to this amendment, and I yield back the balance of my time.

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

The question is on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. SMITH].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part II of House Report 104-483.

AMENDMENT OFFERED BY MR. BEILENSON

Mr. BEILENSON. 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. BEILENSON:

Amend subsection (b) of section 102 to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $100,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BEILENSON] will be recognized for 5 minutes, and the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes.

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

Mr. BEILENSON. Mr. Chairman, the amendment I am offering would replace the bill's requirement for the construction of 14 miles of triple fencing along the San Diego border with an authorization for the installation of additional physical barriers in all areas of high illegal entry into the United States.

As a cosponsor of H.R. 2202, I agree completely with my many colleagues who support the need to better reinforce physical barriers along the border to deter illegal immigration. But this particular barrier—a triple fence—is one which is opposed by the very law enforcement officials who will be responsible for patrolling it.

The San Diego triple fence is opposed by the Border Patrol, by the Department of Justice, by the union representing Border Patrol agents in the San Diego area, largely because—in their opinion—the fence would subject Border Patrol agents to unnecessary danger, and would merely shift the illegal entry problem to other areas of the 1,500-mile United States-Mexico border.

Douglas Kruhm, the Chief of the U.S. Border Patrol, who is a uniformed agent who worked his way up through the ranks, explained the Border Patrol's opposition to the triple fence in a letter to the Judiciary Committee, in which he said:

This proposal threatens to endanger the physical safety of Border Patrol agents . . . by enclosing them in areas without easy escape routes, and it will reduce our ability to prevent illegal entry along the border . . . In our view, the deployment of personnel, physical barriers, technology, and operational judgments are decisions best left to the border patrol agents who are responsible for the day-to-day operation at the ground level.

The Border Patrol agents' union echoed this position in a recent statement, when they said that "there is no support from U.S. Border Patrol Agents in the field for the three-tiered fence. We see it as a dangerous situation."

And in a letter to the Speaker of the House, the Department of Justice made this plea:

We request that the House defer to the experience of those in the Border Patrol who are responsible for the safety of the Patrol's men and women and strike this section from the bill.

The triple fence proposal was developed 5 years ago by Sandia National Laboratories, a weapons laboratory developed 5 years ago by Sandia National Laboratories, a weapons laboratory that was asked by the Bush administration to do a study on drug traffic.

Without considering the practicality or danger to Border Patrol personnel of such a fence, Sandia concluded that a triple fence would more effectively prevent illegal crossing than the existing single fence.

While their conclusions may be valid in theory, they make no sense to those who have experienced the reality of patrolling a 1,500 mile border. Sandia's test site was in perfect settings where the authorities can control both sides of it—like surrounding a secure national laboratory or a prison—which is quite different from the United States-Mexico border. In addition, much has changed since Sandia issued its report—there are more agents, more sensors, more single fencing, more night scopes and other technology on the border, all of which were not evaluated by Sandia and have proven to be enormously effective in deterring illegal immigration.

Some supporters of the triple fence say that it is supported by Silvestre Reyes, the former head of the El Paso Border Patrol, whose "Operation Hold the Line" cut the number of illegal crossing from 8,000 to a few hundred a day. But the fact is that, while Mr. Reyes agrees that fences, when supported by adequate staffing, can help to deter illegal immigrants, he opposes the triple fence proposal for the same reasons voiced by other agents.

Finally, even if a triple fence were a good idea, the $12 million authorized in the bill is inadequate to fund a 14 mile triple fence. Depending on the cost of materials used, and assuming there is no road construction involved, the total cost will range from $87 million to $110 million, according to estimates made by the Department of Justice in conjunction with the Department of Defense.

This amendment before us would strike the triple fence requirement and replace it with a new subsection that authorizes a $110 million appropriation for the Immigration and Naturalization Service (INS). It contains the following:

Physical barriers or resources needed to enforce the Immigration and Naturalization Service [INS] to install additional physical barriers and roads—including the removal of obstacles to detection of illegal entrants—anywhere along the border where improvements are needed.

This approach would ensure that Congress is not requiring the INS to construct a barrier that it does not have sufficient funds to build. And, more importantly, by deferring to the expertise and experience of border enforcement personnel on the type of barriers that would be most useful, it would ensure that taxpayer dollars will be spent wisely and effectively.

Finally, Mr. Chairman, I think an editorial in the San Diego Union-Tribune said it best when it said, "if the—triple fences—were free, it would be a lousy idea. The fact that it could cost as much as $110 million * * * makes it an extraordinarily bad idea."

The same newspaper wisely urged that rather than trying to micromanage how the Border Patrol does its job in the San Diego sector, Congress should give the agency the financial support it needs to stem the flow of illegals as it sees fit.

Mr. Speaker, instead of jeopardizing the safety of our Border Patrol agents and merely shifting the problem of illegal crossings away from 14 miles of the San Diego border, we need to put our resources where they can do the most good—as determined by the officers on the line. Only then will we have a demonstrable impact on stopping illegal immigration into this country.

I urge my colleagues to support this amendment.
Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can understand now why the amendment was offered, because I have a number of years' experience with respect to the facts. The gentleman mentioned that Chief Reyes, Silvester Reyes, who is by far the most famous Border Patrol chief in this country because he actually did something in terms of stemming the tide and holding the line in El Paso, was represented by a San Diego Union editorial writer as being opposed to the fence.

After he testified before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, he stated that, if you had sufficient agencies and you had a triple fence, you could indeed stop illegal immigration. When I sent the editorial that the gentleman just read and another editorial to Silvester Reyes, he responded with a corrective letter to the newspaper admonishing them not to misrepresent his position.

His position just a couple of days ago was that the chief of the El Paso Border Patrol sector, I testified last year before Congress on our efforts to control illegal immigration in the El Paso area. I might add that he testified with Mrs. Meissner, head of the INS, who opposed the fence, sitting right next to him and glaring at him as he testified. He said: Representative DUNCAN HUNTER asked me if triple fencing along the border and additional staffing would provide us with the proper resources to control illegal immigration. I replied that it would.

Mr. Chairman, now, that is the word from Silvester Reyes. We can cable him, we can pass him on the street, we can phone him, but he has repudiated the statement by the San Diego Union editorial writer as being opposed to the fence. And if it had sufficient staffing.

Now, the gentleman has talked about safety. I have had a number of Border Patrol agents to my town meetings, and they like the triple fence and the INS, which has tried to scare its agents, has not told them about the fence. We remember when this man was first appointed chief of the Border Patrol in California [Mr. HUNTER] and said it was outrageous, that it was not going to do any good. Well, let me say as somebody that not only lives down there but as somebody whose teenage daughter goes down to feed the horses within a half mile of the border where Mr. Hunter's fence was placed, I thank the gentleman, Mr. HUNTER, thank you for having the guts to do what no one else dared to do. And I would say to my colleague, I know his concerns.

Mr. Chairman, I just finished this weekend talking with some agents. Their concern is that they not be required to work within the perimeter but to be allowed operational latitude. I would ask the gentleman make sure that this administration gives the operational latitude. But this administration stopped this fence, refused to recognize the benefits of the fence.

Frankly, I have got to go with a winning team. Somebody who has credibility along the border. And in all fairness, let me say, this congressman who knows the border, has been successful, has had the guts to move forward and be ahead of the rest of the Congress on this issue. And I say to my colleague that there are those that may be concerned, but his experience, his success leaves me to say I have supported him along the border on this issue and I will take the heat.

Mr. Chairman, I would ask those of my colleagues to come visit the border and tell me that it is not a safer place because of the fence. I said to the gentleman who knows the border, has been successful, has had the guts to move forward and be ahead of the rest of the Congress on this issue. And I say to my colleague that there are those that may be concerned, but his experience, his success leaves me to say I have supported him along the border on this issue, and I will take the heat.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California [Mr. BILBRAY].

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

Mr. HUNTER. I yield to the gentleman from California [Mr. BILBRAY].

Mr. LAUGHLIN. Mr. Chairman, I am a non-Californian who is going to speak on this amendment, and I have to confess my knowledge of it comes as a result of Army Reserve duty. I was assigned as an Army reservist to work with the Army Reserve units building the first perimeter fence from the steel matte from landing mats that were used in Vietnam that had been in storage for many years.

What I learned by this is it was not just stopping illegal immigrants. It was safety for the officers, safety for people. The rapes, the robberies, the drug sales, and the murders went down because of the fence. So I urge opposition to the amendment.

Mr. HUNTER. I thank the gentleman. The CHAIRMAN. All time has expired.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BEILENSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, the Clerk proceeded with the amendment offered by the gentleman from California [Mr. BEILENSON] will be postponed.

It is now in order to consider amendment 4, printed in part 2 of House Report 104-83.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 217. PROTECTING THE INTEGRITY OF THE SOCIAL SECURITY ACCOUNT NUMBER CARD.

(a) Improvements to Card.—

(1) In General.—For purposes of carrying out section 274A of the Immigration and Nationality Act, the Commissioner of Social Security (in this section referred to as the "Commissioner") shall make such improvements to the design, technical specifications, and materials of the social security account number card as are necessary to ensure that it is a genuine official document and that it offers the best possible security against counterfeiting, forgery, alteration, and misuse.

(2) Performance Standards.—In making the improvements required in paragraph (1), the Commissioner shall—

(A) make the card as secure against counterfeiting as the 100 dollar Federal Reserve note, with a rate of counterfeit detection comparable to the 100 dollar Federal Reserve note.

(B) make the card as secure against fraudulent use as a United States passport.

(3) Reference.—In this section, the term "secured social security account number card" means a social security account number card issued in accordance with the requirements of this subsection.

Effective Date.—(a) The requirements of this section shall apply with respect to the social security account number card issued after January 1, 1999, whether new or replacement, shall be secured social security account number cards.

(b) Use For Employment Verification.—Beginning on January 1, 2006, a document described in section 274A(f)(2)(C) of the Immigration and Nationality Act is a secured social security account number card (other
than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

(c) NOT A NATIONAL IDENTIFICATION CARD.—Cards issued under this section shall not be required to be carried upon one’s person, and nothing in this section shall be construed as authorizing the establishment of a national identification card.

(d) NO NEW DATABASES.—Nothing in this section shall be construed as authorizing the establishment of any new databases.

(e) ELIGIBILITY.—The Commissioner of Immigration and Naturalization, in consultation with the Commissioner of Social Security, shall conduct a comprehensive campaign of employers about the security features of the secured social security card and how to detect counterfeit or fraudulently used social security account number cards.

(f) ANNUAL REPORTS.—The Commissioner of Social Security shall submit to Congress by July 1 of each year a report on—

(i) the progress and status of developing a secured social security account number card under this section,

(ii) the incidence of counterfeit production and fraudulent use of social security account number cards,

(iii) the steps being taken to detect and prevent counterfeiting and fraud.

(g) GAO ANNUAL AUDITS.—The Comptroller General shall perform an annual audit, the results of which are to be presented to the Congress by January 1 of each year, on the performance of the Social Security Administration in meeting the requirements in subsection (a).

(h) EXPENSES.—No costs incurred in developing and issuing cards under this section that are above the costs that would have been incurred for cards issued in the absence of this section shall be paid for out of the Social Security Trust Fund established under the Social Security Act. There are authorized to be appropriated such sums as may be necessary to carry out this section.

The CHAIRMAN. The gentleman from Florida [Mr. McCollum] and a Member opposed each will control 15 minutes.

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

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

I want to explain this amendment to everybody so they clearly understand what it is. It is a requirement so that the Social Security Administration move over the next few years to make a Social Security card as counterfeit-proof as the $100 bill that is out now, and as free and protected from fraudulent use as the passport. I would submit that the increases in counterfeiting and fraud long overdue. It is not very complicated. It is not a national ID card. There is no new use. There are no fingerprints. There are no retina scans. There are no magnetic strips. This is a simple improvement in the existing paper that is out there which is absolutely essential if we are going to control illegal immigration in this country and make employer sanctions work.

We have today in the Nation about 4 million illegals present in this country. We legislatively sanctioned in 1986 about 1 million in the legalization process that I opposed in the 1986 law. Well, since then we have gotten 4 million more, we are adding about 300,000 to 500,000 illegals a year to this country, and in that process we cannot absorb and assimilate all of them coming in that rapidly and settling in the communities where they are settling and having the impacts that they are having. We are overwhelming our social and economic costs skyrocket in those communities, and that is why we are here tonight addressing the illegal immigration portion of this bill.

Well, how are we going to stop people from coming here? What is causing people to come? Well, I would submit the reason people are coming here to this country is something we have known for a long time, jobs, to get a job. The only way that we are going to stop people from coming here is by cutting off the magnet of jobs. No matter how many Border Patrol we put up on the border, and I am all for doing that, we will never completely stop it. Plus, about 50 percent or so of those who come here or were here illegally are visibly or once they cross the border illegally in that sense, anyway, but they are here illegally.

Mr. Chairman, the way we have to make this work is to make an act provision from 1986, the current law, operable to permit an employer to knowingly hire an illegal alien. It has been for 10 years. The problem is document fraud. The problem is we cannot enforce employer sanctions because we have today some 29 documents that may be used when somebody goes to get a job to prove they are eligible to get that job. The employer has to check an I-9 form off and look for some combination of those documents. One of those documents is the Social Security card.

Under this bill, we reduce the number of documents that we may use when we go to seek a job from 29 down to 6. One of those documents remains the Social Security card which today is the most commonly used, fraudulently used, official document of the United States. We can buy a counterfeit Social Security card of the so-called newer variety on the streets of Los Angeles for $30 or $40. It is a very common thing as long as that is the case. As long as counterfeiting of the Social Security card can be that easy, we can never make employer sanctions work. We can never stop employers hiring illegal aliens because they do not know who they are and they get documents that are fraudulent. And we can never then control illegal immigration coming into this country. That is not the end-all, be-all, but making the Social Security card more secure and more tamper resistant is critical to being able to ever do this. And that is what my amendment does.

Mr. Chairman, it is the simple amendment that I am offering tonight that would get at that problem. Again it would require the Social Security Administration over a 3-year period to move from 1 million to go to a card that is as counterfeit-proof as the $100 bill and as resistant to fraudulent use as the passport. It would require it for new issues. It would not require everybody to get one of these cards. It would not have any new use, no new data bank, no fingerprints, no national ID of any sort.

By the year 2006, under this amendment, nobody would be able to use a Social Security card that was not of the new variety in order to prove their eligibility, but there are other documents that would still be around besides a Social Security card they could use. So some of them will go back and that and seek the use of the Social Security card. Maybe they will want a new one. But I would submit by that time things will be pretty well taxed away.

Last comment, Social Security Administration apparently thinks this is going to cost billions of dollars to implement, but the Congressional Budget Office says that it would average about $51 million a year over the next 10 years. I think after that it would go down in cost, not up, since about half the cards will already be new, and fewer and fewer people would be seeking to have new cards at that particular point.

So I would encourage my colleagues to adopt this amendment. It is the most important immigration amendment I think I have ever offered, and I have been around this body offering immigration amendments for a long time.

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

The CHAIRMAN. The gentleman from Indiana [Mr. Jacobs] is recognized for 15 minutes in opposition to the amendment.

Mr. JACOBS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. Bunning], the Hal of Fame.

Mr. BUNNING of Kentucky asked and was given permission to revise and extend his remarks.

Mr. BUNNING of Kentucky. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I include for the RECORD a letter from Shirley Chater, the head of the Social Security Administration, in direct opposition to this amendment.

The letter referred to is as follows:

SOCIAL SECURITY,


Hon. Jim Bunning,
Representative Bunning.
Washington, DC.

Dear Representative Bunning: I am writing today to state the Administration’s concerns regarding an amendment to H.R. 2202, the Immigration in the National Interest Act of 1995, which will be offered by Representative Bill McCollum (R., FL). Mr. McCollum’s amendment would require the Social Security Administration to improve the physical design, technical specifications, and materials used in the Social Security card, to ensure that it is an artificial document, and that it is secure against counterfeiting, forgery, alteration and misuse. Beginning in 1999, all new and replacement Social Security cards would need to contain these features. We are opposed to the adoption of this amendment.
In making these improvements, the amendment would require SSA to use two performance standards. The first would be to ensure that new and replacement Social Security cards are secure against counterfeiting as the $100 Federal reserve note. The second performance standard would require SSA to make the Social Security card as secure against fraudulent use as a United States passport.

The current Social Security card that is issued by SSA is already counterfeiter-resistant. The card includes many of the features that have recently been incorporated in the newly redesigned $100 bill, such as small disks that can be seen with the naked eye, but that cannot be reproduced by color photocopiers. In addition, the current card is printed on banknote-quality paper that has a blue marbled background with a printing that can be felt by running one's fingers across the card.

While the McCollum amendment's requirements are non-specific, it appears that, at a minimum, SSA would be required to place an individual's photograph on each Social Security card, effectively turning it into a photo-identification card similar to a driver's license. It is not clear what other features might be required.

We are opposed to this amendment because it changes the basic nature of the Social Security card. The card is intended to enable employees and employers to assure that wages paid to an individual are properly recorded and that the individual's earnings record. Throughout its history, the card has never contained any identifying information other than the name of the individual to whom the number has been assigned. Many editions of the card have expressly stated that the card was not intended for identification.

This has assured that the Social Security card did not become a de facto national identity card. Mr. McCollum's amendment includes language stating that the new card would not be a National identification card. However, to the extent that an individual's Social Security card has information of identity, the practical effect is to establish that card as a National identification document.

The Administration is opposed to the establishment, both de jure and de facto, of the Social Security card as a National identification document.

The Administration is also concerned that a de facto National identification card, such as the Social Security card, has the potential for becoming a source of harassment for citizens and non-citizens who appear or sound "foreign." Such individuals could be subject to discriminatory status checks by law enforcement officials, banks, merchants, schools, landlords, and others who might ask for an individual's Social Security number. We are opposed to jeopardizing the civil rights of such individuals and urge the Members of the House to oppose the McCollum amendment from this perspective as well.

Moreover, we believe that the additional workload associated with placing a photograph and other additional features on all new and replacement Social Security cards would adversely affect SSA's ability to handle its core mission, which is to administer the Social Security program. In that regard, I would note that the current Social Security card is entirely satisfactory from the perspective of fulfilling its role in the administration of that program. In similar fashion, I would note that the current Social Security card is entirely satisfactory from the perspective of fulfilling its role in the administration of the Social Security program.

Any implementation of the McCollum amendment, should it be enacted, would have a substantial fiscal and personnel impact. We estimate that placing photographs on Social Security cards would increase SSA's administrative needs by as much as $450 million annually. Over 5 years, this would result in additional administrative spending by SSA of as much as $2.25 billion. If the effect of the McCollum amendment is to require SSA to place an individual's photograph on Social Security cards currently in use, the cost would be $3 to $6 billion, depending on the features required.

Finally, this workload would increase SSA's staff by an estimated 5,700 work years annually. This would be a 10 percent increase in SSA's projected authorized staffing for 1999. The amendment would add a substantial new work load to SSA's core mission because it would establish a costly new work load that would significantly increase SSA's staffing needs. As you know, the Congress in 1994 passed one of the largest spending reductions in overall Federal staffing by 272,000 work years. SSA's projected share of this reduction is about 4,500 work years. To assure that these work year savings were realized, the crime bill placed a ceiling on all Federal employment. This, coupled with the freeze that has been imposed on the domestic discretionary spending cap, which includes SSA's administrative budget, makes it highly unlikely that SSA will be provided with the additional resources required for placing photographs on Social Security cards.

If SSA did not have authority to employ additional staff, the only other alternative would be to defer or discontinue other work load associated with the administration of the Social Security program. We believe that this possibility is unacceptable. SSA's major mission is to ensure that benefits are paid to those who apply for them as soon as possible. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely, 
Shirley S. Chater, Commissioner of Social Security.

Mr. Chairman, let me say at the outset that all aspects of the Social Security number fall solely under the jurisdiction of the Ways and Means Committee, specifically, the Social Security Subcommittee, of which I am chairman.

The McCollum amendment would expand the use of the Social Security card for immigration control purposes without a fair hearing before the Ways and Means Committee.

The McCollum amendment would require the Social Security Administration to issue new and replacement Social Security number cards beginning in 1999 that are as secure against counterfeiting as the $100 Federal Reserve note, and as secure against fraudulent use as a U.S. passport. That means you have to have your picture on it.

This radically changes the purpose of the Social Security card from a wage reporting document to an immigration control national identification card.

The Social Security Administration has already incorporated a series of security features designed to secure Social Security cards against counterfeiting or tampering. These include very similar technologies that were used in the recently issued $100 Federal Reserve note.

But, by implication, the McCollum amendment goes beyond this and requires that future Social Security cards have a photo I.D., one of the main features of the U.S. passport. The overall impact could result in the Social Security Administration having to replace up to 200 million cards by the year 2006, at a cost to the Social Security Administration of 3 to 6 billion dollars, depending on what you add to the bill.

To put this in perspective, the entire annual administrative budget for processing applications and paying monthly Social Security benefits to all 43 million eligible Americans is $3 billion.

Although Social Security benefit payments are off budget, SSA administrative expenses are subject to the domestic discretionary cap, and funds are already insufficient to enable SSA to carry out its mission or processing disability claims on time, or conducting the continuing disability reviews required by law.

Furthermore, SSA staffing is subject to a ceiling, and is scheduled for reduction by 4,500 positions by 1999, even though the number of those receiving Social Security benefits is projected to increase by 3 million in the same period.

While the McCollum amendment would authorize the appropriation from general revenues to carry out the new duties required, it is impossible to determine what the Appropriations Committee will fund from year to year.

In short, spending caps are tight and are projected to get tighter, and requiring SSA to assume duties outside its mission would cause further deterioration of the Social Security services it is required to provide.

While the McCollum amendment would authorize the appropriation from general revenues to carry out the new duties required, it is impossible to determine what the Appropriations Committee will fund from year to year.

The current tamper-resistant Social Security card currently issued enables SSA to credit wages and fulfill its mission administering the Social Security programs.

While I strongly support appropriate measures to curb illegal immigration and employment, I must oppose any proposals that would change the issuance or purpose of the current Social Security card without thorough examination and debate by the Committee on Ways and Means.

Most Social Security cards belong to law-abiding citizens. According to SSA, unless a totally fool-proof method is discovered to prevent fraudulent documents from being used to obtain Social Security cards, the results of reissuing these cards would be inconveniences to law-abiding citizens, rather than the added immigration control benefits intended by this amendment.

I urge my colleagues to oppose the McCollum amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, I just simply want to comment on my good friend and colleague's comments on this. I do not doubt his sincerity, and I do not doubt the sincerity of the Social Security Administration. But some of the things that they are putting out just does not jibe with my amendment.
One of them is, there is no new use by my amendment for the Social Security card from existing law. The Social Security card, whether we like it or not, is today utilized as one of the documents to show a person is eligible to get a benefit. It is used in the Social Security Administration regularly issues new cards anyway, and reissues cards upon request, and there would be no additional demand on them, at least through that period of time, and the cost, as the CBO [Congressional Budget Office] has indicated, is very minimal to make this transition to what would equivalently be like the passports which has paper like this, that has all kinds of codes and inking and special designs in it, which today is simply not a part of the Social Security card.

I wish I could agree with the gentleman that the Social Security card, as my colleagues know, is already tamper-proof. It is the most fraudulently used card today in America, it is rampant with counterfeiting, and it does nothing to make one of those key remaining documents—Social Security cards—counterfeit-resistant. That is a major flaw in this bill that this amendment would correct.

In addition, I was unable to find that using Social Security for proof of work eligibility does not pose any greater threat to privacy than already exists. All workers must already provide a Social Security number upon taking employment. This amendment would merely help ensure that the Social Security card a prospective employee shows to an employer is not fraudulent.

No matter how many other ways we attempt to curb illegal immigration, we will not succeed unless we have a realistic way of stopping illegal immigrants from getting jobs in this country. If Social Security cards are going to be one of the primary documents prospective employees use to prove eligibility, this bill provides for—it is absolutely essential that we ensure that those cards cannot be easily forged, as they can be right now.

Mr. Chairman, this amendment would provide one of the most effective tools possible to fight illegal immigration. If we are really serious about stopping illegal immigration, we must ensure that the documentation workers use to obtain jobs is authentic. I urge Members to vote "yes" on the McCollum amendment.

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

Mr. McCollum. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it has been said that we need a reliable source to identify illegal immigrants, or legal immigrants or legal people, citizens. So the question arises: Just how reliable would a Social Security card with a picture on it be? And the answer lies in an old Volkswagen ad on a snowy day, when a guy gets up real dark and early, gets in a Volkswagen, tools along, goes to a barn and pulls out a snow plow and said, "Do you ever wonder how the guy who drives the snow plow gets to the snow plow in the morning?"

Now, how does one get to a Social Security card if one is not born in the United States? Submit a birth certificate. How difficult is it to fake a birth certificate? Or do we want to amend this now and require pictures on birth certificates?

The law would require that a baby submit a picture, I guess. Here we got a 3-day-old baby in the hospital, and they motor on down to the Federal building, take a shot of the baby and, as my colleagues know, people will not always look the same after 20 years or so as they do 2 or 3 days after they are born.

What would we do with Mrs. Clinton? I mean, she might look one way one day and another way another day. So how reliable is it ultimately going to be?

As a matter of fact, my own judgment is that we have had this over the years. This is about $3 billion worth of wishful thinking.

Now, let us try another one. Two hundred million mug shots on file here in the Federal Government. Well, that makes the original terrorism bill that was up in congress look like a tinker toy set. It is a noble purpose, but I do not really think that it would accomplish its purpose after we finish bankrupting the Federal Government by blowing $3 billion on it.

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

Mr. McCOLLUM. Mr. Chairman, I yield ½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Florida [Mr. McCOLLUM] for yielding me the time, and I rise in support of this amendment.

Mr. Chairman, I think it is important that we make clear what this does not do. First of all, it is not a national ID card, so some have said. One would not have to carry it with them. They would not use it in any way different than they use their Social Security card right now, which is if someone presents it at the time they enroll with an employer for employment purposes.

There is no new use called for for the Social Security card or Social Security number. There is no new data base here. There is nothing involved here than the information that the Social Security Administration uses right now, and yet it ends a substantial amount of bureaucracy.

Mr. Chairman, it is going to be the step toward curing the problem of dealing with whether or not, when somebody presents, they are using somebody else's Social Security number, and all manner of havoc can be caused when somebody takes somebody else's identity and uses that Social Security number. It costs the taxpayer money if we add to somebody else's record in terms of how much Social Security benefits have been paid. It can have a devastating impact on somebody if that takes place.

The bill does not require that a photograph be put on the card. The Congressional Budget Office says that it does not cost $3 to $6 billion. It costs $51 million, according to the Congressional Budget Office, our own agency, and we need this, and I am afraid I do not have the time to read.

I support the amendment.

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

Mr. JACOBS. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, as my colleagues know, I think it is time we took a look at this thing. The purpose of the Social Security Administration is to provide benefits to seniors, not to police the borders.

This card that we are talking about here costs about $10.54 to make. A card
like my colleagues are talking about, if it is like a passport, is $60. Taxpayers pay for a passport. They do not pay for this except through payroll tax deductions.

Let me just read for my colleagues what the Social Security Administration says this is today. The current Social Security card is already counterfeit-resistant, contains most of the features that have been incorporated in the newly designed $100 bill, such as small disks that can be seen with the eye, cannot be reproduced by color photographs. In addition, the current card is printed on banknote-quality card paper that has blue marbledized back-ground, with right hand printing that can be felt by running one’s fingers across the card.

It seems to me that maybe we are not looking at the Social Security cards when we hire people or when we ask people, “Are you a legal immigrant?”

Now I think it is time that we got down to brass tacks and said Americans do not want, do not need, and do not deserve a Federal identification card.

Mr. McNeillam, Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Stenholm].

Mr. Stenholm. Mr. Chairman, I rise in support of the McCollum amendment. To me, a national identification card; nothing could be further from the truth to make this argument.

We have to look and, first off, answer a simple question: Do we have an illegal immigration problem? The answer usually comes back, yes, we do. If we do, then we have to use all of the tools available to us to help solve the problem.

We currently have the technology to make identification cards highly resistant to counterfeiting. I do not know why we do not use it. Frankly, I believe we need to look beyond the Social Security card, as the previous speaker mentioned, and apply this same technology that we have available to birth certificates and the other documents used to verify one’s status in our country.

I think that would be committing the resources to the problem that we need to have in this country if we are, in fact, going to solve the problem. The Congressional Budget Office has scored the McCollum amendment at an annual average cost of approximately $1 billion over the next 10 years.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. Bunning].

Mr. Bunning of Kentucky. Mr. Chairman, I believe the scoring was on a different McCollum amendment, not the present one being offered.

Mr. Stenholm. It is my information, according to the CBO, this is the amendment that we are talking about today.

Mr. Bunning of Kentucky. It is on the original McCollum amendment; it is not on this one.

Mr. Stenholm. I believe it is in fact the amendment that we are considering today, Mr. Chairman. Also, we have heard a lot of other, I believe, well-intended but misinformed information concerning the cost of the technology that we are talking about on the particular card. We will be glad to provide the additional information as to the true cost of the technology involved in making this as counterfeit-proof as possible. Nothing is totally, counterfeit-proof, that is not technologically possible to do a lot better job. I do not understand how my colleagues can argue that we should not do the best we possibly can in solving the problem.

Mr. Jacobs. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Texas said we ought to do the same thing with birth certificates. There goes another $3 billion, for my fiscally conservative friend. If it were worth $3 billion, I would be the first one to say yes, but we are a little short of change here in the Federal Government right now. If we buy $3 billion worth of wishing, thinking, we have not exactly made a good bargain. It will not work.

There are not very many people in this country that want their pictures on file with the Social Security system, or any other part of the Federal Government. We can say it is not a national ID card, and we can say if it lacks one, it has a lot of the earmarks of a national identification card. I, for one, do not want my picture on file in the Federal Government. I do not want that many people to find out how ugly I am.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. Becerra].

Mr. Becerra. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I will be brief, because I believe the arguments have been made in this particular debate very well by those who are opposing the amendment.

Mr. Chairman, let me just say that it seems odd to me, at a time when we are talking about having the Federal Government downsize and devolve and allow us to have more control locally over what happens, that we have an initiative like a big Government enterprise. It would ask that the Social Security Administration do with the data base it has created over the last several decades what it was never meant to do, and that is, act as an identification program. Never was the Social Security Administration told that the Social Security number would be used to check status. Yet, as we have seen and has been admitted by Members on both sides of the aisle, that is exactly what we see.

The Social Security card is used for all sorts of purposes. Yet, we are told by the Social Security Administration that fully 60 percent of all the people who currently hold a Social Security card never had to prove that they were U.S. citizens, or whether they were here legally in this country. So we are talking about 60 percent of all the cards that we have issued out there to people who we do not know who they are.

That will have to be provided, insurances would have to be provided, and we have to provide the money to do that. Where is the money? It is not there.

Mr. McCollum, Mr. Chairman, I understand I have the right to close.

Mr. Bunning of Kentucky. Mr. Chairman, I would like to point out one thing about the Social Security Administration and their ability to deliver. We have a program in Social Security called SSDI, or Social Security disability insurance. Because of lack of funds in the Social Security Administration’s administrative budget, there is presently a backlog of a half million people needing to apply or more to qualify for Social Security disability. I know there are an awful lot of Members who hear from constituents who are having trouble getting on SSDI because the Social Security Administration is inadequate to process claims on time.

On the back end of SSDI, there is a backlog of 1.7 million people on disability that are overdue for continuing disability reviews. CDR’s are not being done because the Social Security Administration does not have enough money in its administrative budget now to do those reviews in a timely fashion.

Mr. Chairman, if we could get just a little more money into the Social Security Administration’s administrative budget, we could literally save billions of dollars. We have a GAO that showed we can save $6 in benefits for every $1 we spend on continuing ability reviews. The point I am trying to make is that SSA cannot handle the functions that they are required to do now with the administrative budget that they have, without adding the additional burden the McCollum amendment would impose on SSA.

Mr. McCollum. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. Schumer].

Mr. Schumer. Mr. Chairman, I thank the gentleman for yielding time to me, salute him for his work on this, and this is an important amendment. First of all, the Social Security card is used from one end of America to the other as an identification card right now. Who are we kidding? If my colleagues want to pass it, let’s just say it should not be. I would ask the Chairman and the distinguished minority member of the Social Security Subcommittee to pass that law. But let us
admit the trust; everywhere people go they are asked for a Social Security card. In fact, one way to prove you are a bona fide person who can have a job is to ask for a driver’s license and a Social Security card.

Mr. Chairman, I worry about that this is an antifraud amendment. All over where we go people say, “Why can you not stop illegal immigrants or others from coming here?” The No. 1 answer we give our constituents is that when they come here they can get jobs, get benefits, again because of fraud. Here the Gentleman from Florida [Mr. McCollum] has put together the most effective antifraud measure we can find, without it changing the actions of the Government one bit, and we find all this opposition.

Mr. Chairman, what I worry about is that this bill, which started out with good intentions, whether Members agree with it or disagree with it, is going to end up being the same kind of thing. It will get away from us. We say we are doing something and we do nothing, because every time someone makes a rational and small proposal to get something done, people say, “What about this hypothetical, that we get away from us?”, and it is a nebulous amendment. Mr. Chairman, I urge support of this amendment. If Members believe they want to stop fraud and immigration, they have no choice but to support this amendment.

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

Mr. Chairman, does nothing. Which would we rather do? Do nothing for nothing, or do nothing for $3 billion? Because that is what this comes up to. Now they say, “Well, we will plug the loophole.” We will just put pictures on the Social Security card. We must make it tamper-proof, and inking this passport does, by this provision, strike “(i) and (ii)” and insert “(i) through (iv).”

I said, “This is not going to cost very much,” and CBS said, “Yes, it will not cost a whole lot to do this.” I think it is the least we can do if we are going to do the steps that are required to stop illegal immigration from coming into this country. That is what the McCollum amendment is all about, the key to making people from all countries to come to our great Nation. However, many take advantage of this open door policy. It is a volatile and tough issue, and I appreciate his efforts.

Mr. Chairman, this amendment is designed to bring honesty and integrity back to our administration system. But what most Americans are not aware of is that those that come to this country and intentionally violate our immigration laws are still eligible for legal immigration and temporary visa benefits in future years. We have created a revolving door, so to speak. Mr. Chairman, our Forefathers, with great foresight, created a system to make this the strongest, most prosperous country in the world by allowing people from all countries to come to our great Nation. However, many take advantage of this open door policy. Even if one is caught and deported, they can still in the future apply for a student visa or a green card. This is not what America is all about.

Mr. Chairman, this amendment is designed to bring honesty and integrity back to our administration system. But what most Americans are not aware of is that those that come to this country and intentionally violate our immigration laws are still eligible for legal immigration and temporary visa benefits in future years. We have created a revolving door, so to speak. Mr. Chairman, our Forefathers, with great foresight, created a system to make this the strongest, most prosperous country in the world by allowing people from all countries to come to our great Nation. However, many take advantage of this open door policy. Even if one is caught and deported, they can still in the future apply for a student visa or a green card. This is not what America is all about.
broken the law in this country, and those that are law-abiding citizens.

Mr. Chairman, my amendment will go after those that intentionally break our laws, our immigration laws. We should not reward them with a temporary visa or an immigrant visa in the future. Our current laws send the wrong message. Mr. Chairman, to would-be illegal immigrants that there are no real penalties for breaking our laws.

Let me give a couple of examples. In recent meetings as of last year with my local policemen and women in the city of Tacoma out in Washington State, I was shocked and taken aback to discover that a majority of their time investigating narcotics claims is dealing directly with non-citizens of the United States.

I was also surprised to realize that the Seattle Police Department spent an inordinate amount of time investigating international organized crime networks in our area. It is no wonder that those who break our laws to enter this country do not think twice many times of breaking our laws once they get here as well. They are using our resources, those resources that could be spent more wisely in our community.

A recent preliminary estimate by the Congressional Budget Office states that this amendment will add no additional cost. In fact, I believe it will save money in the long run. My amendment is to restore a strong sense of law and order to our immigration law. It is intended to re-store that strong sense of pride and accomplishment for those who play by the rules and to punish those that violate our laws for selfish gain.

This particular amendment has been endorsed by the Americans for Tax Reform, the Federation of Americans for Immigration Reform, and an organization in my State that represents over 90 percent of the police officers, an organization entitled "COPS."

Mr. Chairman, my amendment will serve to strengthen H.R. 2202, the Immigration in the National Interest Act, and bring honesty and integrity back to United States immigration law.

Most American don’t know it, but any individual who enters the United States illegally and is subsequently found eligible for legal immigration or a temporary visa in future years. The United States border has become a revolving door for illegal immigrants. It’s time we shut that revolving door forever.

From the time of our forefathers, United States immigration policy has provided the opportunity for millions of people to come to America to help us build the strongest, most prosperous democracy in the world. In more recent years, however, many have begun to take advantage of our open door policy and our generosity. Today, some believe that immigration to the United States is a right instead of a privilege.

Every year, 300,000 people enter this country illegally—breaking our laws and betraying our openness. The U.S. Immigration and Naturalization Service estimates that 3.8 million people currently live in this country illegally. Even if these illegal immigrants are caught and deported, any one of them can later apply for a student visa or a green card without penalty. This is not right.

Illegal immigrants come to the United States at the expense of those who choose to play by the rules and come to America legally. While millions or honest people wait years for their applications to be the wised so they can join their relatives who have legally immigrated to the United States, hundreds of thousands sneak across our borders in the dark of night without conscience. There is no incentive to comply with our immigration law because we do not differentiate between these criminals and law-abiders. My amendment will put an end to this madness by taking a strong step in the right direction.

According to my amendment, if an individual breaks our immigration laws by intentionally entering the United States illegally, he or she will never be rewarded with any kind of temporary or immigrant visa. Not 1 year later, not 20 years later, never—one strike you’re out.

We must use our immigration resources wisely instead of wasting them on people who have no respect for the privilege bestowed upon them by American citizens. This is a commonsense approach to a problem that has plagued America for decades. Our current laws send the wrong message to the United States illegally, is that correct? My amendment is designed to deny immigration benefits to individuals who intentionally enter the United States illegally. It is intended to deter future illegal immigration and to bring common sense back to U.S. immigration law.

I urge my colleagues to support my amendment and return common sense to U.S. immigration law.

Mr. Chairman, before I reserve the balance of my time, I would like to enter into a brief colloquy with the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. TATE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I would like to ask the gentleman this question. It is my understanding that your amendment is designed to deny immigration benefits to individuals who intentionally enter the United States illegally, is that correct?

Mr. TATE. Yes, that is correct. My amendment applies only to those individuals who knowingly and intentionally enter the United States illegally. It is intended to apply to those who enter the United States with fraudulent documents, knowingly fraudulent, those who enter with no documents and those who purposely are not found. The new officials rule neglecting across the border without inspection. It is not intended to apply to individuals who in good faith present themselves at the border for inspection with

Some Members have expressed a concern that my amendment will inadvertently apply to individuals who enter the United States legally on a temporary visa and stay on once that visa has expired. I can assure you, Mr. Speaker, that my amendment does not apply to visa overstayers. The burden of intent will be very difficult to prove in the case of an individual who legally entered the United States.

Others have asked whether my bill will permanently bar minor children who enter the United States illegally with their parents or an adult from future legal immigration benefits. The answer is no. My bill only applies to people who had the intent to cross our border illegally. According to common law, children age 7 and under are incapable of possessing criminal intent, while children 7 to 14 can be found guilty of criminal intent but such intent is very difficult to prove.

Mr. Chairman, my amendment is sound immigration policy that will return a strong sense of law and order to U.S. immigration law. It will grant no benefits to those who choose to follow our immigration laws a sense of pride and accomplishment and will punish those who, with no regard for their fellow man, choose to violate our laws for their own selfish gain. We must return honesty and integrity to American immigration law.

My amendment has been endorsed by the Federation for American Immigration Reform, the鹰论坛, Americans for Tax Reform, the Carrying Capacity Network, Washington State Citizens for Immigration Control, and the Washington State Council of Police Officers. These organizations all agree that we must impose strong penalties against illegal immigrants in order to deter future illegal immigration and to bring common sense back to U.S. immigration law.

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a visa or other documentation required by Federal law to enter the United States and whose legal admission is de-
noticed because the Federal immigration officials determined that the appli-
cant's reasons for entering the United States do not reasonably fall within the scope and the purpose of the stated reason for entry with a visa or other documentation.

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

Mr. BRANT of Texas. Mr. Chairman, I yield myself such time as I may con-
sume.

Mr. Chairman, I am opposed to this amendment. I think it is a case of just one-upping a provision that is already in the bill. It makes it a much stronger penalty than current law with regard to people that try to come into the country illegally. I am fearful that it is this kind of sort of piling-on amend-
ment that is going to make this bill tough for everybody to support, many of the people are on the fence on some-
thing.

First let us just apply some common sense to it. Let me tell what the bill does. The bill says already that you can exclude people from 5 years to 10 years depending on the category they are in. We do not enter into the country il-
legally and are ordered removed. We have already got a stiff penalty in the bill. That is an increase over the cur-
rent law. It also proposes in the bill a new 10-year bar on any alien unlaw-
fully present in the country for an ag-
gregate period of 1 year. That is a pret-
ty tough penalty in my view. This amend-
ment just goes further and says they are going to be excluded perma-
nently if they come into the country il-
legally one time.

Let me just point something out. It is going to have no deterrent value be-
cause the vast majority of the people that come into the country illegally are going to have no idea that is in the law, so it is not going to stop anybody from coming. Other provisions in the law I think will, but this one will not.

Second, it is going to do no doubt lead to a variety of very cruel situations where somebody comes into the coun-
try illegally to see members of their family, and I do not condone that, of course, but the fact of the matter is we are going to have situations where peo-
ple like that later on as a member of a family, and I do not condone that of, but of course the fact is we are going to have situations where peo-
ple like that later on as a member of a family are going to be eligible to come in and create a social or apply to come in in some fashion. I think it is well
putting of something in the law that is not going to deter anything, but lead to what very likely would be an inadvert-
ent family tragedy.

They can continue, and say the At-
torney General has the discretion to waive the application of the law and give consent to come in, anyway. How many people are going to have the wherewithal to apply for that kind of special treatment from the Attorney General in the United States? I do not think very many at all.

We have already got a tough provi-
sion in the bill. It is a 5- to 10-year ban.

It is a 10-year ban if you stay in the country illegally for a year. That is a much harsher provision than we have in the current law on it is sufficient. The Tate amendment just goes too far. One strike is not enough for anybody.

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

Mr. TATE. Mr. Chairman, I yield 2 minutes to the gentleman from Cali-
ifornia [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in support of this amend-
ment. Since the dawn of our Nation, immigrants have been the backbone of growth, creativity, and opportunity for America. I know these truths to be self-evident because I am the grand-
daughter of Polish immigrants. We must remember the distinction be-
"One strike and you're out.''

This amendment is going to bring back and integrity back to the U.S. immi-
gration laws. Simply put, if you don't play by the rules, then you don't get to play at all. No more warnings, no more slaps on the wrist. When we catch you, you're gone.''

This amendment will return a strong sense of law and order to the U.S. immi-
gration law. It will give those who choose to play by the rules a sense of dignity. If we are to remain true to our heritage, we must ensure that immi-
gration is an enrichment of that this amendment does not do.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. BECERRA. I thank the gen-
tleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gen-
tleman for yielding me the time.

Mr. Chairman, I yield myself such time as I may con-
sume.

Mr. Chairman, let me say that I would agree with the remarks of the gentleman from Texas in opposing this particular amendment. We currently have in existing law prohibitions, civil penalties, criminal penalties as well, jail terms that would be served by someone who was in the country with-
out documentation. We also have under current law provisions that would cause the deportation and exclusion of an individual from this country for many years.

Under this bill that we have before us, the penalty is increased even more as the gentleman from Texas mentioned, up to 10 years, you would be banned from being able to come into this country if you are caught without documents.

Mr. Chairman, this bill goes the final step and says, "If we catch you, you can never return." It takes into ac-
count not one bit what the cir-
mstances may have been for that individ-
ual who was in the country.

That individual happened to be here and had a great deal of family here and made the mistake of trying to come in later than the date that they a-
"To at least we pay the person pay a fine. But to forever banish that individual from seeing a family member in this country I think is extremely harsh.

Ten years is a very severe punishment to serve and that is already in the bill. But let me mention something that most Members probably are not aware of that this amendment does not do. Here we have again an amendment that is classed differently. If you happen to be here through a visitor's visa or a student visa, you come into this country legally. You entered with proper docu-
mentation and the authority of this country to be here. If you overstayed the tenure of that visa, whatever the term may be, then you have now become un-
documented because you no longer have a right to be in this country. Yet this particular amendment does not ad-
dress that problem.

Mr. Chairman, we are not going to do anything to make this problem worse. More than 50 per-
cent of all the people that are in this country as undocumented come into this country legally. They over-
stay their visas and do not return, and then they become undocumented indi-
viduals. Yet this amendment would do nothing to those individuals who have come into the country under legal means, yet overstayed and are now un-
documented.

Here again we seem to see an amend-
ment that attacks the issue with a very small perspective, with blin-
ders, and says only to those who have crossed a border, and certainly it is in regard to people who look like they come from across the southern border, and its says to those individuals, "Forever more you will be denied access to this country." Admit-
tedly, you committed a wrong, and ev-
everyone should admit that, and that person should be punished, not only with de-
portation but with punishment that would require that person not be able to come into this country for a time. But this amendment goes well
that was at that time. Indeed, millions through Ellis Island, whatever way who played by the rules and came strong disincentive to all our forebears play by the rules and, I might add, a fair to them. It is a disincentive to ing flood of illegal immigration is un-working within the INS system to filled with cases of people who are sensing deterrent way to get control over our borders. 

Mr. Chairman, with that I yield 2 minutes to the gentleman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Washington [Mr. TATE], the author of this common sense amendment, for yielding me the time.

I do say this is common sense, which is what many Americans believe that we in Washington do not seem to have. But, something tells me that this is also one of those if-the-American-people-only-knew issues. What would the American people think if they knew that aliens could wantonly violate U.S. law by crossing the border illegally and then be welcomed with open arms just a few days later? We have heard throughout this debate that people in other lands see the United States as a land of promise. Let me suggest a play on words. This is a land of promise, and if we pass this amendment, we will be saying, “If you attempt to cross our border, we promise you will never be allowed to come here again.” This will be a deterrent I do not know what the opponents are speaking of. This will be a commonsense deterrent way to get control over our borders.

The files of my district office, and I suspect they are the same as yours, are filled with cases of people who are working within the INS system to come to America. They filled out the paperwork, in some cases several times. They have played by the rules and waited their turn. Yet the continuing flood of illegal immigration is unfair to them. It is a disincentive to play by the rules, and I might add, a strong disincentive to all our fellow citizens who played by the rules and came through Ellis Island, whatever way that was at that time. Indeed, millions of Americans today work within our system and are outraged, I hear this at the beauty parlor every week, outraged by the thousands of people who sneak across our borders in the dead of night when they and their parents before them waited 1, 2, 5 years to go.

Mr. Chairman, the one-strike-and-you're-out amendment will attach a real penalty to those who have crossed our borders illegally. It is a common sense measure and it will prove to be a very effective deterrent [Mr. BRYANT of Texas]. Mr. Chairman, I yield myself such time as I may consume.

This is a press release, OK? This is not an amendment. This is a press release. So you folks can write letters at home and say, “Oh, boy, I got tough on illegal immigration.” This bill gets tough on illegal immigration. Unfortunately, I guess the situation is that some do not feel that by cosponsoring the bill or voting for it they are going to get good grades. In too many cases, it is a press release, then it gets back home again.

Mr. Chairman, I yield my 30 seconds to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I first want to commend the two gentlemen from Texas, Mr. SMITH and Mr. BRYANT, for their hard work on this very important bill.

I rise in support of H.R. 2202 and this amendment which will bring back honesty and integrity to the U.S. immigration laws. From the earliest days of our nation, the U.S. immigration policy has provided opportunity for millions of people to come to America and to help us build the strongest and most prosperous democracy in the world. However, many people have begun to take advantage of our open-door policy and, generally, I represent 22 Texas counties and many of the judges, the county judges in those 22 counties, tell me they spend substantially over 50 percent of their indigent funds on indigent illegal aliens and not indigent American citizens.

Currently, illegal aliens who are deported can turn around and apply for legal immigration or a temporary visa 1 year later, and this amendment will correct that egregious policy.

Immigration to the United States is not a right. It is a privilege. If immigrants do not choose to play by the rules, then they should not be allowed to immigrate to the United States. This is a simple commonsense approach to the immigration reform. Simply put, if you break our immigration laws, you can never be rewarded with the right to immigrate or enter the United States.

People in my district constantly say to me, “Greg, why cannot the U.S. Congress apply some common sense to the laws it passes?” This bill makes common sense. And to the gentleman from Dallas, my good friend Mr. BRYANT, I would say this is a deterrent, and it does spread among the community of those who are considering illegal entry. And while you may disagree, those of us that support this amendment feel like it will be a deterrent.

So if you entered the United States illegally, you forfeit the right to ever become a U.S. citizen. That is common sense, Mr. Chairman. Let us pass this amendment. Let us reward those who play by the rules in how they enter our country, and let us punish those who enter illegally.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.
I would just like for you guys, just stop and think about something. You have got a guy desperate for a job, he has got a serious short-term need, there is an American employer lured him over there. He is young, crosses the border to get a job. The person finds out when he grows older, he is permanently barred for the rest of his life from being able to apply for legal entry into the United States. It does not make any sense at all. Tomorrow, I dare say, every single Member is going to release a press release in the mail back to hometown newspapers about how tough you got on illegal immigration, when, in fact, after 10 or 12 years studying it, nobody has ever said a permanent bar could be communicated back to the population and would have any deterrent value whatsoever.

Why go to extremes? We have a 10-year bar in the bill now. We have a 5-year bar for some categories. Why must we have people in the category of being like the international terrorists, for goodness sake? If it is such a bad thing, why do you have a waiver in here to let the Attorney General waive this ban?

If I were to make the waiver to be banned for life for crossing the border, why would you let the Attorney General ever waive that ban? I will yield to the gentleman from Washington for his answer.

Mr. BRYANT of Texas. Mr. Chairman, the only reason I would make a big issue in this debate out of this is because I want to deter Members from supporting amendments that make this bill so extreme that it is no longer tenable.

Look, a guy, let us just take a guy, for example, it could be a woman, too, comes into the country at a young age, crosses the border in search of a better life or adventure, whatever, gets caught, gets deported, many years later he marries somebody who is an American citizen.

Under the Tate amendment that person can never for the rest of his life enter this country. He cannot come here and live with his wife or if it is a woman, her husband. This is a ridiculous result. That is not going to deter anybody from coming here illegally. The bill already increases the penalty for illegal entry. You can be caught, many years later he marries somebody who is an American citizen.

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Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H. R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, had come to no resolution thereon.

The SPEAKER pro tempore. Under the previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, I would like to take this opportunity to bring up a subject that is on many people's minds and affects every Member of this body, and that is the student loan program and the Department of Education's mishandling of almost 1 million student loan financial aid applications. I have got behind me here an article in last week's Chronicle of Higher Education. The article is titled, "Sorting Out a Foul-up in Student Loans."

The foul-up is that 900,000 financial aid applications that should have already been processed by the Department of Education are in a bureaucratic back-log caused by the irresponsible mis-management of the student loan program.

Before we go any further, I think it is important to note the way the student loan program works. Most student loans are guaranteed by the Federal Government, and the money comes from a particular institution. The banks will be reimbursed in the event of a default, 98 cents on the dollar. We are trying to streamline that process to have more risk being shared by the private sector. But believe it or not, there is a move afoot to replace the private-sector capital, private-sector enterprise and have the Federal Government become the sole lending agency for student loans in this country. Can you imagine the Department of Education becoming the third largest consumer loan agency in the United States?

Now, what this means is that there is a move afoot by this administration to replace the private sector totally where we have the private loan program, which is the private sector. The Federal Government signs these notes and in the event of a default, the private sector absorbs part of the loan default and the Federal Government absorbs the largest part. But the direct lending program advocated by the administration would totally take the private sector out. The Department of Education would become the third largest consumer loan institution in America.

You would have bureaucrats at the Department of Education become bankers. They would lend the money. They would collect the money in theory and it would be a disaster. It would be a disaster for the taxpayer. It would be a disaster for the students because the very same group that would be in the banking business is the very same group that would be in the private sector. The state of that situation is that 900,000 student loan applications are backlogged and the Department of Education is trying to blame it on the snow and the shutdown of the government for 21 days. Both of them are just flat false reasons.

The truth is that it is a very bureaucratic, very ineffective system that they have in place to process these loans. The last thing in the world we need to do is to extend their power, not only let them process the applications but lend and collect the money. That would be disastrous for the American taxpayer.

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

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

Mr. HOEKSTRA. Mr. Speaker, it is very interesting. The Secretary of Education has moved this into the political arena and has identified the government shutdown, the weather as being reasons why they have this tremendous backlog. In reality, the reason for this backlog is late fall the department was late in developing the new forms. They had some severe computer start-up problems. The Secretary of Education had the authority, actually had the responsibility to keep the people working who worked on the student loan program during the government shutdown but decided not to have those people employed and to furlough them even though they are on permanent appropriations.

As oversight chairman, we challenged that decision by the Secretary of Education. The OMB came back and instructed the Secretary of Education that their application of government rules and regulations was being applied inappropriately, that these people should be at work, and so now to come back and put the blame on Congress is totally inappropriate.

I think the gentleman brings out another good point here because we had a hearing today. We had a hearing on the Corporation for National Service. The same thing that is going on with the student loan program is going on with the Corporation for National Service, that the student loan program is mismanaged, mismanagement of financial resources. Corporation for National Service, $500 million per year of taxpayers' spending, the books for 1994, the books for 1995 are not auditable. This is not just student loans, this is a pattern of mismanagement of tax dollars throughout a number of different agencies through the Federal bureaucracy.

I thank the gentleman for yielding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes.

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

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Mr. GRAHAM. Mr. Speaker, I yield to the gentleman from Michigan.

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

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I thank the gentleman for yielding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCKINNIS] is recognized for 5 minutes.

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

BIDGEHAMPTON KILLER BEES WIN NEW YORK STATE CLASS D BOYS BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today to pay a special tribute and to congratulate the championship Bridgehampton Killer Bees winning the New York State Class D boys basketball championship. It is indeed a
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momenous occasion for all of us on eastern Long Island. This is the sixth time in 19 years, Mr. Speaker, that our beloved Killer Bees of Bridgehampton High School are the New York State Class D boys varsity basketball champions.

There is tremendous pride throughout eastern Long Island as we listened over eastern Long Island radio WLNG as the Killer Bees, led by their coach Carl Johnson, went on to victory. It is the school's 1st overall, by the way, as coach but formerly as a player when himself participated in three State titles from 1979 until 1980 as a player in Bridgehampton. The Killer Bees earned the 1996 title by defeating West Canada Valley 51-37 last Saturday evening March 16 at the Glens Falls Civic Center in Glens Falls, NY.

The six State championships are the most ever by a New York school, and coach Johnson is the only person in State history, Mr. Speaker, to win a school basketball title as both player and coach. While all class D schools have small enrollments, Mr. Speaker, with just 43 students, Bridgehampton High School is the smallest on Long Island and the third smallest in the State of New York but they well may be the mightiest. But as coach Johnson proved, the only true measure is that of his players' heart and determination.

Unlike larger schools with a larger pool of basketball athletes, to build his championship 15-player squad, coach Johnson drew from a talented pool of just 18 young men at Bridgehampton High School. The Killer Bees were led by seniors Terrell Hopson, Nick Thomas and Nathaniel Dent and juniors Fred Welch and Javed Khan. Among Bridgehampton's top underclassmen is sophomore Maurice Manning who is the team's top scorer and the most valuable player in the State Class D tournament. Other sophomores include Charles Furman, William Walker, Louis Myrick, Matthew White, and Marcos Harding. Freshman players are Ronald White, Kareem Coffey, Daniel Muller and Jemille Charlton. Carl Johnson's top assistant coach is Bobby Hopson, and Bridgehampton's athletic director is Mary Anne Jules.

Mr. Speaker, Bridgehampton finished the season with a 20-4 record. Besides the State title, the Killer Bees also earned the Suffolk County Class C-D championship. They went on to defeat Valhalla in Westchester County by 67-55 in the regional finals and then Bridgehampton went on to defeat Hermon-DeKalb 69-23 in the State semifinals. The top high school Class D boys basketball team in New York, our own Bridgehampton High School, was supported all season by a legion of truly loyal fans, just about the best basketball fans in the State.

According to one news report, a contingent of 50 hometown boosters followed their team for the 6-hour journey 350 miles from Long Island's South fork to Glens Falls, home of this House's chairman of the House Committee on Rules, JERRY SOLOMON. At Glens Falls New York State's high school basketball tournament was held last Saturday evening. We got to listen over the radio as Bridgehampton was victorious.

When the coaches and players returned home, Mr. Speaker, hundreds of their neighbors were waiting at the local high school to cheer their conquering heroes, and thousands, as I said, for hours kept up local radio station WLNG. With multiple championships garnered on the basketball hardwood with only minimal resources, Bridgehampton High School's success has caught the attention of renowned academics John Katzenbach and Douglas Smith who profiled the Killer Bees in their 1992 book, The Wisdom of Teams, published by Harvard Business School Press.

Congratulations to all the Killer Bees. We also bring back many more State titles to our neighbors here on Eastern Long Island and throughout Suffolk County.

[From the Newsday, Long Island March 18, 1996]

HAIL, BEES!

By Samson Mulugeta and Jordan Rau

Marian Ashman had seen them all. For 63 years, she'd followed the Bridgehampton Killer Bees. She'd seen the best players on five championship teams. But on Saturday March 16, Ashman got her wish. To upstage Glens Falls, she saw her team win the state championship for the first time.

As the buzzer sounded with the score of 51-37, Ashman jumped from her seat screaming, her left arm shooting into the air.

"When I think about the whole New York state, I start thinking about it and I start crying," said Ashman, 71, as she watched the players pile off the bus yesterday for a victory celebration at the high school.

The team, which captured its record sixth state Class D title in the East End village escorted by a honking procession of fire trucks and cars.

As they turned into the high school parking lot, team members were greeted by hundreds of cheering fans, who had been waiting most of the afternoon for their arrival.

Senior Nick Thomas, the first off the bus, held the plaque over his head, Stanley Cup-style. As the players stepped off the bus they were engulfed by the chanting crowd and were hugged by family and friends.

Thomas said the team wasn't sure what would await them. "We didn't really know it was going to happen," he said at a reception in the junior high's community center, on chicken, macaroni salad, cakes and soft drinks. "Being that our fans are who they are, we knew they would show some kind of appreciation. It's a great feeling to experience."

Younger fans played pickup games in the school gym while waiting for the champions to arrive. Some said they looked forward to having their chance to play for the school.

"This is so exciting, they hadn't done it in 10 years," said Chris Ranum, a 12-year-old on the junior high basketball team. "I just want to play on the team, we can take it every year up to the state championship."

The Killer Bees earned the championship by defeating West Canada Valley of Newport, 51-37, to win the title for schools with enrollments of less than 200. Bridgehampton, the third smallest high school in the state, has an enrollment of 43 and 15 of the 18 boys in the school are on the team.

It was the team's first trip to the state tournament since 1990. The team won three straight state titles from 1978 to 1980, and earned its previous state championship in 1996.

Despite its status as the Little School That Could—or maybe because of its small size—the Killer Bees had devoted fans. Forty-nine of them boarded a bus in the village Saturday morning for the six-hour trip upstate.

Paul Fishburne, 46, said he had to be there to cheer on the boys.

"You've got to be crazy to go on this trip but it's worth it," he said.

For Lamont Avery, who turned 43 Saturday, it was a birthday trip.

"I haven't been off Long Island for two years," he said.

For Curtis Ellis, the Bridgehampton basketball tradition is a family affair. Ellis played on championship teams in the early 1970s. Now his son, Terrell Hopson, is repeating the cycle.

"From generation to generation, it goes on," said Ellis, 42. "You could say the Bridgehampton Child Care Center is our farm system. Every kid who goes there starts playing as soon as they can walk and they grow up listening about the legends."


"Here's a team whose members very seldom reach 6 feet and for the most part has no superstar players," said Henry Letcher, a teacher at Bridgehampton High School who here organized the bus trip.

"But they defy expectations just because they play unselfishly," Letcher said. "They work so hard and are so focused on their goals."

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHlers] is recognized for 5 minutes.

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

UNEMPLOYMENT SHOULD BE LOWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, during the last 3 years, more than 1½ million people have lost their jobs due to major corporate downsizing, 1½ million. This was before AT&T announced a reduction of 40,000 jobs, and Ford Motor Co., 6,000 jobs, and on and on. Nor does it count many thousands of employees who have lost their jobs in very small businesses which have closed due to
If we are ever going to do anything about this horrendous underemployment, we have to turn this Nation around. We have to show more concern for our own people. We should not be against anybody, but at the same time we need to put our own people and our own country first. If we get called names by the liberal elitists and others who worry about being politically correct more than they worry about anything else.

Over riding all of these other problems, Mr. Speaker, is our national debt over $5 trillion. I think, Mr. Speaker, that the reason we are not more concerned about this national debt is that many people do not fully realize how harmful it is to them. Almost every economist tells us that this national debt is really weighing this country back economically and that it puts our economy on a very shaky footing.

Times are good now for some people. Mr. Speaker, but they could and should be good for everyone. People making $5 or $6 an hour could be making $15 or $20 an hour, or more, if our Federal Government was under control from a spending, taxing, and particularly from a regulatory standpoint.

President Clinton, when he was campaigning in 1992, said he could balance the budget in 5 years. Now, in 1996, he reluctantly says 7 years from now is the best we can do. And the truth is that almost no one believes we will really do it even then.

The American people should be upset by this. They should be angry. But far too many think everything is all right because the stock market is booming. But could this be the lull before the storm? It will be unless we start doing what is right.

The right thing to do, Mr. Speaker, is to lower our underemployment rate is relatively low. We wish it was lower. But while unemployment is fairly low, our underemployment rate is terrible.

We have thousands and thousands of college graduates who cannot find jobs in the fields for which they trained, so they are taking jobs as waiters and waitresses. And certainly this is honorable employment but not what they had hoped and dreamed and worked for. Or they are going to law school or medical school, fields in which there are already huge surpluses.

Our unemployment rate is relatively low. We wish it was lower. But while unemployment is fairly low, our underemployment rate is terrible.

Mr. Speaker, but they could and should be good for everyone. People making $5 or $6 an hour could be making $15 or $20 an hour, or more, if our Federal Government was under control from a spending, taxing, and particularly from a regulatory standpoint.

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The American people should be upset by this. They should be angry. But far too many think everything is all right because the stock market is booming. But could this be the lull before the storm? It will be unless we start doing what is right.

The right thing to do, Mr. Speaker, is to balance our budget this year, not 7 years from now. The right thing to do is to lower taxes on working families.

Mr. Speaker, would go down if we could downsize our Government and decrease its cost. I spent 7½ years as a criminal court judge before coming to Congress. Everyone, every single one, shows that almost all felony crimes are committed by men who come from father-absent households. Most marriages; one recent study said 59 percent of all marriages break up over finances.

In 1950 the Federal Government took 2 percent in taxes from the average family. State and local governments took a similar amount. Today the Federal Government takes almost 25 percent, and State and local governments a similar amount. Is it any wonder then, Mr. Speaker, that families do not have what they need to stay together and that our crime rate and many other problems grow worse?

We can do much better, Mr. Speaker, much better, and almost all our problems would be much less serious if we get our Government under control and let the people take control of this Nation once again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

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

THE MYTH OF THE MAGIC BUREAUCRAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Tonight I want to talk a little bit about actually building off the comments of my colleague about the need to downsize Government. I think we, as a Nation, have kind of become afflicted with what I call the myth of the magic bureaucrat. What is the magic bureaucrat, or what is the myth of the magic bureaucrat? The myth of the magic bureaucrat is the widely accepted belief that Government bureaucrats spending taxpayer money can solve all of our Nation's problems. More importantly, the description says that a magic bureaucrat is more able to spend our money more effectively than what the taxpayer can.

Why is this a myth? The magic bureaucrat is a myth because it is popular and it is a widely held belief but it is fundamentally untrue and unsustainable by objective reality.

Who believes this myth? Mr. Speaker, I believe that the President and many other policy-makers in Washington believe this myth. What does a magic bureaucrat do? A magic bureaucrat creates illusions like David Copperfield and the great Houdini.

Tonight we want to just talk about two of these great illusions that have been perpetuated by the magic bureaucrat.

Mr. Speaker, we had hearings on one of these today at the oversight subcommittee. Bureaucrats at the corporation for national service, they are trying to convince the committee, they are trying to convince American people, that a Federal corporation can do a better job of volunteerism and community service than actual volunteers in the community and actual nonprofit organizations that have been a part of this Nation for as long as we have been in existence.

That is the myth, that they can do it better. The reality is they cannot do volunteerism, they cannot do community service. As a matter of fact, what we pointed out in the hearing today is they cannot even keep the books straight.

A second myth is one that has been perpetuated or is being developed by the bureaucrats at the Department of Education, and that is that the Department of Education can do Federal loans or student loans more effectively than the private sector. We have a colleague here who would like to just describe that illusion for us.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding. The facts are as follows:

There are 900,000 financial aid applications that are backlogged, and the article, Chronicle of Higher Education, the article entitled "Out a Foul Up In Student Aid" says the following. Student aid experts say their backlog of 900,000 financial aid applications was caused by mismanagement of the Department of Education and that it calls into question the department's ability to manage the student aid system.

I congratulate the gentleman for having oversight hearings in this whole area of the Government trying to do that, because the private sector can do it, volunteering and run a program of lending money. If the administration has its way, the student loan portfolio will be
turned over to the Federal Government through the Department of Education, and they will not only process the applications, but will become bankers collecting the money for the taxpayer, lending the money as a bank would do. I suggest to the gentleman that this would be a disastrous event, that they have a 100,000 backlog in just processing applications.

Can you imagine if they also lent the money and had to collect the money? And for a 100,000 backlog it is snowed and the Government shut down 21 days. Both are false. The private sector gets up and goes to work when it snows because they are in it as a way of making their living. The Government shutdown did not effect the ability to process these loans because contractors are the main source of doing the processing. It just shows how inefficient the magic bureaucrats are, and, when analyzed against the facts, they do not work well.

Mr. HOEKSTRA. These are just 2 examples: The Corporation for National Service, the direct lending program. There are many more. Bureaucrats at the Commerce Department know how to create high-skilled, high-paying jobs better than American entrepreneurs, that bureaucrats at the Department of Education know better than parents, and teachers, and local schools how to run a tutoring or mentoring program in their local community.

The bottom line is who pays for these magic shows? You be the judge. It is you and I. How much have we spent? Trillions.

The real question that the American people have to ask is can we afford any more of these shows. You be the judge. I yield to the gentleman.

Mr. GRAHAM. While you are conducting hearings, there is another area that I would like you to look into that I have asked the GAO to investigate, and that is, are millions of dollars of unencumbered money available to the Department of Education. We need to find out where the money is at.

Mr. HOEKSTRA. I thank the gentleman for his suggestion. We will pursue that.

DETERMINING WHO IS ELIGIBLE TO WORK LEGALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, few current events affect our Nation so dramatically as does the record-breaking number of illegal aliens entering our country year after year. Illegal immigration is a national crisis. Although there are millions of illegal immigrants, the burden of this problem, illegal immigration, is a national dilemma. It affects every hard-working, taxpaying citizen of our country.

Tomorrow, with several of my colleagues, I am going to be offering an amendment to the immigration bill, H.R. 2202. Our amendment would call for a mandatory pilot program in five of the seven States most impacted by illegal immigration. It would require that employers call a 1-800 number to check the eligibility to work of a newly hired employee. This amendment simply puts back into the bill the original language that was passed by the House Committee on the Judiciary.

The requirement that illegal aliens be verified for work eligibility is crucial to true immigration reform. Contrary to much misinformation, this amendment does not, and I repeat, does not, establish a national ID card or even a system by which a worker can be tracked throughout their career. In fact, this amendment does none of the following:

- It does not require any new data to be supplied by the employee. It does not require any personal information of the employee.
- It does not create a new Government database. It cannot be expanded into a national program without a specific vote by Congress.
- Now those of you that know me and have followed my voting record are well aware that I am very much opposed to any more Government intrusions into our lives. I am opposed to any sort of tracking system or national ID card, and I firmly hold these beliefs.

This amendment would simply use information that is already required by the Social Security Administration.

The opportunity to work in the United States has acted like a magnet, drawing hundreds and thousands to this country. Unfortunately, many of those who have come to this country seeking employment have skirted our legal immigration system and have made a mockery of our current laws.

This amendment is about jobs, American jobs. Those that come to this country illegally should not be granted the opportunity to take the jobs of American workers, and recent studies demonstrate that illegal aliens often take jobs that could otherwise be filled by American workers. Our amendment allows an easy, reliable enforcement mechanism for verifying worker eligibility.

Now for the past decade employers have been prohibited from knowingly hiring illegal aliens. To verify new hires, current law requires employers to check the identity and work eligibility documents of all new employees. The system, the current one for verifying worker eligibility, has been a complete failure. Not only has the current system failed to discourage legal aliens from seeking jobs in America, but it also has turned employers into fact-finders for INS agents, and allows employers who effectively determine a worker’s eligibility, employers have had to face a double-edged sword. If they hire an illegal alien to work for them, well, employers are faced with civil penalties imposed by the Federal Government. If they question a prospective employee about their eligibility, employers face the possibility of a lawsuit charging discrimination.

Further adding to this dilemma, the ease of availability of counterfeit documents has made verification of authentic documents a joke. In southern California alone, Federal agencies, 2.5 million fraudulent documents from 1989 to 1992.

Now the amendment we are offering will correct this problem. Employers would simply make a toll free inquiry through telephones or electronic means to match new employee’s names, Social Security and alien identification numbers against existing Social Security Administration and INS data. This type of verification would be easy, effective since employers would already have to check for every new employee that they hire. Employers would not be tempted to hire only those who look for sound American. In addition, this type of verification would take the onus off the employer to determine who is eligible to work legally.

Now I have talked to businesses men and women and constituents of my district, and there is overwhelming support for this amendment. It is an effective tool. In fact, in southern California there has been a program that has been tested over the past year by 220 employers with more than 88,000 workers.

In more than 25 separate verifications, 99.9 percent were satisfactorily resolved within a 5- to 10-day period. So, because of this, I just urge my colleagues to look at this amendment, and I hope that they will support this amendment tomorrow.

THE NEED TO SPEED UP THE PROCESS OF FDA REFORM

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker’s announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 30 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to discuss with my colleagues some very important issues that will be facing the 104th Congress in this second session. Mr. Speaker, I speak of FDA reform, Food and Drug Administration reform.

We know that many Americans are waiting for the approval of medical devices and pharmaceuticals. The legislation which I have introduced, H.R. 1995 and H.R. 2290, will in fact address for the biotech and the pharmaceutical fields speeding
Mr. Speaker, I am pleased to note that the gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce, has appointed a fellow Pennsylvanian, Mr. GREENWOOD, to head up the FDA reform effort. With him working on this effort will in fact be the gentleman from Texas [Mr. BAR-ron], the gentleman from Wisconsin [Mr. SUGGS], and the gentleman from North Carolina [Mr. BURN], in fact working not only on medical devices, but pharmaceuticals and foods as well.

Mr. Speaker, I can tell the Members from testimony in my town and my county seat in Norristown, PA, that we had just in June 1995 many witnesses, patients, doctors, hospitals, discussing the need for speeding up the approval process for FDA in drugs and medical devices. We had patients with ALS, with AIDS, with cancer, with epilepsy, to name a few.

In each of these cases, the patients have said that while they are waiting for a cure or they are waiting for a vaccine to help extend their lives, to improve the quality of those lives, to extend the years of those lives, they need to have the Congress, working with the White House, make sure we do what we can, working with the FDA, to make sure that we speed up the process.

Mr. Speaker, I am all know that the major role of the Food and Drug Administration is to protect us, to look out to make sure that drugs are not only safe but they are efficacious, that they are effective, for what they were intended. I know in my travels in Montgomery County and in parts of Delaware Valley, PA, and in other parts of the country, we need to make sure that we work together in a teamwork fashion to make the kinds of innovations in FDA, working with the agency, to make sure that we can speed up the process, whether it is from a personnel point of view, allowing us to use outside companies for the testing, or working with international harmonization, whereby we allow some of the clinical trials and testings from other countries whose results we can verify as being accurate, we can apply that understanding and that research to speed up the process for the approval.

Mr. Speaker, we are a long way in this process already by the fact that many bills have been filed, and I was pleased to work with my colleagues to introduce the bills that I have thus far in Congress.

But beyond the health care benefits of living longer and living better, Mr. Speaker, I wish to bring to the attention of my colleagues that there are many jobs now in the pharmaceutical, biotech, and FDA field for which we need to make sure we keep the process moving and we speed up the FDA reform, because, Mr. Speaker, if we do not speed up the process and we do not make the accurate and appropriate reforms, not only will the discoveries go overseas about medical devices and drugs, but the jobs will go overseas as well. America has worked too hard, done too much right, and been too creative and been too smart in their approach to the discoveries of these important drugs and medical devices to let it slip through our fingers now.

By working together, the Congress and the White House, the private and the public sector, patients and hospitals, we can, in fact, have FDA reform achieved in this Congress, in this session, which will improve the quality of life for our constituents, and make sure we keep the jobs here as well, to improve America and to improve our communities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

MRS. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. STOKES (at the request of Mr. GEPHARDT), for today and for the balance of the week, on account of medical reasons.

Mr. RADANOVIC (at the request of Mr. ARMEY), for today and for the balance of the week, on account of personal reasons.

Mr. Johnston of Florida (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mr. Walker (at the request of Mr. ARMEY), for today, on account of personal reasons.

Special Orders Granted

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

The following Members (at the request of Mr. BRYANT of Texas) to revise and extend their remarks and include extraneous material:

Mr. UNDERWOOD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. GORDON, for 5 minutes, today.

The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:

Mr. GRAHAM, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, on March 20.

Ms. FORBES, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. SHAWS, for 5 minutes each day, on March 19 and 20.

Mr. HOEKSTRA, for 5 minutes, today.

Extension of Remarks

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

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

MRS. MEEK of Florida.

Ms. PELOSI.

Mr. STOKES.

Mr. ACKERMAN.

Mr. LANTOS, in two instances.

MRS. KENNELLY.

Mr. FROST.

Mr. HAMILTON.

Mr. TOWNS.

Mr. NEAL of Massachusetts.

Mr. Berman.

Mr. PASTOR.

Mr. SABO.

Mr. WATERS.

Mr. DEUTSCH.

Mr. ORTIZ.

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

MRS. VUCANOIVICH.

Mr. MCINTOSH.

Mr. BAKER of California.

Mr. COMBEST.

Mr. PACKARD.

Mr. NETHERCUTT.

Mr. GOODLING in two instances.

Mr. CHRISTENSEN.

Ms. GINGRICH.

Mr. GILMAN.

Mr. FAVELL.

Mr. WELDON of Florida.

Enrolled Bill Signed

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

Senate Enrolled Bill Signed

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1494. An act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

Bill and Joint Resolution Presented to the President

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On March 15, 1996:

H.R. 2036. An act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

H. J. Res. 163. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

Adjourment

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 20, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2258. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the first quarter of fiscal year 1996, October 1, 1995—December 31, 1995, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2259. A letter from the Assistant Secretary, Department of the Treasury, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2260. A letter from the Director of Communications, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2261. A letter from the Archivist of the United States, National Archives, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2262. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(a); to the Committee on Government Reform and Oversight.

2263. A letter from the Acting Chairman, U.S. Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

2264. A letter from the President, National Park Foundation, transmitting the Foundation's annual report for fiscal year 1995, pursuant to 16 U.S.C. 19 and 19d(d); to the Committee on Resources.

2265. A letter from the Secretary of Agriculture, transmitting the Department's report entitled "Southwest Alaska Public Lands Information Center, Hydaburg Branch" report to Congress, April 1995, pursuant to Public Law 94-694, section 11(f) (100 Stat. 4309); to the Committee on Resources.

2266. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1994 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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


PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GILMAN (for himself, Mr. BERMAN, Mr. GEJDENSON, Mr. BURTON of Indiana, Mr. KING, Mr. SHAW, and Mr. FORBES):

H.R. 3107. A bill to impose sanctions on persons exporting certain goods or technology that would enable a person to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN (for himself and Ms. LOGREN):

H.R. 3108. A bill to permit the construction of flood control projects by non-Federal interests, to the Committee on Transportation and Infrastructure.

By Mr. GEJDENSON:

H.R. 3109. A bill to amend the Export Administration Act of 1979 with respect to export to terrorist countries; to the Committee on International Relations.

By Mr. BILDERIC:

H.R. 3110. A bill to amend title II of the Social Security Act to provide for closure by the Social Security Administration of Social Security account numbers and other records pursuant to judgments, decrees, or orders issued by courts of competent jurisdiction; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 3111. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of judgments, decrees, or orders issued by courts of competent jurisdiction; to the Committee on Ways and Means.

By Mr. BALDWIN (for himself and Mr. FRANKS of New Jersey):

H.R. 3112. A bill to amend the Water Resources Development Act of 1990 relating to sediments decontamination technology; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself and Mr. FRANKS of New Jersey):

H.R. 3113. A bill to amend the Water Resources Development Act of 1986 relating to cost sharing for creation of dredged material disposal areas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mr. PETRI, Mr. MCEON, Mr. KNOLENBERG, Mr. CHRISTENSEN, Mr. POMEROY, Mrs. KENNELLY, Mr. ANDREWS, Mr. KILDEE, Mr. MILLER of California, and Mr. PAYNE of New Jersey):

H.R. 3114. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general account investments in advances of Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHROEDER (for herself, Mr. KENNEDY of Massachusetts, Mr. DELUMS, Mr. SERRANO, Mr. ACKERMAN, and Mr. MARKAY):

H.R. 3115. A bill to amend the Federal Food, Drug, and Cosmetic Act to require ingredient labeling for malt beverages, wine, and distilled spirits, and for other purposes; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 3116. A bill to provide for the phase-out of existing private sector development enterprise funds for foreign countries and to prohibit the establishment of, or support for, new private sector development enterprise funds, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. BREWER, Mr. METCALF, Mrs. CHENOWETH, Mr. COBURN, Mr. HANCOCK, Mr. YOUNG of Alaska, Mr. PETER GEREN OF Texas, Mr. DUNCAN, and Mr. COOLEY):

H.R. 1614. A joint resolution proposing an amendment to the Constitution of the United States to provide by year terms of offices for judges of Federal courts other than the Supreme Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 52: Mr. Fazio of California.

H.R. 218: Mr. HOSTETTLER, Mr. ERLICH, and Mr. CLEMENT.

H.R. 462: Mr. WILLIAMS.

H.R. 528: Mr. HAYWORTH.

H.R. 784: Mr. ROBERTS and Mr. YOUNG of Alaska.

H.R. 1022: Mr. CAMP and Mr. NEUMANN.

H.R. 910: Mr. JEFFERSON and Mrs. CLAYTON.

H.R. 957: Mr. WELDON of Florida.

H.R. 972: Mr. CRAMER and Mr. CHRISTENSEN.

H.R. 973: Mr. BJORON.

H.R. 1023: Mr. GONZALEZ, Ms. WOOLSEY, and Mr. FAZIO of California.

H.R. 1078: Mr. VENTO.

H.R. 1148: Mr. SANDE.

H.R. 1179: Mr. LEWIS of Georgia, Mr. CLAY, Mr. WAMP, Mr. RUSH, Mr. CLYBURN, Mrs. CLAYTON, Mr. SCOTT, Mr. THOMPSON, Mr. WYNN, Mr. FATTAH, Mr. DELUMS, and Ms. WATERS.

H.R. 1464: Mr. GOODLATTE.

H.R. 1493: Mr. MCINTOSH.

H.R. 1630: Mr. RAHALL, Mr. TALENT, and Mr. SHAW.

H.R. 1627: Mr. NEY.

H.R. 1684: Mr. LEVIN, Mr. NORTON, Mr. SHAWS, Mr. JONES, Mr. CAMPBELL, Mr. SMITH of Washington, Mr. BAKER of California, Mr. BECERRA, Mr. BISHOP, Mr. BJORON, Mr. BORSKI, Mr. CAMPA, Mr. COSTELLO, Ms. DELAURO, Mr. DOOLEY of California, Mr. FATTAH, Mr. FAZIO of California, Mr. GUTIERREZ, Mr. HANCOCK, Mr. HEFNER, Mr. HERGER, Mr. HOBSON, Mr. HOYER, Mr. HUNTER, Mr. JOSTON of Florida, Mrs. KAPTUR, Mr. KLINK, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Ms. LOGREN, Mr. MINS, Mr. MOLDOVAN, Mr. NADLER, Mr. ORTIZ, Ms. PELOSI, Mr. CHAPMAN, Mr. POMSO, Mr. POMEROY, Mr. POSHARD, Ms. PRYCE, Mr. RANGEL, Mr. ROBERTS, Mr. ROSE, Mr. RUSH, Ms. SLAGHTER, Mr. STOCKMAN, Mr. TAYLOR of Florida, Mr. VOLKMER, Ms. WATERS, Mr. WATT of North Carolina, Mr. WISE, and Mr. TAYLOR of North Carolina.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

[H. Res. 162: Ms. Kaptur, Mr. Watts of Oklahoma, Mr. Taylor of North Carolina, and Mr. Calvert.]
[H. Con. Res. 51: Ms. Furse.]
[H. Con. Res. 134: Mr. Linder, Mr. Mccollum, Mr. Dickey, Mr. Rose, Mr. Frager, Mr. Baker of Louisiana, Mr. McDaniel, Mr. Berman, Ms. Payne, Mr. Brownback, and Mr. Pombo.]
[H. Res. 39: Mr. Vento, Ms. Roybal-Allard, and Ms. Pelosi.]
[H. Res. 49: Mrs. Morella, Mrs. Clayto, Mr. Conyers, and Mr. Kennedy of Massachusetts.]
[H. Res. 381: Mrs. Morella, Mr. Baker of Louisiana, and Mr. Pallone.]
[H. Res. 385: Mrs. Pallone and Mr. Frisa.]

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

[Omitted from the Record of March 13, 1996]

H.R. 1776: Mr. Clinger, Mr. Browder, Mr. Stupak, Mr. Jacobs, and Mr. Yates.
H.R. 1856: Mr. Saxton, Mr. Owens, and Mr. Metcalf.
H.R. 2020: Mr. Tate.
H.R. 2065: Mr. Moran.
H.R. 2101: Mr. Rangel.
H.R. 2241: Ms. Woolsey.
H.R. 2242: Mr. Gilchrist and Ms. Woolsey.
H.R. 2247: Mr. Coleman, Mr. Cramer, Mr. DeFazio, Mr. Fox, Mr. Gilman, Mr. Hall of Ohio, Mr. Hilliard, Ms. Norton, Mr. Payne of New Jersey, Mr. Sabo, Mrs. Thurman, Mr. Vento, Mr. Walsh, and Mr. Waxman.
H.R. 2333: Mr. Crapo and Mr. Clyburn.
H.R. 2416: Mr. Weldon of Florida.
H.R. 2471: Mr. Lipinski.
H.R. 2500: Mr. Brewster.
H.R. 2548: Mrs. Seastrand, Ms. Molinari, and Mr. Emerson.
H.R. 2579: Mr. Torres, Mr. Matsui, Mr. Shays, Mr. Kildee, and Mrs. Maloney.
H.R. 2638: Ms. Lofgren and Mr. Campbell.
H.R. 2636: Mr. Matsui.
H.R. 2723: Mr. Wicker.
H.R. 2724: Mr. Hinchey, Mr. Faleomavaega, Mr. Hilliard, and Ms. Velazquez.
H.R. 2725: Mr. Hinchey, Mr. Faleomavaega, Mr. Hilliard, and Ms. Velazquez.
H.R. 2727: Mr. Baker of California, Mr. Condit, Mr. Weldon of Pennsylvania, Mr. Norwood, and Mr. Smith of New Jersey.
H.R. 2796: Mr. Filner.
H.R. 2802: Mr. Manzullo.
H.R. 2827: Mr. Vento and Mr. Sanders.
H.R. 2875: Mr. Deutsch, Mr. Hilliard, Mr. Frager, and Mr. Smith of New Jersey.
H.R. 2925: Mr. Manzullo, Mr. Young of Alaska, Mr. Torkildsen, Mr. Greenwood, and Mr. Nethercutt.
H.R. 2951: Mr. Barrett of Wisconsin, Mr. Beilenson, Mr. Ehlers, Mr. Levin, Mr. Spratt, Mr. Sensenbrenner, Mr. Ganske, Mr. Stark, and Mr. Campbell.
H.R. 2959: Mr. Greenwood, Mr. Lazio of New York, Mr. Gephardt, Mr. Flanagan, and Mr. Klink.
H.R. 2974: Mr. Calvert.
H.R. 2994: Mr. Lewis of Georgia, Mr. LaToyette, and Mr. Mascara.
H.R. 3012: Mr. Sawyer, Mr. Underwood, and Mr. Lipinski.
H.R. 3023: Ms. Kaptur.
H.R. 3043: Mr. McHugh, Ms. McKinney, and Mr. Gundersen.
H.R. 3067: Mr. Dooley and Mr. Stupak.
H.R. 3096: Mr. Underwood, Mrs. Meyers of Kansas, and Mr. Gordon.
H.J. Res. 162: Ms. Kaptur, Mr. Watts of Oklahoma, Mr. Taylor of North Carolina, and Mr. Calvert.
H. Con. Res. 134: Mr. Linder, Mr. Mccollum, Mr. Dickey, Mr. Rose, Mr. Frager, Mr. Baker of Louisiana, Mr. McDaniel, Mr. Berman, Ms. Payne, Mr. Brownback, and Mr. Pombo.
H. Res. 39: Mr. Vento, Ms. Roybal-Allard, and Ms. Pelosi.
H. Res. 49: Mrs. Morella, Mrs. Clayto, Mr. Conyers, and Mr. Kennedy of Massachusetts.
H. Res. 381: Mrs. Morella, Mr. Baker of Louisiana, and Mr. Pallone.
H. Res. 385: Mrs. Pallone and Mr. Frisa.
The Senate met at 9 a.m., and was called to order by the Honorable Ted Stevens, a Senator from the State of Alaska.

The PRESIDING OFFICER. We will now have a prayer from Father Paul E. Lavin from St. Joseph’s Church on Capitol Hill.

PRAYER

The guest Chaplain, the Reverend Paul E. Lavin, offered the following prayer:

Let us join millions of our fellow citizens and millions of others in faith communities around the world who today honor the memory of Joseph, spouse of Mary, Foster father and faithful guardian of Jesus. We listen to the words of Scripture which he surely found a support in his life, from the Book of Wisdom (10:10-11):

Wisdom, when the just man was in flight, guided him in direct ways,
Showed him the Kingdom of God and gave him the knowledge of holy things;
She prospered him in his labors and made abundant the fruit of his works.

Let us pray:

Good and gracious God, give the men and women of this Senate and give their staffs the inspiration to listen carefully to Your word here, in their homes, and in their own faith communities; support them when they experience doubts and fears; and embolden them to live their lives in response to Your word, and ultimately to be obedient to Your word, as was Joseph. Guide these Senators by Your wisdom, support them by Your power, and keep them faithful to all that is true, glory and praise to You forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:
Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TED STEVENS, a Senator from the State of Alaska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. STEVENS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. This morning the Senate will immediately resume consideration of H.R. 3019, the omnibus appropriations bill. Under a previous order, there will be a total of 3 hours of controlled debate on the Boxer amendment No. 3508 and the Coats amendment No. 3513, both amendments regarding the subject of abortion. Following the expiration or yielding back of that time, the Senate will resume consideration of the Murkowski amendment No. 3525 regarding Greens Creek.

The Senate will stand in recess between the hours of 12:30 p.m., and 2:15 p.m., in order to accommodate the respective party luncheons. When the Senate reconvenes at 2:15 p.m., there is expected to be a series of rolloff votes on or in relation to amendments and passage of the omnibus appropriations bill, H.R. 3019. Senators are also reminded that at some point during today’s session the Senate will be voting on the motion to invoke cloture on the motion to proceed to Senate Resolution 227 regarding authority for the Special Committee To Investigate the Whitewater Matter; passage of S. 942, the small business regulatory reform bill, and possibly a vote on the motion to invoke cloture on the product liability conference report unless a unanimous consent can be reached to the contrary.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BALANCED BUDGET DOWNPAYMENT ACT, II

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate H.R. 3019, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further down payment toward a balanced budget, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:
Hatfield modified amendment No. 3466, in the nature of a substitute.
Lautenberg amendment No. 3482 (to amendment No. 3466), to provide funding for programs necessary to maintain essential environmental protection.
Boxer-Murray amendment No. 3508 (to amendment No. 3466), to permit the District of Columbia to use local funds for certain activities.
Gorton amendment No. 3496 (to amendment No. 3466), to designate the “Jonathan...
M. Wainwright Memorial VA Medical Center”, located in Walla Walla, Washington.

Simon amendment No. 3511 (to amendment No. 3466), to provide funding to carry out title VI of the Library Services and Construction Act, and section 119 of the Domestic Volunteer Service Act of 1973.

Coats amendment No. 3513 (to amendment No. 3466), to amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions.

Bond amendment No. 3514 (to amendment No. 3466), to require that disbursements funds made available to certain agencies be allocated in accordance with the established prioritization processes of the agencies.

Bond (for McCain) amendment No. 3522 (to amendment No. 3466), to require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs.

Warner amendment No. 3523 (to amendment No. 3466), to prohibit the District of Columbia from enforcing any rule or ordinance that precludes the full and fair participation of the District of Columbia in reciprocal agreements with the States of Virginia and Maryland.

Murkowski amendment No. 3524 (to amendment No. 3466), to reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumption.

Murkowski amendment No. 3525 (to amendment No. 3466), to provide for the approval of an exchange of lands within Admiralty Island National Monument.

Warner (for Thurmond) amendment No. 3526 (to amendment No. 3466), to delay the exercise of authority to enter into multiyear procurement contracts for C-17 aircraft.

Burns amendment No. 3528 (to amendment No. 3466), to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana.

Burns amendment No. 3529 (to amendment No. 3466), to provide for low-income scholarships in the District of Columbia.

Burns-Mikulski amendment No. 3533 (to amendment No. 3466), to increase appropriations for EDA water infrastructure financing, Superfund toxic waste site cleanups, operation of the Small Business Administration, and funding for the Corporation for National and Community Service (AmeriCorps).

Hatfield (for Burns) amendment No. 3551 (to amendment No. 3466), to divide the Ninth Circuit of the United States into two circuits.

Burns amendment No. 3552 (to amendment No. 3466), to establish a Commission on reconfiguring the circuits of the United States Courts of Appeals.

SANTORUM AMENDMENT

The SANTORUM AMENDMENT is in order.

Under the amendment that was before the Senate, there was an hour now allocated to the Senator from Indiana [Mr. COATS]. The amendment is now before the Senate.

Mr. COATS. Mr. President, thank you.

Last week, as we were looking at potential amendments for this legislation, the issue of the potential discrimination that might exist regarding payments from the Federal Government to religiously affiliated institutions, was threatened by potential loss of accreditation to these institutions as a result of the Accrediting Council on Graduate Medical Education's change in their requirements for accreditation to mandate the training in abortion techniques.

Previously, this had been done on a voluntary basis for hospitals, for a number of reasons, whether they are religious reasons, moral reasons or just purely decisions on the basis of the board of directors or governors of these institutions, determined that they would not have a mandatory program of abortion training. Voluntary programs existed. Those who sought that training had access and could receive that training, but it was not mandated. The change in the Accrediting Council on Graduate Medical Education threatened to withdraw accreditation from many of these institutions unless they opted out under a so-called conscience or moral clause. It was my feeling and the feeling of many that this opt-out clause was not sufficient to address the concerns of a number of institutions, particularly nonreligiously based institutions. So I offered an amendment last week which was designed to clarify this.

That amendment essentially said that any State or local government that receives financial assistance should not subject any health care entity to discrimination on the basis that the entity refuses to undergo or provide training in the performance of induced abortions or to require or provide such training to perform such abortions or provide referrals for the training for such abortions.

In consultation with a number of other Senators, came across a possible misinterpretation of the exceptions to the section that basically said that nothing in this amendment that I am offering should in any way restrict or impair the accreditation process from making that accreditation. The concern was, if I state it correctly, that we would lose a valuable means of examining the various programs that existed in hospitals and resident training programs for determination of whether or not the Government should participate. It is legitimate that we have an accrediting process on which we can rely. What I was trying to do with my amendment was simply address the question of training for induced abortions.

We had exceptions to that which basically stated that nothing in this act should prohibit the accrediting agency or a Federal, State, or local government from establishing standards of medical competency applicable to those individuals who voluntarily elected to perform abortions or prevent any health care entity from voluntarily electing to be trained or arrange for the training of those individuals.

We had numerous discussions with the Senator from Maine relative to the language. Some negotiations over the weekend have resolved this. It preserves the entire impact of the Coats amendment and yet addresses and clarifies the concerns of the Senator from Maine. So I am pleased to announce this morning that we have reached agreement on this amendment.

The amendment was simply one of having the language differenced. It also addressed the concerns of a number of institutions, particularly nonreligiously based institutions, that training, but it was not mandated.
on this important broader bill, and so I am happy to report to my colleagues that we will be able to free up some time on that basis for discussion of the amendment that is offered by the Senator from California, Senator BOXER.

This morning, and I know she has some comments to make in this regard. Let me say this. The Senator from Tennessee, Senator FRIST, has been instrumental in helping us first understand the accrediting process and the importance of the accrediting process. As a medical doctor, he has some knowledge and personal experience with this issue and these questions that I cannot begin to bring to the debate. He and his staff have been immensely helpful in helping us to draft this legislation so we can accomplish what we intended to accomplish, but also retain the integrity of the accrediting process.

I am very happy to yield to him. I will yield whatever time the Senator from Tennessee desires in order to speak to this amendment.

The ACTING PRESIDENT pro tempore. The chair did not hear the Senator seek to modify his amendment.

Mr. COATS. Mr. President, this is an appropriate time to ask unanimous consent to modify my amendment. I send that modification to the desk.

Mrs. BOXER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COATS. Mr. President, I will discuss this modification with the Senator from California and, hopefully, we can resolve the question here. At the present time, I want to yield time to the Senator from Tennessee.

I will seek the unanimous consent request at this time so I can discuss it with the Senator from California.

I yield whatever time the Senator from Tennessee needs.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. FRIST. Mr. President, I commend the Senator from Indiana for his thoughtful approach to this important issue. My colleagues have proposed an amendment that would protect medical residents, individual physicians, and medical training programs from abortion-related discrimination in the training and licensing of physicians. However, in our efforts to safeguard freedom of conscience, there are limits to what Congress should impose on private medical accrediting bodies. I believe this amendment stays within the confines of the governmental role and addresses the matter of discrimination in a way that is acceptable to all parties.

This amendment states that the Federal Government, and any State that receives Federal health financial assistance, may not discriminate against any medical resident, physician, or medical training program that refuses to perform or undergo training and induced abortions, or to provide training or referrals for training in induced abortions.

Discrimination is defined to include withholding legal status or failing to provide financial assistance, a service, or another benefit simply because an unwilling health entity is required by certain accreditation standards to engage in training in the performance of induced abortions.

The primary concern that occurs when one addresses any accreditation issue is that quality of care will be sacrificed. As a physician, the care of patients is my highest priority, and this amendment specifically addresses this issue. It makes it clear that health entities would still have to go through the accreditation process, and that their policy with regard to providing or training on induced abortion would not affect their Government-provided financial assistance, benefits, services, or legal status.

The Government would work with the accrediting agency to deem schools accredited, and I quote from the amendment—‘‘would have been accredited but for the Agency’s reliance upon a standard that requires an entity to perform an induced abortion, or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training.’’

Mr. President, this amendment arose out of a controversy over accrediting standards for obstetrical and gynecological programs. The Accreditation Council for Graduate Medical Education, the ACGME, is a private body that establishes and enforces standards for the medical community. As a physician, I deeply respect and appreciate the ACGME’s understanding of the fundamental need for quality medical standards and oversight.

Moreover, I feel strongly that the Federal Government should not dictate to the private sector how to run their programs. We must not usurp the private accreditation process. But, at the same time, Congress is responsible for the Federal funding that is tied to accreditation by the ACGME, and as public servants, we must ensure that there is no hint of discrimination associated with the use of Federal funds.

I am pleased, Mr. President, that we could work together to address the legitimate concerns of both sides in crafting this amendment. I join with the Senator from Indiana and the Senator from Maine in supporting this amendment, which will prevent discrimination with respect to abortion, but preserve the integrity of the accreditation process.

Mr. President, I yield the floor.

The PRESIDING OFFICER. (Mr. THOMAS). Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. COATS. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Maine in supporting this important broader bill, and so I move for unanimous consent that it be allowed to speak as in morning business for a period of 4 minutes.

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

AUTHORIZING THE SPECIALTY EQUIPMENT MARKET ASSOCIATION TO STAGE AN EVENT ON THE CAPITOL GROUNDS

Mr. CAMPBELL. Mr. President, I want to speak briefly with regard Senate Concurrent Resolution 44, a resolution which I and several colleagues submitted last week, that would authorize the Specialty Equipment Market Association, in consultation with the Architect of the Capitol, to stage an event on the Capitol Grounds on May 15.

As a motor enthusiast, I believe it is important to recognize the contributions the motor sports industry has made to improve the quality, performance and, more importantly, the safety of motor vehicles. Since their inception over 100 years ago in this country, motor vehicles have transformed the way we travel and work, and have changed the way we live. Motor vehicles have improved safety and performance, and have provided consumers with such life-saving safety mechanisms, including seatbelts, airbags, and many other important innovations.

As a result, the motor sports industry has grown tremendously over the years, where today hundreds of thousands of amateur and professional participants enjoy motor sports competitions each and every year throughout...
the United States, attracting attendance in excess of 14 million people, making the motor sports industry one of the most widely attended of all U.S. sports. And equally important, as an economic engine, sales of motor vehicle performance and appearance enhancement parts and accessories annually exceeds $15 billion, and employ nearly 500,000 people.

Mr. President, Senate Concurrent Resolution 44 seeks to authorize the Specialty Equipment Market Association (SEMA), in consultation with the Architect of the Capitol and the Capitol Police Board, to conduct an event to showcase innovative automotive technology and motor sports vehicles on the Grounds of the Capitol on May 15 of this year.

I hope my colleagues will share in the recognition of the motor sports industry and support Senate Concurrent Resolution 44.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3513 AS MODIFIED

Mr. COATS. Mr. President, earlier this morning I proposed a unanimous-consent request to modify the amendment which I had offered last week, on Thursday, to the legislation that the Senate is currently considering. We have had some discussion with the Senator from California and others regarding this, and I believe we have resolved concerns relative to this modification, at least regarding offering the unanimous-consent request.

So I now repeat my unanimous-consent request to modify the pending amendment to H.R. 2039.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3513) is amended by the following:

SEC. 1. ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end of the following section:

"ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS. "SEC. 245. (a) In General.—The Federal Government, and any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

(1) the entity refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

(3) the entity attends (or attended) a post-graduate physician training program, or is a participant in a post-graduate physician training program, that does not (or did not) perform induced abortions or require, provide or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS. — (1) IN GENERAL.—In determining whether to grant a legal status to a health care entity (including a license or certificate), or to provide such entity with financial assistance, services or other benefits, the Federal Government, or any State or local government that receives Federal financial assistance, shall deem accredited any post-graduate physician training program that would be accredited but for the accrediting agency's reliance upon an accreditation standard, or a similar accreditation standard, of an accrediting agency, as are necessary to comply with this subsection.

(2) EXCEPTIONS.—This section shall not—

(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions; or

(ii) prevent an accrediting agency or a Federal, State or local Government, from establishing standards for such training.

(c) DEFINITIONS.—For purposes of this section:

(1) The term `financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

(2) The term `health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

(3) The term `postgraduate physician training program' includes a residency training program.

Mr. COATS. Mr. President, let me just state, during our discussion last Thursday on this amendment, which I will describe in a moment, questions were raised by the Senator from Maine relative to some language and the interpretation of that language as it affected the portion of current law providing for an exemption to the accreditation standards based on a conscience or moral clause relative to performing abortion.

We have discussed that question over the weekend and made some clarifications in that language, which is the purpose of the modification. The Senator from Maine spoke this morning and the Senator from Tennessee spoke, relative to the procedures of the Accrediting Council on Graduate Medical Education, its involvement in accrediting medical providers and medical training programs, and support for the Coats amendment to this particular bill.

Let me describe that very briefly. The problem that we had here is that, prior to 1996, the ACGME, which is the American Council on Graduate Medical Education, did not require hospitals or ob/gyn residency programs to perform induced abortions or train to perform induced abortions. That was done on a voluntary basis. Until 1996, hospitals were only required to train residents to manage medical and surgical complications of pregnancy, that is those situations in which treating conditions to the mother or complications of a spontaneous abortion, miscarriage, or stillbirth, was part of the medical training.

At the same time, 43 States have had in statutes, as well as the Federal Government, to protect individual residents in hospitals from having to perform on a mandatory basis, or having to train on a mandatory basis, for the performance of induced abortions or abortion on demand. These procedures generally apply regardless of the reason to refuse to perform an abortion.

Then in 1996, the Accrediting Council on Graduate Medical Education changed its standards, indicating that failure to provide training for induced abortions could lead to loss of accreditation for these hospitals and for these training programs.

The reason this is important is that a great deal of Federal funding is tied to accreditation. The reimbursement is tied to accreditation, loan deferral provisions are tied to accreditation, and a number of other federally provided support for hospital providers and for training programs for ob/gyn and others are tied to the accreditation. So, if the accreditation is removed, these institutions could lose their Federal funds.

So the language that I offered in the bill that we offered to the Senate basically said that, of course, we do not think it is right that the Federal Government could discriminate against hospitals or ob/gyn residents simply because they choose, on a voluntary basis, not to perform abortions or receive abortion training for whatever reason. For some it would be religious reasons; for some it would be moral reasons; for some it could be practical reasons; for some hospitals it could be economic reasons. There are a whole range of reasons why a provider may choose not to train on this issue.

But at the same time, we did not feel that it was proper for us to mandate to a private, although somewhat quasi-
public, accrediting agency how they determine their accrediting standards. We do not want to prevent ACGME from changing its standards. It has every right, even though I do not agree with all of its requirements, to set its own standards.

Second, we do not want to prevent those who voluntarily elect to perform abortions from doing so. Nobody is prevented in this legislation from voluntarily receiving abortion training or from voluntarily offering that training in their hospitals. We prevent the Government from relying on those accreditation standards. I think you can make a case that the Government, by relying on a quasi-public entity for accreditation, may be too narrowly restricting in scope in terms of determination on Federal reimbursement, but we are not addressing that issue.

So this legislation does not prevent the Government from relying on the ACGME for accreditation. We do not prevent the Government from requiring training of those who voluntarily elect to perform abortions.

What we do do is attempt to protect the civil rights of those who feel that they do not want to participate in mandatory abortion training or performance of abortions. That is a civil right that I think deserves to be provided and is provided in this legislation.

It is a fundamental civil right, as a matter of conscience, as a matter of moral determination, as a matter of any other determination, as to whether or not this procedure, which is controversial to say the least, ought to be mandated and whether that is a proper procedure for those who then are forced to participate in programs in order to receive reimbursement from the Federal Government for various forms of support. We do not believe that it is.

There was some question about the so-called conscience and morals clause that is in the ACGME accreditation standards, but we had testimony before our committee from a number of individuals who felt that that exception language was unnecessarily restrictive for those who felt, because they were a secular hospital or because they were residents in a training program at a secular hospital, that conscience clause exception would not protect them from the loss of accreditation or protect their basic civil rights.

I have just some examples of that. The University of Texas Medical Branch at Galveston wrote to us essentially saying, and I quote:

"Faculty income was used without regard to the moral concerns of individual faculty members who generated the income. A second problem was more significant and involved faculty staff morale. Many individuals morally opposed to performing elective abortions were not required to participate. This led to a perception, by trainees performing elective abortion procedures, that the PIC was carrying a heavier clinical load than trainees not performing abortions. Fewer and fewer residents choose to become involved in the PIC, this perception contributed to maladministration of work became a significant morale issue. Morale problems also spilled over to nursing and clerical personnel with strong feelings about the PIC. It is a gross understatement to say that elective abortion is intensely polarizing. Because of bad feelings engendered by a program that was a financial drain, the PIC was closed."

So here is a respected hospital, the University of Texas at Galveston, which basically said the moral, conscience reasons were not basically the reasons why this particular hospital chose not to participate in the program.

They followed that up with a letter, which I will quote again. They said:

"Because we are a secular institution, and a state supported university, we would have no recourse under the new ACGME "conscious clause," providing an opportunity to invoke a moral exemption to teaching elective abortion, is restricted to institutions with moral or religious prohibitions on abortion. It does nothing to protect the faculty at State-run universities."

I have a similar letter from Mt. Sinai Hospital:

"Your amendment is desperately needed to protect the rights of faculty; students and residents who have no desire to participate in abortion training but who do not work in religious or public hospitals. Since our institution would not, therefore, "qualify" as one with a moral or legal objection—"

Therefore, the moral and conscience clause would not protect them.

Albany Medical Center in New York offers the same, and the list could go on and on.

So, essentially, what we are saying here is that the amendment that I am offering is clearly one which is designed to protect the basic civil rights of providers and medical students in training who elect, for whatever reason, whether it is a moral or conscience reason or whether it is an economic, social or other reason, not to perform abortions.

We do not believe that it is proper for the Federal Government to deny funds on the basis of lack of accreditation if that lack of accreditation is based on the decision of a provider or a program that they do not want to participate in a mandatory training procedure for induced abortions.

I am pleased we were able to work out language with the Senator from Maine, which addresses some concerns to make sure that did not prohibit ACGME from accrediting or not accrediting, because there are other reasons why facilities might not deserve accreditation. Federal funds certainly should not flow to those hospitals and to those programs that do not meet up to the basic medical standards that the Government requires for its reimbursement.

By the same token, we do not think that injecting a forced or mandatory induced abortion procedure on these institutions, for whatever reason, is appropriate. That is the basis of the amendment. The amendment has now been offered. It has the support of the Senator from Maine.

The amendment is this: It provides a moral exemption to teaching elective abortion as part of our curriculum. This decision in the mid 1970's not to teach elective abortion as part of our curriculum. This decision was based, originally, on concerns other than moral issues. We encountered two significant problems with our Pregnancy Intervention Clinic, or PIC as it was known at the time. First, the PIC was a money loser. Since there was no reimbursement for elective abortion procedures, whether it was from either State or Federal Medicaid a great deal of expense of the PIC was underwritten by faculty professional income.
community who support a woman’s right to choose strongly oppose the Coats amendment. Those groups—who oppose this amendment are the Women’s Legal Defense Fund, the National Abortion Federation; the American Association of University Women; the National Women’s Law Center; Planned Parenthood, and the National Abortion Reproductive Rights Action League.

I think it is very, very clear why. It is because if you look at what could happen if the Coats amendment was passed, if this amendment is not passed, you quickly come to the conclusion, that it would not happen—but it is possible under this amendment that every single medical school in this country could stop teaching their residents how to perform, legal abortions and still get Federal funding.

I really do feel that is the intent because I know there are those in this Senate and I have great respect for them. But when I vote to outlaw a woman’s right to choose, they cannot do it up front, so they try to do it in every which way they can. This is just one more example like they said, if the woman is in the military she cannot get a safe abortion in a military hospital. This is the kind of theory that you see being practiced on the floor. I say to my friends, they have every right to do this. I respect their right to do it. But I strongly disagree.

Under Coats circumstances, for a medical school with an ob/gyn Residency training program to get Federal funds they must teach their residents how to perform safe, legal abortions unless the institution has a religious or moral objection, called a conscience clause. I fully support that conscience clause. I do not believe that any institution that has a religious or moral problem should have to teach their residents how to perform safe, legal abortion. Under this modified amendment by Senator Coats, any institution can stop teaching abortion and still get the Federal funds even if they have no religious or moral objection.

For example, let us suppose the anti-choice community targets a particular hospital or medical school and day after day stands outside there protesting and demanding that they stop, and finally, the institution throws up its hands and says, ‘OK, but we know it isn’t worth it’. But still get our Federal funds. We’ll just stop teaching how to perform safe, legal abortions."

What does that mean? It seems to me that as long as abortion is legal in this country—and it is legal under Roe versus Wade, and it has been upheld to be legal by the Court—what we are doing here is very dangerous to women’s lives, because if we do not have physicians who know how to perform these safe abortions, we are going to go back to the back alley.

My friends, I have lived through those years, and no matter how many people think you can outlaw a woman’s right to choose, in essence, even when abortions were illegal in this country, they happened. They happened in back alleys. They happened with hangers. Women bled to death and women died. We need doctors to know how to perform safe, legal abortions. It is very, very important.

What if a woman is raped? What if she is a victim of incest, and she is in an emergency circumstance, and they cannot find a doctor who knows how to do a safe, legal abortion? That is the reason why so many organizations who care about women, in my opinion, are opposing this amendment.

We need trained and competent people to take care of the women of this country. If they have a religious or moral problem, I strongly support their right not to have to learn how to perform such an abortion. But if they have no conscience problem, if the institution has no conscience problem, it is in the best interest of all of us that we have doctors who are trained, competently, to perform surgical abortions until there is another way for a woman to exercise her right to choose that is safe.

I ask the Chair, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes, 45 seconds remaining.

Mrs. BOXER. I ask that the President advise me when I have 5 minutes remaining. I will retain those 5 minutes.

AMENDMENT NO. 3508

Mrs. BOXER. Mr. President, I have an amendment that I ask for the yeas and nays on right now, if I might, dealing with the District of Columbia. I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

(Mr. Coats assumed the chair.)

Mrs. BOXER. I want to thank my colleague for allowing me to have an open-end vote. It is quite simple. Mr. President, in this country called America, there are 3,049 counties and 19,100 cities. It seems to me extraordinary that in this bill that is before us, there is only one entity that is singled out and only one entity that is told that it cannot use its locally raised funds to help a poor woman obtain an abortion.

We already have strict control on the use of Federal funds. No Federal Medicaid funds may be used by any city, county, State or entity for abortion. But we have no stricture on what a local government can do, except in this bill where we tell Washington, DC, they cannot use their own property taxes to help such a poor woman, they cannot use fines they collected to help such a poor woman. I think it is a rather sad situation.

I know my colleagues will get up here and say, ‘We think we can tell Washington, DC, to do whatever we want it to do.’ If we want to do that with Federal funds, that certainly is an argument, but not with their own locally raised funds.

So, Mr. President, what I simply do by my amendment, by adding the word ‘Federal’ my amendment clarifies a point. My amendment guarantees that Washington, DC, will be treated as every other city and every other county in this country. They may not use Federal funds—although, by the way, I do not think they should have the votes to overturn that situation—but I am hoping that we can get the votes to stand up and say that local people can decide these matters on their own.

What always interests me in this Republican Congress is, we hear speech after speech about “Let the local people decide, let the States decide. Why should Big Brother come into cities and localities and States and decide for them?” Yet, when it comes to this issue, somehow this philosophy goes flying out the window and we are going to tell a local elected body how they should treat the poor women in their community.

A woman’s right to choose is the law of the land. But if she is destitute and she is in trouble, it is very hard for her to exercise that legal right. And if the locality of Washington, DC, wants to help her, I do not think we should stop them.

Thank you, very much. I reserve the remainder of my time.

Mrs. MURRAY. Mr. President, I rise in strong support of the amendment offered by my colleague from California, Senator Boxer. I am proud to be a co-sponsor of this measure and I urge all of my colleagues to do the right thing and vote for our amendment.

Since 1980, Congress has prohibited the use of Federal funds appropriated to the District of Columbia for abortion services for low-income women, with the exception for cases of rape, incest, and life endangerment.

From 1988 to 1993 Congress also prohibited the District from using its own locally raised revenues to provide abortion services to its residents. I am pleased that for fiscal year 1994 and 1995 Congress voted to lift the unfair restriction on the use of locally raised revenues, and allow the District to decide how to spend its own locally raised money.

There is language in this bill that would coerce the District into returning to the pre-1994 restrictions. This bill is a step backward, and we shouldn’t allow it to pass. Congress does not restrict the use of dollars raised by the State of Washington or by New York, Texas, California or any other State—because Congress does not appropriate those funds.

Should our Nation’s capital be the solitary exception? It shouldn’t be the exception. Mr. President, and our amendment ensures the District of Columbia will have the same rights as
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every locality—every county and city—to determine how to spend locally-raised revenue. I know why the District is being targeted in this way. And so does every woman, and so should every American. This is part of the many attempts by some Members of Congress to chip away and take away a woman’s right to choose.

It sure is ironic. That in this Congress, where the mantra has been “States know best” month after month, the majority party now wants to micro manage DC’s financial decisions.

Mr. President, restricting the ability of the District to determine how it is going to spend its locally raised revenue is the “Congress knows best” approach at its worst. I find it so very hypocritical that virtually every debate over the past year has touted local flexibility and vilified Washington, D.C., influence in policy making.

We should allow the District the same right as all other localities—to choose how to use their locally raised revenue. We should not single out our Nation’s capital. We should pass the Boxer amendment.

I suggest the absence of a quorum.

Mr. SPECTER. The PRESIDING OFFICER. The Chair informs the Senator the time will be charged to the Senator unless she asks unanimous consent that her remaining time be reserved.

Mrs. BOXER. I make an unanimous-consent request that my remaining time be reserved.

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

Mr. SPECTER. Mr. President, I have sought recognition for a few moments this morning to speak in morning business for a period not to exceed 5 minutes. I ask unanimous consent that I may be permitted to do that.

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

The Senator is recognized to speak up to 5 minutes.

Mr. SPECTER. I thank the Chair.

The remarks of Mr. SPECTER pertaining to the introduction of legislation are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”

Mr. SPECTER. Mr. President, before yielding the floor, I have been asked to take a limited leadership role here.

PROVIDING FOR THE EXCHANGE OF LANDS WITHIN ADMIRALTY ISLAND NATIONAL MONUMENT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 213, H.R. 1266. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1266) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I rise to join with the senior Senator from Alaska to urge my colleagues to support H.R. 1266. This bill ratifies a land exchange agreement in Alaska between the Forest Service and the Kennecott Greens Creek Mining Co. The agreement will provide 300 jobs in Alaska, promote sound economic and environmentally responsible resource development, and further the interest of land consolidation on conservation systems in the Tongass National Forest.

Mr. President, this bill has bipartisan support. Chairman Don Young was the author of this House measure and as a result of his efforts, the bill passed the House of Representatives with support from the ranking member of the Resource Committee. Chairman Don Young deserves credit for his hard work on this important legislation.

In the Senate, the Greens Creek Land Exchange was reported out the Energy and Natural Resources Committee by unanimous consent. The bill is supported by the Forest Service and local environmental organizations.

Mr. President, let me explain the history of the Greens Creek Mine and this agreement. The Greens Creek Mine was located under the mining laws while the area was still part of the general National Forest area. As you may know, in 1980, the area became part of the Admiralty Island National Monument through the enactment of the Alaska National Interest Lands Conservation Act [ANILCA]. Because this mine had world-class potential, Congress made special provisions in the act to ensure that the mine could go forward.

I was pleased to participate in the opening ceremonies of the Greens Creek Mine. The mine provided high-paying jobs, residents and supported the local economy. Unfortunately, low metal prices caused the temporary closure of the mine in April 1993. Kennecott worked diligently to reorient its mining development plan to permit this mine to reopen. In fact, they recently announced plans to reopen the mine during the next several months.

Mr. President, this land exchange is the combination of a 10-year effort by Kennecott to deal with one of the problems created by the special management regime in ANILCA. Although that regime permitted the perfection and patenting of certain claims, it did not provide an adequate time for exploration of all the area of mineral potential surrounding the Greens Creek Mine.

Since Kennecott determined that it would be unable to fully explore all the area of mineral interest during the 5-year time period it was allowed to provide exploration under ANILCA, it has been searching for a way to explore these areas.

They have engaged in a multiyear negotiation with the Forest Service to develop a land exchange which would allow access to the area in a manner which is compatible with the monument designation provided by Congress in 1980.

In other words, the land exchange allows exploration under strict environmental regulations. The terms of the exchange require Kennecott to utilize its existing facilities to the maximum extend possible to ensure minimal changes to the existing footprint.

Additionally, the development of any areas once explored would be under the same management regime by which Kennecott developed the existing Greens Creek Mine.

This land exchange also provides other major benefits to the Government, the community, and the environment.

At the end of mining, Kennecott will rebid its existing patented claims and any other claims which it holds on Admiralty Island to the Federal Government.

Kennecott will also fund the acquisition of over 1 million dollars’ worth of holdings in the Admiralty Island National Monument and other conservation system units in the Tongass.

Finally, the exchange improves the likelihood that 300 jobs will return to the Juneau area for many years to come.

Mr. President, the Greens Creek Land Exchange is good policy. I congratulate Kennecott and the Forest Service for negotiating a fair agreement and urge the President to sign the bill as soon as possible.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the bill as soon as possible.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 1266) was considered and passed.

Mr. SPECTER. Mr. President, I make the request of the clerk, who is asking me to do that on behalf of leadership, to discount any personalized knowledge as to how the complexities which we have ruled upon.

I have been asked to further make this request for unanimous consent.

AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Labor
We do not interfere with the disbursement of local funds in any of the States because it is inappropriate to dictate State and local policy in this area. It is equally inappropriate to impose the will of the Federal Government on the District of Columbia. This is the heart of the Federal Government reaching in and dictating the health conditions for needy women in the District. Many of these women have determined that they must have an abortion but, because they are poor, they are not able to provide for their District of Columbia elected officials should have the ability to allocate funds to women in these circumstances. Second, I reject the belief that the Senate should determine medical residency training criteria as it pertains to issues regarding women. This is the first real attempt to superimpose Congress’ view on obstetric and gynecological medical training. Today, we are saying that what medical training institutions provide abortion training for ob/gyn residents. Tomorrow, we may be making policy and setting standards in another area of medical training. Congress should leave the practice of medicine to the doctors. In this case, the respected board is attempting to insure that we have the best-trained physicians in the world. We have already acceded to a conscience clause that protects religious and moral beliefs of institutions and individuals. This amendment is an attempt to require certain medical procedures that violate conscience or religious training. But to go beyond that by passing a law that substitutes congressional and political opinion for medical decisionmaking is wrong. Congress should not interfere with current ACGME policy. It is an inappropriate use of our authority. It is bad policy and it is bad medicine. We should reject this proposal.

The PRESIDING OFFICER. The Senate’s time has expired.

Mr. KENNEDY. Mr. President, I yield whatever time remains.

Ms. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself 1 minute just to say to the Senator from Massachusetts how grateful I am that he expressed his views on the floor. This has been a very difficult morning because there was a modified amendment which, unfortunately, I could not get to analyze until this morning. And the Senator is right. We already have a conscience clause. Any institution who has a moral or religious objection to teaching abortion is covered under current law, and what this would say is that any institution, even if they did not have a moral or religious objection, would not have to teach residents how to perform abortions so that our women are safe.

On the matter of Washington, DC, I wish to tell the Senator that there are 3,049 counties, 19,100 cities, and every one of them has the right to spend their locally raised funds as they wish. To pick out one entity and reach the long arm of the Federal Government into it is really unfair and goes against the supposed spirit of this Republican Congress. So I thank my friend very much.

The PRESIDING OFFICER. The Senator has used her 1 minute.

Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine has 30 minutes allocated to her under the previous order.

AMENDMENT NO. 3511 AS MODIFIED

Ms. SNOWE. I will consume as much time as I require. I thank the Chair.

I rise today to join the distinguished Senator from Indiana in offering an amendment that I think will address many concerns. In fact, I am pleased to have the opportunity to clarify some of the misinformation that has been expressed regarding this compromise amendment.

No one can question whether or not it is appropriate to provide quality care for women in America. No one can question that we need to maintain accreditation standards for medical institutions across this country. The fact remains that this amendment on which I worked in conjunction with the Senator from Indiana does not allow Federal funds to go to an unaccredited institution because they fail to provide for abortion training. Nothing could be further from the truth. This amendment accomplishes two things. One, it does protect those institutions and those individuals who do not want to get involved in the performance or training of abortion when it is contrary to their beliefs. Second, just as important, it protects the quality of health care that will be provided to women because it protects the universally accepted standards—there is only one set of standards—of the Accreditation Council for Graduate Medical Education that provides for quality standards for ob-gyn programs. So this amendment would not only make sure that women have access to quality health care with the strictest of standards when it comes to quality and safety, but also that they have access to physicians who specialize in women’s health care.

I do not think anybody would disagree with the fact—and I am pro-choice on this matter, but I do not think anybody would disagree with the fact that an institution or an individual who does not want to perform an abortion should do so contrary to their beliefs. But at the same time we have to make sure we preserve the accreditation standards that are established by the Accreditation Council for Graduate Medical Education, that provide for the standards for more than 7,400 medical institutions in America.
We want to make sure we do not undo 50 State licensure boards with respect to overturning or overriding this one set of accreditation standards. That is what we were dealing with, and hence this compromise here today, because this is the issue that is certain I do not like it—in the House of Representatives they have already passed legislation that would allow Federal funds to go to an unaccredited institution. That is a fact, and that is unacceptable. That is why I worked with the Senator from Indiana to ensure that would not happen.

Contrary to what has been said here today, 88 percent of medical institutions in this country do not provide abortion training even though it is implicitly required in the accreditation standards. So we are not broadening this issue to provide for an exodus from performing or participating in abortion training. Eighty-eight percent of the institutions currently do not provide it, even though there is a conscience clause.

So this legislation is saying we do not want what is going to happen in the House of Representatives with the accreditation standards being dismissed and abandoned. That is an issue and that is a reality. That is why I worked with the Senator from Indiana to ensure that we preserve the one set of standards in America that the Federal Government relies on for the purposes of Federal funding, that medical students rely on for the purposes of Federal funding, that physicians rely on in terms of judging standards, that patients and consumers and States rely on in terms of determining their licensing procedures.

So the choice was not to address the reality of what is taking place in the House or making sure, more importantly, that the Senate was on record in opposition to that kind of language and development of compromise with the Senator from Indiana to ensure that we maintained the accreditation standards for all medical institutions to advance the quality health care for women and at the same time to allow training for abortion for those who want to participate in that training or for the institutions who want to provide it. Because that is the way it is done now. That is the status quo, and that is not changing.

I know consensus and compromise is not the norm anymore. I think it is important on this issue because abortion is a very divisive issue. No one can challenge me on where I stand on this issue. But I think it is also important to make sure that we preserve quality health care for women in America. I do not want to see these accreditation standards undone, and that is what the legislation that was originally pending would have done. The House language went much further than that. That is why I worked with the Senator from Indiana to ensure that would not happen.

It is inappropriate for this institution to be accredited in the accreditation standards or curriculum, but that is not what we are dealing with here. It has already happened. I want to be able to go to conference to ensure that the House language is not adopted, and the best way to do that is to ensure we can pass language that everyone could agree on, that represents a consensus and does not jeopardize the kind of care that women in America deserve. That is what this compromise amendment is all about.

I urge adoption of this compromise amendment. To do otherwise is to risk getting the House language in the final analysis. That, indeed, would set a very dangerous precedent.

Mr. President, I yield 5 minutes to the Senator from Indiana. The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. COATS. Mr. President, I thank the Senator from Maine for her diligent work with us in clarifying language here and for her articulate statement of support and the reasons why she supports this particular amendment. I will not repeat those, but I think they clearly make the case. I would like to respond, also, to the Senator from California, who indicated that one of the reasons why she opposes the Coats amendment is that we will not have medical personnel adequately trained to perform abortions if necessary.

I would like to state for the record that an ACGME member—the certifying body—ACGME member submitted testimony to the Senate Labor and Human Resources Committee that the D&C procedures that are taught to every ob-gyn and procedures used in cases of miscarriages and those induced abortion require similar experience. Numerous ob-gyn's have indicated to us—and I have a pile of letters here from them, indicating so, and I will be happy to submit those for the record—that an OB-GYN who is trained, as they must be trained, to perform D&C procedures in the case of spontaneous abortions, are more than adequately prepared, should the need arise, to perform an induced abortion. Again, I have an extensive set of letters from those who are trained in those procedures, indicating that is the case.

In short, a resident needs not to have performed an abortion on a live, unborn child, to have mastered the procedure to protect the health of the mother if necessary. Maternal health will not be improved by forcing ob-gyn's to perform abortions on live fetuses if an ob-gyn is not an abortionist in actual practice. But it is clear from the record that they will have sufficient training to do so if necessary.

Second, I would like to just once again, for my colleagues' benefit, indicate the support of Dr. BILL FRIST, the Senator from Tennessee, for this amendment, who has stated, "The Coats amendment will protect medical facilities, all fetuses, all physicians, and medical training programs from abortion-related discrimination in the training and licensing of physicians." However, he goes on to say, "in our efforts to safeguard freedom of conscience, there are limits to what Congress can impose on private medical accrediting bodies. I believe this amendment stays within the confines of the governmental role and addresses the matter of discrimination in a way that is acceptable to all parties. The Congress is responsible," he goes on to say, "for the Federal funding that is tied to accreditation by the ACGME, and as public servants we must ensure that there is no hint of discrimination associated with the use of public funds, and that is exactly what this amendment does."

I would like to respond to the issue raised in the second amendment, the amendment offered by the Senator from California, relative to the use of funds for abortions in the District of Columbia. It is clear, as the Constitution so states, that article I, section 8, gives this Congress exclusive legislation over all cases whatsoever in the District of Columbia. It is stated in the Constitution clearly, it is the basis on which we have operated, and it is a constitutional basis. In all matters relative to the District of Columbia, the responsibility for protection of those and implementation of those and establishment of those is established in the Constitution of the United States.

Public law 931-98, the home rule law, is consistent with this constitutional mandate, because it charges Congress with the responsibility for the appropriation of all funds for our Nation's Capital. The Congress, therefore, bears the ultimate constitutional and full responsibility for the District's abortion policies.

Second is the question of separating {omitting} mingling. I ask the Senator from Maine if I could have an additional 2 minutes from her time?

Ms. SNOWE. Yes, I yield the Senator from Maine has 17 minutes remaining.

Ms. SNOWE. Yes, I yield the Senator 2 additional minutes.

Mr. COATS. Senator, let me state this idea of separating Federal from District funds is nothing more than a bookkeeping exercise. Essentially, what would happen is that the so-called District funds would allow the local government to continue funding abortion on demand. I do not believe that is something this Congress endorses. I do not believe that is something that we should not deal with as
we have dealt before. The separation of Federal funds from District funds is a distinction without a difference, given the constitutional mandate and the practice of this Congress to appropriate all funds for expenditure in the District. It will not, I believe, be disputed that the District is one of the more permissive, if not one of the most permissive abortion funding policies in the country. It is essentially unrestricted abortion on demand. I do not believe that is what this Congress wants to authorize for the District of Columbia, and we have, on numerous instances, addressed this issue.

In the conference report that is before us on the omnibus funding bill, this was discussed at length. The language that is incorporated is language that has been agreed to by the conference. It does allow the use of funds for abortions to protect the life of the mother or in cases of rape or incest. Members need to understand that. What we are trying to do, what we are opposing, and others are opposing, is the use of those funds for unrestricted abortion, abortion on demand. That is the issue before us on the Boxer amendment, and I urge my colleagues to vote no on that and vote yes for the Coats amendment, which is a separate issue, and that is the discrimination issue relative to the use of Federal funds for hospitals that provide abortion.

I yield.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, Senator FEINSTEIN offered me her time. I ask unanimous consent that I be allowed to use her time.

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

Mrs. BOXER. I ask the President how much Senator FEINSTEIN has.

The PRESIDING OFFICER. Senator FEINSTEIN has 7½ minutes.

Mrs. BOXER. And I believe I have a minute and some?

The PRESIDING OFFICER. The Senator from California has 1 minute 15 seconds.

Mrs. BOXER. Mr. President, will you let me know when I have 5 minutes remaining?

The PRESIDING OFFICER. Yes, the Chair.

Mrs. BOXER. Thank you very much, Mr. President. I want to respond to Senator COATS’s point on the D.C. issue when he says, “Look, we still allow them to use their own local funds for rape and abortion, but not for abortion on demand, not for unrestricted abortion.” I want to make this point because over and over again in this debate by the anti-choice Senators, they use the terms abortion on demand and unrestricted abortion. They use the terms and ignore the holding of Roe versus Wade.

Anyone who has read Roe versus Wade knows the anti-choice Senators are not using the terms correctly. According to Roe, in the first 3 months of a woman’s pregnancy, she has a right to choose. That is her legal right. The Supreme Court has decided it, and even this more conservative Court, has reaffirmed it.

Clearly, a poor woman in Washington, DC, cannot get access to Medicaid funding, and the only option she would have, except for charity, would be Washington, DC’s own locally raised funds, Mr. President. We do not stop in the 3,000 plus counties in this country from using their local funds if they wish, if they desire to help a poor woman. We do not tell the 19,100 cities that they cannot use their locally raised funds.

Washington, DC, does have property tax funds, and they have other funds that clearly are raised by them. If they feel it is a priority to help a woman in poverty in a desperate situation exercise her right to choose, I do not think the local community should be forced to reach into that situation. That ought to be her own private personal decision and the decision of the locality to help her out.

So I hope that there will be support for the Boxer amendment.

AMENDMENT NO. 3513

As to the Coats amendment regarding Federal funding to medical schools, I want to reiterate what I think is a very important point. The Senator from Indiana says, “There is not going to be any danger, no one is going to be put in danger by this. So what if every single teaching hospital and medical school says, ‘We will not teach our residents how to do surgical abortion.’” He says, “Oh, they will have enough training in emergency areas, D&C’s, and other ways.”

I do not think the Senator from Indiana would get up here and say it is not necessary for residents to learn how to do a bypass if it was their heart. “Oh, you can read a book, you can learn it from reading a computer simulation.” No one would ever suggest that.

I really have to say, with due respect, total respect for my colleague, that we are treating women in this circumstance quite differently than a person who had a heart condition, than a person who needed a kidney operation. We would never stand up here and say it is not necessary, as learned in those training procedures, should the occasion occur and an emergency occur to perform that abortion.

But to compare that with not having training for a bypass operation or kidney operation or anything else would not be an accurate comparison. There are enough similarities between the procedure they are trained for and the procedure the Senator from California is advocating they would need to be trained for that is not a problem.

I ask unanimous consent to have printed in the Record, Mr. President, letters that I have received which so strongly training is adequate.

There being no objection, the letters were ordered to be printed in the Record, as follows:

NATIONAL FEDERATION OF CATHOLIC PHYSICIANS’ GUILDS,

Re the amendment offered by Senator Coats to S. 555, Health Professions Education Consolidation and Reauthorization Act of 1995.

MEMBERS,
Senate Labor and Human Resources Committee, U.S. Senate, Washington, DC.

Dear Senator: I am writing on behalf of the National Federation of Catholic Physicians’ Guilds which is the Catholic medical association in the United States, representing physicians and physician’s guilds from all over the U.S. I respectfully urge you to support Senator Coats’ Amendment, specifically in Sec. 407. Civil Rights for Health Care Providers.

Senator Coats’ amendment is certainly accurate. It finds that the government regulations on Residency Training for Obstetrics and Gynecology a violation of the civil rights of individuals and institutions that are morally or conscientiously opposed to abortion. The revised regulations would require, under penalty of loss of accreditation, Catholic Ob-Gyn training programs, or any training program for that matter, to provide for training in the performance of induced abortion. As you probably know, Catholic moral teaching holds abortion to be a grave evil. What might not be as clear is the fact that not only may a Catholic not participate in the procurement of an abortion, they may also not cooperate in any way with the procurement of an abortion; not only may they not offer training in abortions, they may also not provide for the opportunity of training in abortions. Such cooperation would give the cooperator a share of the culpability. The ACGME’s regulation would be coercion, an attempt, under severe penalty for failure to comply, to force the institution to participate in the performance of an activity which it, in conscience, considered evil. This would seem to be a clear violation of the civil rights of the individuals and institutions involved.

It is of significant note that the ACGME’s regulation revision in this matter comes at a
time when fewer and fewer Ob-Gyn physicians will do abortions. Ob-Gyn training programs that require abortion training are also declining in number. Physicians do not want to be involved in this procedure. Many physicians do not want to be involved is understandable. The medical profession has always held the moral belief that it’s charge is the care of the human being. The physician has always been the doctor who takes care of the mother and the baby until the baby is born and the Pediatrician can take over the baby’s care. It is not in the professional ethos, in the soul of the physician, to take life. It is his or her charge to protect it!

Abortion is a surgical procedure that morally and religiously objectionable. It deals with a controversial area; a moral and religious issue that could not obey the ACGME mandate. And, there is the chilling advocacy of the noption that the doctor should be killed. I am not aware of any commissioners of the NFPG, and other medical professional men and women of conscience who cannot obey the ACGME’s amendment and keep true choice available to us.

God bless you in your many varied and difficult positions.

Sincerely,
KEVIN J. MURRELL, M.D.,
President

THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON
Galveston, TX, March 23, 1995.

VINCENT VENTIMIGLIA
Office of Senator Dan Coats,
U.S. Senate, Washington, DC.

DEAR MR. VENTIMIGLIA: I am a Professor of Obstetrics and Gynecology at the University of Texas Medical Branch at Galveston. I have come to my attention that Senator Coats, in an effort to ensure the rights of Obstetricians and Gynecologists to provide primary and preventative health care for women? Primary health care involves the prevention of pathology. Pregnancy is not a disease that must be treated by termination. Primary health care provides medical care for the mother and the child she is carrying. Primary care physicians, for the well-being of mothers, require training about the care of the human being. The destruction of one of the most natural functions of the human person; the characterization of pregnancy as a pathological condition; the denial of professional responsibility to two patients when the pregnant woman comes to your clinic; the acceptance of a cooperative role with the woman in the ending of the child’s life... These problems do not seem to fit into this educational objective.

It must be noted that all Ob-Gyn physicians are DSC’s and are trained in principles of fetal demise. The training in the specific procedure of induced abortion, especially considering the great moral questions involved, probably has no place as a requirement in Ob-Gyn training. If the ACGME believes it is responsible for providing physicians to do abortions, it needs to find a way to do it either by mandating that training programs include this procedure in their curriculum.

Thank you for reading through a somewhat lengthy letter. This issue really is quite important. It deals with a controversial area; a procedure that is legal to perform, but morally questionable and lamented by most American physicians. The PIC has failed. Also at stake are the civil rights of those who morally and religiously object to induced abortion and who are now being told that they must, under penalty, provide for training in abortion procedures. There is, as Senator Coats points out, the effect of abortion on the young. Abortion programs also sap funding of other programs that could not obey the ACGME mandate. And, there is the chilling advocacy of the notion that the doctor should be killed. I am not aware of any commissioners of the NFPG, and other medical professional men and women of conscience who cannot obey the ACGME’s amendment and keep true choice available to us.

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Office of Senator Dan Coats,
U.S. Senate, Washington, DC.

DEAR MR. VENTIMIGLIA: I am a Professor of Obstetrics and Gynecology at the University of Texas Medical Branch at Galveston. I have come to my attention that Senator Coats, in an effort to ensure the rights of Obstetricians and Gynecologists to provide primary and preventative health care for women? Primary health care involves the prevention of pathology. Pregnancy is not a disease that must be treated by termination. Primary health care provides medical care for the mother and the child she is carrying. Primary care physicians, for the well-being of mothers, require training about the care of the human being. The destruction of one of the most natural functions of the human person; the characterization of pregnancy as a pathological condition; the denial of professional responsibility to two patients when the pregnant woman comes to your clinic; the acceptance of a cooperative role with the woman in the ending of the child’s life... These problems do not seem to fit into this educational objective.

It must be noted that all Ob-Gyn physicians are DSC’s and are trained in principles of fetal demise. The training in the specific procedure of induced abortion, especially considering the great moral questions involved, probably has no place as a requirement in Ob-Gyn training. If the ACGME believes it is responsible for providing physicians to do abortions, it needs to find a way to do it either by mandating that training programs include this procedure in their curriculum.

Thank you for reading through a somewhat lengthy letter. This issue really is quite important. It deals with a controversial area; a procedure that is legal to perform, but morally questionable and lamented by most American physicians. The PIC has failed. Also at stake are the civil rights of those who morally and religiously object to induced abortion and who are now being told that they must, under penalty, provide for training in abortion procedures. There is, as Senator Coats points out, the effect of abortion on the young. Abortion programs also sap funding of other programs that could not obey the ACGME mandate. And, there is the chilling advocacy of the notion that the doctor should be killed. I am not aware of any commissioners of the NFPG, and other medical professional men and women of conscience who cannot obey the ACGME’s amendment and keep true choice available to us.

God bless you in your many varied and difficult positions.

Sincerely,

KEVIN J. MURRELL, M.D.,
President

THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON
Galveston, TX, March 23, 1995.

VINCENT VENTIMIGLIA
Office of Senator Dan Coats,
U.S. Senate, Washington, DC.

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to women and children. OB/Gyn residents already learn the techniques to handle pregnancy, miscarriages and complications from abortions and, in learning these, learn the medical techniques to handle those extremely rare situations in which an abortion is actually performed in response to a woman’s health needs.

So, if the ACGME directive is not really about providing medically necessary training for medical residents, what is it about? Simply, to accomplish what 20 years of legal- ized abortion have failed to do: to make abortion a part of mainstream of medical care and force doctors and hospitals to do abortion if a patient insists on their performing it and constitute standard medical practice. Can there be any doubt whatsoever that after they define abortion as a part of standard care, residents will move on to declare it standard care for every hospital? Can there be any doubt the directive that we would overturn is only the first step in a battle against every medical facility which would dare claim that abortion is not “health care,” that it is no part of standard medical practice.

The way in which ACGME and their friends in the pro-abortion community are going about this is deeply disturbing. They are not merely trying to co-opt hospitals and health care here to a particular ideology, they are requiring them in the name of practicing good medicine—to actually kill defenseless, un- born human lives—not to go for them, that medical residents are already learning the techniques that could be used in abortion, but learning these without using them to deal with live human beings. Abortion advoca- cates are not satisfied unless these tech- niques are used to kill unless residents re- sistance in this killing is actually numbered. This attempt to over-turn the ACGME, that is the very lifeblood of medical resi- dency programs and medicine itself must be rejected. I ask that all Members support the provision in the bill to overturn the ACGME’s directive and to oppose any motion to strike it.

Sincerely,

TOM DELAY, Majority Whip.
TOM A. COBURN, M.D.,
Member of Congress.

ST. JOHN HOSPITAL AND MEDICAL CENTER, Detroit, MI, March 27, 1995.

DAN COATS,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR COATS: I urge the Senate Labor and Human Resources Committee to adopt the amendment you offered to S. 555, the Physicians Conservation, Education Consolidation, and Reauthorization. This amendment would neither limit abortion services currently available in this country, nor would it pre- vent physicians from seeking the training they might choose in order to perform abor- tions. This amendment would not interfere with a woman’s legal right to choose an abortion. It amends the law about the right of institutions to refuse participation or co- operation in procedures which directly viola- te their ethical codes.

The reason that our organization, Providence Hospital and Medical Centers, supports this is because:

As a Catholic institution, we have had direc- tive abortion is a grave evil. It is therefore not an optional procedure for us, since we are bounded by Catholic ethical standards of health care. Since Catholic teaching classi- fies the direct killing of human life to be among the gravest forms of evil, co- operating with the new ACGME OB/GYN residency guidelines by sending our OB/GYN medical residents to other facilities for training in induced abortions may not be a moral option for us.

There are over 45 OB/GYN residency pro- grams in the United States. We cannot afford losing these programs. Trying to coerce health care facil- ities who are morally opposed to direct abor- tions into cooperating with the new ACGME guidelines will not resolve the issue of the dwindling number of physicians being will- ing to train for the medical residents in the United States. It will only exacerbate the situation.

How would mandating abortion training enhance the provision of primary and pre- ventative health care for women? Primary health care involves the prevention of a patho- logy. Pregnancy is not a disease to be treated by termination. Furthermore, all OB/ GYN medical residents are currently trained to do D&C’s, to handle fetal demise, and are trained in techniques such as early induction of labor when the pregnancy constitutes a serious life-threatening condition for the mother.

Thank you for considering adoption of this amendment.

Sincerely,

SISTER JANE BURGER, D.C.
Vice President—M ision/Ethics Services.

DAVID STEVENS,
Executive Director
CMDS

DALLAS, TX.—The Christian Medical & Dental Society (CMDS) today said that it is protesting a medical council’s deci- sion to mandate abortion training as politi- cally induced, personally coercive and pro- fessional incompetence for Graduate Medical Education, which oversees physician training, announced yesterday that obstetrical residents must be taught how to do abortions.

Dr. David Stevens, executive director of the Dallas-based CMDS, said, “The Council is clearly out of touch with its constituency, their belief system on a medical community that has largely rejected abortion.” Stevens said that “pro-abortion leaders are worried that Catholics are willing to refuse abortions, based on personal convictions as well as the sheer repugnancy of the act itself.”

Stevens said that despite the Council’s attempts to influence political and religious objections, the practical effect of the Coun- cil’s ruling will be to pressure every resident and teaching hospital into performing abor- tions.

“Throwing in a little verbiage about ‘moral or religious objections’ does little to resolve the intense pressure these residents will now face to perform abortions,” Stevens explained. “The threat of failing to meet GME requirements will now be like a sword of Damocles hanging over their heads as well as over the heads of program administra- tors,” Stevens noted.

“In everyday practice, when one resident attempts to opt out of the procedure, he or she can face intense peer pressure from colleagues who would be forced to take up the slack by performing more abortions,” Stevens as- serted. “Moreover, the mandate will negatively discourage those opposed to abortion on de- mand from entering the OB/GYN field.”

CMDS chief operating officer Dr. Gene Rudd, an OB/GYN physician, explained that abortion training is unnecessary. “The skills required to perform first trimester abortions are acquired through learning dilation and curettage (D&C) and other procedures in- volving spontaneous abortions,” Rudd noted. “Only the more controversial second and third trimester abortions require additional training.”

“Does the Council’s new policy mean,” Rudd posited, “that all OB/GYN’s who have not been trained to do abortions are inad- equately prepared for practice? Of course not! There is absolutely no prac- tical reason to force residents to learn to perform abortions if those residents do not intend to perform abortions in practice.”

“Abortion training need not be considered an integral part of OB/GYN training, as evi- denced by the fact that roughly a third of all OB/GYN residency programs in the Unit- ed States currently conduct abortion training,” Rudd continued.

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To receive a free booklet on bioethical is- sues or for more information on the Chris- tian Medical & Dental Society, contact CMDS at P.O. Box 836989, Richardson, TX 75083 or phone (214) 479-9173.
Mr. COATS. Mr. President, I will also just state, with what little time I have remaining, that the Coats amendment has the support of the AMA, the American Medical Association, the American College of Obstetricians and Gynecologists, the Accrediting Council for Graduate Medical Education. So the very organizations that are most directly involved in this have looked at the Coats amendment, and they have said it is a reasonable amendment and they not only do not oppose it, they support it.

So the very organizations that are held up as being the objectors to this are supporters of the Coats amendment, and I hope my colleagues will use that as a basis for their determination.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, on my own time, and I ask that I have 3 minutes remaining so that I can close on those 3 minutes.

Mr. President, let me say to my friend from Indiana, I just talked to the representative of the American College of Obstetricians and Gynecologists. They much prefer the existing policy. The reason they are on this particular amendment is because they feel this is far superior than the House language, but they prefer the current policy.

I will further say, just trying to exercise a little common sense—and, Mr. President, I feel many times we think these things are over our head—if your daughter found herself in a circumstance where she was raped, let us say, and, let us say she found out within a month that she was pregnant and she made the decision to end this pregnancy, she did not want to bear this rapist’s child, and someone asked you, “Senator, I’ve got two doctors available to do this. One of them performed a D&C a few times and never did a surgical abortion and one has the experience.” I do not think it takes a degree in science to know that if you want her to be safe, you want her to go to someone who had the actual experience of performing a surgical abortion.

So I simply do not buy into this argument that because someone performed a D&C and it is similar—it is not the same thing, by any stretch of the imagination.

The PRESIDING OFFICER. The Senator has 3 minutes.

Mrs. BOXER. I ask for another 30 seconds. What this amendment would do is basically say you do not have to teach your ob-gyn residents how to perform surgical abortion and you would still get Federal funds. That is why it is opposed by Planned Parenthood, National Women’s Law Center, American Association of University Women, National Abortion Federation, Women’s Legal Defense Fund, and NARAL. I think it is very clear where this comes down. This takes a situation and makes it dangerous for women.

Is it better than the House language? Sure it is, but why should we go forward with something that is worse than the current policy and I think open up a grave risk to the women of this country?

I retain the remainder of my time.

Mrs. FEINSTEIN. Mr. President, I oppose the Coats-Snowe amendment to the continuing resolution, S. 1594.

This amendment does two things: It puts into law a prohibition on Federal and State governments from discriminating against institutions that refuse to provide training for abortion procedures; and, it undermines the long-respected accreditation system by allowing programs to opt out of meeting the required medical training standards set by the ACGME and still receive Federal funds as if these programs met those standards.

The Coats-Snowe amendment is unnecessary, it undermines the integrity of Federal and State medical educational and licensing standards, and it represents another step in the erosion of freedom of choice in this country.

UNNECESSARY

First of all, this amendment is unnecessary because its antidiscrimination provision is redundant. Although earlier standards set by the Accreditation Council for Graduate Medical Education, the accrediting body for medical residency programs, did require abortion training in ob-gyn residency programs. ACGME revised those requirements in February 1995 to explicitly exempt ob-gyn residents or institutions with religious or moral objections to performing abortions.

The policy states: “No program or resident with a religious or moral objection will be required to provide training in, or to perform, induced abortions.”

The revised standard does not require programs to make alternative arrangements. These requirements are based on the current policy. Applicants to the residency program that they do not provide abortion training and to not impede their residents from obtaining the training elsewhere for those who wish to do so.

These requirements strike a balance between the program’s desire not to be involved in abortion training and fairness to residents who desire to obtain such training.

So I fail to see any need for this amendment other than to inject Congress further into the abortion decision and into questions of medical curriculum.

UNDERMINES ACCREDITATION SYSTEM

This amendment, even with the compromise language, still undermines the system for evaluating the quality of medical training programs in this country. Under current law, medical training programs may only receive Federal funds if they are accredited by ACGME, the independent accrediting body of medical experts.

Does anyone in this body think Congress is better equipped to determine the educational requirements for a medical specialty such as obstetrics and gynecology than the medical professionals who actually practice medicine?

The ACGME, a private-sector, professional entity, is the only graduate medical education accreditation organization in the United States, responsible for evaluating over 7,000 medical residency programs throughout the United States.

ACGME is sponsored by five of the leading medical organizations in the Nation: the American Medical Association, the American Hospital Association, the American Board of Medical Specialties, the Association of American Medical Colleges, and the Council of Medical Specialty Societies.

Accreditation by medical experts provides the only method the Federal Government has to assure that residency programs meet appropriate medical training standards. Congress should not undermine that system by supplanting political judgment in place of medical expertise.

FEDERAL INTRUSION INTO STATE LICENSING STANDARDS

Accreditation is relied upon not just by the Federal Government, but also by State governments, private funding sources, students and patients to ensure quality in medical training.

Even if the Federal Government is willing to abandon educational standards in medical training, which it should not be, it should certainly not prevent the States from maintaining standards.

All 50 States currently require an individual to participate in an ACGME accredited residency program to obtain a right to practice medicine. The Coats-Snowe amendment would prevent States from requiring ob-gyn residency programs meet ACGME standards in abortion training for those they are licensing to practice medicine in their States. The alternative for States that wish to maintain ACGME training standards is the loss of Federal funds.

This is an unconscionable intrusion by the Federal Government into State licensing procedures.

The ACGME training standards, which were unanimously approved by the sponsoring medical organizations, reflect the input of physicians, medical specialists, hospital administrators, clinicians, researchers, and educators who have decades of medical judgment to their decisions.

The Federal Government has long recognized the specialized expertise that formulates the ACGME accreditation standards and we should not reject that expertise now simply because the issue is abortion.

EROSION OF CHOICE

This amendment is yet another effort to chip away at a woman’s right to educational and training standards for ob-gyns set by ACGME, the independent accrediting body of medical experts.
choose—a constitutionally protected right that the Supreme Court has clearly affirmed. This is one more in a series of steps Congress has taken to destroy that right:
The 104th Congress, in particular, has enacted an unprecedented number of laws threatening access to safe and legal abortion for many women:
Ending access to abortion for U.S. servicewomen overseas by barring abortions on military bases even if the women paid their own money. This is particularly harsh on servicewomen overseas where private facilities may be inadequate or abortion is illegal.
Prohibiting Federal employees from choosing health insurance plans with abortion coverage.
Maintaining the prohibition on Medicaid coverage for abortion for low-income women—except in cases of rape, incest, or life endangerment.
Denying access to abortion for women in Federal prisons.
Prohibiting the District of Columbia from using its own locally raised money to pay for Medicaid funded abortions.
Banning Federal funds for human embryonic research.
Most significantly, Congress for the first time directly challenged Roe versus Wade by passing legislation that criminalizes a particular and rarely used abortion procedure and jails doctors who perform them.
All of these represent a steady march by the Federal Government into the abortion decision, and the weakening of a woman's constitutional right of personal privacy. The Coats amendment is yet another erosion of that right.
But it is an extremely important one. This is a direct attack on maintaining access to quality reproductive health care for women.

SHORTAGE OF DOCTORS

There is already a severe and escalating shortage in the number of physicians who are trained and willing to provide abortion services.
The total number of abortion providers in the country decreased by nearly 20 percent since 1982—from 2,908 to 2,380—in spite of a 10 percent increase in the population.
Eighty-four percent of the counties in the United States have no physicians who can perform abortions. States like North and South Dakota have only one provider each.
Only 25 percent of obstetrician-gynecologists in the southern United States are trained to perform abortions. Only 16 percent of doctors in the Midwest are trained to perform them.
With the violence and harassment aimed at abortion providers increasing steadily in recent years, fewer doctors are willing to risk their lives or the safety of their families, to provide abortion services.
This amendment is a thinly veiled attack on freedom of choice. By making abortion unavailable, opponents of abortion will do what they cannot do legislatively—eliminate abortion as a safe and legal option for women in this country—one State, one doctor, one piece of legislation at a time. I strongly urge my colleagues to oppose this amendment.

Ms. Snowe addressed the Chair.

Ms. SNOWE, Mr. President, I think it is always important that, when we are discussing abortion legislation, we get a chance to read the legislation, in this case, the amendment that is before this body. The fact remains that this compromise amendment allows that anybody who wants to participate in training of abortions is allowed to do so. Nothing changes from the current circumstances. Any agency or institution that wants to provide the training of abortions to medical residents can do so. That is how the legislation reads. That is fact.

I regret the fact that there has been so much misinformation circulated about what this amendment does and does not do. This amendment avoids getting the training of abortions involved in setting accreditation standards, because that is exactly what is happening with the legislation that passed in the House of Representatives. The Senator from Indiana and I worked with the American College of Obstetrics and Gynecologists on this very language. Sure we prefer not to be here today discussing this issue, but that is not reality.

I am looking down the road. What I do not want to have happen is to have the U.S. Congress overturning the one set of accreditation standards that is predicated on quality care. If we do nothing, we run the very serious risk of having the U.S. Congress, because of the House language, overturn that one set of standards that everybody in America uses to determine the standards and the quality of care.

If you think that is a risk worth taking, then the amendment is right. I do not happen to think so. This accreditation standard that we are talking about in this legislation is the accreditation standard that has been developed by the Accrediting Council for Graduate Medical Education. You might want to know, who sits on this accreditation council? This is the one council that everybody looks to for setting the standards for medical institutions and residents in this country.
The organization that sit on the council are: the American Medical Association, the American Hospital Association, the Association of American Medical Colleges, the American Board of Medical Specialties, the Council of Medical Specialty Societies. Then, you have the residency review committee that reviews the ob-gyn programs that set the standards for the accreditation council, the American Board of Obstetrics and Gynecologists, the American College of Obstetricians and Gynecologists, and the Council on Medical Education of the American Medical Association.

These standards have been set with the conscience clause for medical residents since 1982. There has always been a conscience clause. That is what this legislation does. It allows for that. The accreditation council had to go a step further and establish a conscience clause for institutions because of a recent court case. That is a fact.

Not one institution in America—even when it was implicitly required in the accreditation council standards before their proposed change this year, they did not deny accreditation to one institution in America because they solely refused to provide abortion training. It was for a host of other issues.

So even when it was required, 88 percent of the institutions did not provide for abortion training. So this amendment basically preserves the status quo under the Accrediting Council for Graduate Medical Education, the one set of standards that everybody uses from the Federal Government on down. If we fail to support this amendment, I hesitate to think what message it is going to send to the conference committee on this issue. It is important that the Senate send a very strong message that we reject the intervention of Congress in establishing a different set of standards. That is what this is all about.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 20 seconds.

Ms. Snowe. I was referring to quote a part of a letter that was sent by Dr. James Todd, executive vice president of the American Medical Association, which he sent in March 1995 to Senator Kassebaum. I quote:
The Accrediting Council for Graduate Medical Education standards were developed by professional medical educators in the field of obstetrics and gynecology. The standards were developed with participation to the differing moral and ethical views about abortion and after substantial consultation with medical societies, program directors, and obstetrics and gynecology and other individuals and organizations.

So that is the standard that is embodied in this compromise legislation. If individuals who are participating in medical training programs want to get training for abortion, they will be allowed to do so. If an institution wants to provide it, they will be allowed to do so, just like it is under current circumstances.

We must preserve the accreditation standards of the one group in America that sets those standards, rather than running the risk of what has been established in the House of Representatives that says that Federal funds can go to any institution in America that is unaccredited if those standards mention abortion. That is what the legislation says in the House of Representatives. That is what we are dealing with here. They would allow Federal funds to go to any institution that is unaccredited if those institutions use the accreditation standards, of which there is only one set in America, if they refer to abortion in whatever way.
That is what I do not want to have happen in this body. That is why I supported and worked on this compromise legislation. The fact is the House goes further. Every State has a licensing board. Every State looks to the Accrediting Council of Graduate Medical Education standards in order to determine the licensing. So, if we are saying it does not matter anymore, then they are going to have to go back, and every State will have their own set of standards for medical institutions, of which there are over 100 in this country.

So is that what we want to create? I do not think so. I think there is a time when you have to accept what is before you and work together in reaching a consensus, which is what the Senator from Indiana and I have done. I think that is what the American people want. We are never going to get unanimity on the issue of abortion. Far from it.

But I do think it is important that we work together in the best way that we can so that we have legislation that will benefit. In this case, the women of America, because this is who will be most directly affected by this legislation, and to ensure that our medical institutions are dealing with one set of accreditation standards rather than 50 different sets because that is, in essence, what will happen if we reject this amendment. That is the risk that we are running. That is why I would urge adoption of the Coats-Snowe compromise.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield to the Senator from Arizona for a question.

Mr. MCCAIN. I was going to call up an amendment of mine. I will be glad to wait until the Senator from California finishes.

Mrs. BOXER. I thank the Senator. Mr. President, I am assuming we are debating the abortion amendment that is——

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Mr. President, I think the Senator from Maine makes a good point when she says we have to work together. That is what we did to get to where we are with the current policy. Current policy says that, if you are an ob-gyn resident with a religious or moral objection to learning to perform surgical abortion, or if you are an institution with a religious or moral objection to teaching abortion procedure, you do not have to learn it and you do not have to teach it.

I support that. I am pro-choice. I believe very much in Roe versus Wade and a woman having the right to choose to make this decision without Government interference. But I believe that if an institution has a deep religious or moral objection, and they are a medical school or an ob-gyn resident, they should have the right to say, I really do not want to learn this. However, if there is no religious or moral objection, I believe that it is very important that these ob-gyn residents learn how to perform surgical abortion until there is another safe alternative. And what the Coats amendment does, regardless of the kind of spin we hear, is basically say that no institution that has no religious objection can just decide, because they bow to public pressure, we are not going to teach our residents how to perform surgical abortion, and we will get Federal funds anyway.

Now, just to stand up here and say, "I have a compromise" is not enough. I ask unanimous consent that I be allowed to take Senator MURRAY's time. She has offered it to me.

The PRESIDING OFFICER. Is there objection?

Ms. SNOWE. Reserving the right to object. How much time is that?

The PRESIDING OFFICER. Senator MURRAY has 3½ minutes reserved.

Ms. SNOWE. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes 30 seconds.

Mr. BUMPERS. Mr. President, was there some kind of an agreement about time?

Mrs. BOXER. Mr. President, if I may answer the question, I asked if I could take Senator MURRAY's time as it relates to the abortion issue. She has 7 minutes. I do not think I am going to use it all, but I need to make a couple of points.

Mr. BUMPERS. Mr. President, I have no objection. I was under the impression that we were going to recess at 12:30. I thought I would speak on the Murkowski Greens Creek amendment prior to the recess.

The PRESIDING OFFICER. The Senator is correct that we were to adjourn at 12:30.

Mr. BUMPERS. I do not understand the time. How much time is left on the Coats amendment?

The PRESIDING OFFICER. The Senator from Maine has 3 minutes 30 seconds. Senator BOXER used her time, and Senator MURRAY had reserved 7½ minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senator from Arkansas have 15 minutes to answer the question, I asked if I could take Senator MURRAY's time as it relates to the abortion issue. She has 7 minutes. I do not think I am going to use it all, but I need to make a couple of points.

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issue is not about abortion, it is about privacy, of decency, if you will. This is an assault on one's human rights, one's civil rights. It is inappropriate to be introducing this kind of legislation that has to deal with things other than the fundamental right to privacy.

To suggest that the way to deal appropriately with the sparseness of funds is to take away people's right to learn as a medical education, and that they might lose their Federal funding—no, but will—it is outrageous. God was good to me yesterday. My oldest daughter delivered a beautiful baby boy, and I was in that hospital on the maternity ward, and I was looking around, and I thought, thank goodness, they have the facilities that they have to be able to bring new life into being. I thought about those poor women who, at the same time, is it that a few distressed control the fact that there was a conception. It was bizarre, but in the news today was a woman who was 10 years comatose, was raped by someone in the institution she was in, and she delivered a child. I thought, how ridiculous that we would object to someone learning the abortion technique, so that in the case of a request or a need, that it is unavailable?

I think this is mischievous; I think it is unfair, and I think that the American people ought to rise up and say: Listen, enough of that stuff. You do what you want to. If you do not believe that a woman ought to have choice in an unwanted pregnancy, then do not do it. But why should someone else lose their right to make that choice if they are in such a situation? It is outrageous. We have these sneak attacks constantly—do it one way, do it another way. You violate the principles that we operate under. Privacy—that is what the Supreme Court said. Why is it OK for some people to decide what is appropriate, private or not? The courts have made a decision.

So, Mr. President, that both bodies will reject this. I hope the Senate will decide to support this. The notion that the city of Washington should not be able to use its own funds as it sees fit, I think, is a disgrace. So I hope that that is rejected. This invasion of privacy, of decency, if you will. This issue is not about abortion, it is about Federal intrusion into a private decision.

With that, I yield the floor back to my colleague, if any time remains. The PRESIDING OFFICER. The Senator from California has 28 seconds left.

Mrs. BOXER. Mr. President, the ACLU opposes this amendment, as does the Center for Reproductive Rights, Planned Parenthood, and on and on. I just hope my colleagues will stand up and say that we already compromised and gave a good conscience clause. That was quite an open this up wide and have women's lives put at risk. Say "no" to this Coats amendment and "yes" to the Boxer amendment. Let us protect the lives of women.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, to sum up on where we stand with respect to the Coats-Snowe amendment, first of all, I remind this body what we are dealing with here. This amendment modifies an underlying amendment, and that underlying amendment would go low priority to an unaccredited institution. That is what I wanted to prevent. That is the issue. That is what we are modifying through this compromise amendment, so that does not happen. Who supports this amendment? I think that is important since we are deciding.

The Accreditation Council for Graduate Medical Education, which is the entity that establishes the one set of standards in America for the medical institutions; the American College of Obstetricians and Gynecologists—it is very important because we are talking about gynec programs, and the medical association is made up of the profession of physicians. That is who supports this amendment. They say it is acceptable. What were the choices? What we will be facing here potentially is a major risk and threat to women's health.

The House language, which gives Federal funds to unaccredited institutions, basically guts the accreditation standards for gynec programs if those standards mention "abortion." Then we have the original—the underlying—amendment which we are now seeking to modify through this compromise amendment which would have also lost Federal funding to unaccredited medical institutions.

Finally, you have the Coats-Snowe amendment—the compromise amendment—which says we will prevent Congress from engaging in the accreditation standards of medical institutions, will preserve those very important standards for health care in America, and at the same time we will also protect the accreditation standard when it comes to abortion. And that is what it has always been. Nothing has changed. It has always been that, if an individual, who is in a medical training program, does not want to get training for abortion, he or she does not have to. The same is true for institutions. They will be able to exempt the institution from providing that training if it is contrary to their belief. That is what it has always been. The accreditation council has never denied an institution accreditation based on whether they refused to provide abortion training. It was always for a host of other standard equality reasons.

I want to make sure that we preserve those reasons by preventing Congress from engaging in either the overturning, accreditation standards which is our only guidepost for quality care for women in America.

That is the reality. I hope the Senate understands that because to do otherwise, if this amendment is rejected, is that we will face the language in the House which would basically gut and do away with accreditation for all medical institutions in America. That is not a choice or a decision that we should have to make.

Thank you. I yield. The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas has 15 minutes.

Mr. BUMPERS. Thank you, Mr. President.

Mr. President, I rise in support of the amendment by the junior Senator from Alaska [Mr. Murkowski], which authorizes the Greens Creek Land Exchange Act. This amendment gives the Kennecott mining company 7,500 acres in the Admiralty Island Monument area of Alaska, in addition to the 340 acres they already own. They received the 340 acres they already own from the U.S. Government in the traditional way. They paid $2.50 an acre for it. For a while Kennecott had to shut down their silver, copper, and gold mine at the site because they were losing money. Now metal prices are higher than ever, and the Kennecott has reopened the mine.

I am glad they reopened the mine because it is good business for them. But more than anything else, Kennecott has agreed to pay a 3-percent net smelter return royalty on everything they mine from the additional 7,500 acres they are receiving as long as metal prices are at least $120 a ton. If prices go below $120 a ton, their royalty will decline. I want to pay a little tribute to Kennecott. That is what I call good corporate citizenship.

They got the 340 acres for a song because of the 1872 mining law which continues to this day to be the biggest scam in America. And the U.S. Senate has consistently ratified that scam at the same time this body is willing to cut Head Start, student loans so kids can go to college, school lunches, Medicaid, 40 percent of which is used to keep elderly people in nursing homes, and another 40 percent for children. They are willing to cut all of that but not Kennecott.

As I say, I am happy to support the amendment of the Senator from Alaska. It is a good deal for them. It is a
good deal for the taxpayers of America. That is what we ought to be doing around here. But that is not what we are doing.

Mr. President, when I took this issue on 7 years ago, 7 long years ago, the price for gold in this country was $30 an ounce. Every time I have attempted to stop the giveaway of Federal lands for $2.50 an acre, I got my brains beat out. Fortunately, I have been successful in gaining passage of a moratorium on the processing of new mining patent applications.

The small progress I have made has been glacial. The mining companies want the taxpayers of this country to deed them Federal lands that belong to all of us for $2.50 an acre, $5 max, mine the gold, silver, copper, platinum, and other minerals off of this land and then, oftentimes, leave an unmitigated environmental disaster for the taxpayers to clean up—and not pay one thin dime.

When I first took this issue on, gold was $300 an ounce. And the mining industry said, “Well, if you put a 3- or 4-per cent royalty on us, we will go broke. We will have to shut down, and all of these poor miners will be out of a job. Gold is $40 an ounce. And what do you think their argument is?—‘We will lose money. We will have to shut down and put all of those poor miners out of work.’ And like Pavlov’s dog. Senators in the U.S. Senate grab it like a raw piece of meat and think that is the most wonderful thing they ever heard—‘Keep all of these people working, if we will just not put a royalty on it.’

We charge people 12.5 percent for every ounce of coal they take off Federal lands—12.5 percent. We make people who mine underground coal—a very expensive undertaking—pay 8 percent for every ounce of coal they mine. We make the natural gas companies and the oil companies pay 12.5 percent for every dollar’s worth of oil and gas they take off Federal lands. And here is what we get for gold—zip. Here is what we get for silver—zip. And here is what we get for platinum—zip.

Do you know what platinum is selling for as of this moment? It is $413 an ounce. We have given billions and billions of dollars worth of platinum and palladium away in Montana in the processing of doing it, and we will not get one thin dime. I just look at this chart: “Miners Get the Gold and the Taxpayers Get the Shaft.” Here is Barrick Gold Co., the stock of which has climbed in accordance with the price of gold. About a year and a half ago Secretary Babbit was required by law to give Barrick Re-source 11 billion dollars’ worth of gold. Do you know what the Secretary and the taxpayers of the United States got for that $11 billion? Yes, $9,000. Ask Senator Gold in this country, was silver and platinum or palladium: How many of you are willing to give the gold companies that kind of a deal? You know the answer to that question.

Then just recently the Secretary was required by law to give a Danish company—Faxe Kalk—1 billion dollars’ worth of travertine. Travertine converts into a powder which has very special uses. What do you think the taxpayers of this country just got for that $1 billion? Why, they got a whopping $700—enough to take your family out to dinner five times.

Do you think I am making this up? If you think I am making it up, invite all Senators who think this is just such a wonderful thing to come to the floor and refute it.

In the past year, we gave Asarco, a copper and silver company, lands that have underneath them—all cares about the value of the surface? We just gave Asarco 3 billion dollars’ worth of copper and silver. What did the taxpayers get for their $3 billion? Yes, $1,745. We have not done it yet, but under the law of the 1872 law that Ulysses Grant signed when he was President, we are going to be required to give the Stillwater Mining Co. 44 billion dollars’ worth of platinoid. Mr. President, this is their figure, not mine. You want to go and find out where I got that figure? Look at their prospectus. And the taxpayers of this country in exchange for their $44 billion are going to get the whopping sum of $10,000.

We are trying to balance the budget. It makes a mockery of it. It makes an absolute mockery of it. You talk about corporate welfare; that is the reason I applaud the Kennecott Co. At least in the land exchange, the grant we are going to give Kennecott in the Murokowsi bill, they had the decency to say, “We will give you a 3 percent net smelter return royalty over the next period when we are trying to balance the budget, it is a big piece of money.”

When we look at some of the things we are doing to the environment, even after the add-back in the amendment we are going to vote on here in about 2 hours, even after we add that back into the environmental fund, EPA is still going to be cut significantly. Mr. President. When I came to the Senate, 65 percent of the streams and lakes of this country were underwater,immobile and not fishable. Today, in 1996, that figure has been reversed; 65 percent of the streams and lakes are fishable, are swimmable. And I do not care where you go. If you go to Boston Harbor, Massachusetts—ifyou pick the town—and you ask people: Do you think we are doing enough for the environment? Seventy percent of the people say, no. Do you want to reverse that figure to 35 percent? Or the people to move west—124 years ago. What is the rationale now? Corporate greed. Political campaign contributions. That is it, pure and simple. People will not vote to impose a royalty on mining companies because they give away a lot of money around here. Until we straighten that out, this is not going to be straightened out.

Mr. President, I have made the same speech on this floor many times. The figures keep changing. The companies that are benefiting from it keep changing. I do not know how much longer I am going to be in the Senate, but I promise you one thing: The last day I serve here I will be standing right here, unless this is rectified, making the same speech. I yield the floor.
environmental protection. I plan to work with the White House and the Senate and House conferences in the hope that we can provide even more support for the environment.

Let me first put in perspective the situation before us on funding for environmental programs. I was pleased to join Senator Lautenberg in offering the underlying amendment to the Hatfield substitute to H.R. 3019. Our amendment would add back nearly $900 million for environmental programs at four Federal agencies: the Environmental Protection Agency and the Departments of Energy, Agriculture, and Interior. The EPA would receive over $700 million—for clean water, Superfund and EPA enforcement and operations, environmental technology and climate change programs—with the remainder going to important conservation programs at the other agencies. This funding is critically needed to continue to protect the public's health and safety at a level that Americans have come to expect from their Government.

The conference report on the 1996 VA/HUD/Independent agencies appropriations bill, from which the Environment Protection Agency obtains its funding, was vetoed last December by President Clinton in part because it provided $1.6 billion less for environmental protection than the President's budget request of $7.4 billion—a 23-percent cut. The President, in budget negotiations with the Republicans, then proposed to compromise by restoring approximately $1 billion to the EPA budget. The Republicans rejected that proposal.

The amendment I offered with Senator Lautenberg and a number of other Senators would restore just over $700 million for the EPA including $365 million for the two State revolving loan funds for water infrastructure projects and an additional $75 million to share the costs facing the residents of the Boston area for a multi billion-dollar water and sewer treatment facility. This further compromise was also rejected by the Republicans.

Following that rejection, Senators Mikulski and Lautenberg negotiated with Republicans the deal reflected in the amendment before us today—the Bond-Mikulski amendment. While it provides far less environmental protection than the underlying amendment, it does restore critically needed resources to the EPA that neither the House bill nor the underlying Senate committee bill includes.

The Bond amendment restores $300 million for the State revolving funds for water projects and additional funding for Superfund and EPA operations. That is important and beneficial. However, I cannot fail to describe why I wish the Bond amendment went further.

While the Bond amendment restores funding for some activities at the Environmental Protection Agency, it eliminates critical funding for services and functions vital to protecting the environment in my State of Massachusetts and the rest of the Nation.

Relevant to the Democrat proposal, the Bond amendment reduces the additional funding for the EPA contained in the underlying amendment by almost half. It reduces funding for water infrastructure projects under the State revolving loan fund by $75 million and eliminates the additional $75 million for cleaningardi for clean water—high priorities for both me and for the President and other Members of the House and Senate.

In addition, the Bond-Mikulski amendment cuts $100 million from other crucial environmental protection activities within EPA such as the Environmental Technology Initiative, the climate change program and the operations and enforcement budgets—the environmental operations budget. Finally, the Bond amendment eliminates $170 million included in our amendment for other environmental enhancement and protection efforts, including funding for the Department of Energy's conservation and weatherization activities which would have insulated 12,000 homes, $72 million to help keep our national parks open and $20 million for conservation and research projects at the U.S. Department of Agriculture.

The Environmental Protection Agency and environmental protection activities and other agencies operate have been subjected to far more than their fair share of the past year. For example, in the fiscal year 1995 rescission bill, the EPA budget was cut by $600 million to pay for disaster assistance. Now, for fiscal year 1996, we are asking the EPA to take another huge reduction in its budget. It is clear the Republicans are not imposing cuts on environmental protection activities just to reach a balanced budget. Their objective is far more sinister—to cripple environmental protection efforts because they have enough money or manage polluting industries don't want to go to the trouble or expense.

If we want a healthier environment for all Americans, we must provide adequate resources to accomplish this to those arms of our Government charged with that responsibility. Whatever has happened to these activities during the past year is a tragedy. In the case of the EPA, first, there was a Government shutdown, then proposals for significant layoffs of thousands of employees, followed by another 3-week-long shutdown, followed by another short-term funding measure which only served to prolong the anxiety and uncertainty among EPA employees. EPA is facing a crisis where its best and brightest minds are seeking more secure employment outside public service. This directly affects the quality and effectiveness of our Government's efforts to forestall a clean, healthy environment to our citizens. The only way to resolve this crisis is for Congress to make environmental protection a priority, not a punching bag.

This Congress is seeking to place more burdens on the EPA through new regulatory reform measures and new assistance for small businesses. I support a number of these measures. But if they are to be implemented properly, or at all, we must provide the requisite resources.

If we want clean water and air, if we want to clean up toxic waste dumps, if we want a healthy environment, we in the Congress have to support those activities.

The Bond amendment is the very least we should do. But it is more than anything for which we have been able to secure Republican support up to this point. So I support the Bond amendment and I still firmly support the goals of the Lautenberg-Kerry amendment to restore environmental protection and I will work to achieve the higher funding levels in the conference committee.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 333.

The yeas and nays have been ordered. The clerk will call the roll.

The Clerk: The yeas and nays have been ordered. The legislative clerk called the roll.

The Yeas were: Yea votes amounted to 81.

Mr. DOLE. Mr. President, there will be a vote by record. I request that the roll be ordered.

The Clerk: The roll will be ordered.
consent that following the next vote—we have already had one vote—that all other votes in the sequence be limited to 10 minutes each.

Mr. BYRD. Mr. President, reserving the right to object, may I ask the distinguishing characteristic of the majority leader, are we going to have a minute or 2 between each vote so an explanation can be made for the RECORD, at least, or what we are about to vote on?

Mr. DOLE. I would be pleased to accede to that request for a minute on each side to explain the vote. 

Mr. BYRD. I thank the majority leader. I have no objection.

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

VOTE ON AMENDMENT NO. 3482

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3482, as amended. The amendment (No. 3482) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 3506

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, on the Boxer amendment No. 3506.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciate the suggestion of the Senator from West Virginia for 1 minute to explain both the pro and con of these amendments. I think when we run a whole bunch together, that is necessary.

I argued this morning in opposition to the Boxer amendment because it allows, essentially, unrestricted funding of abortion on demand in the District of Columbia. The amendment, I believe, undermines the conference agreement and restricts the use of funds for abortion to protect the life of the mother and in cases of rape and incest. It also violates article I, section 8 of the Constitution, which gives the exclusive right of legislation for the District to the Congress. It is not possible to separate the funds appropriated by the Federal Government from the funds raised by the District of Columbia. I do not believe it should be the policy of this body to allow, essentially, unrestricted right of abortion in the District of Columbia.

I urge a "no" vote on the Boxer amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. Mr. President, I think it is important that we look at the current situation regarding the Federal Government's telling localities what they can do. There are thousands of counties in this country, and there are thousands of cities, and not one of them is told by the Federal Government how to spend their own local funds.

If you support the Boxer amendment, you merely say that Washington, DC, will be treated the same way as every other entity in this Nation. It would not allow for any additional funds to be used, but it would permit Washington, DC, to make that decision on how to spend their own locally raised funds. Thank you very much.

VOTE ON AMENDMENT NO. 3508

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3508.

Mr. GREGG. Are there any other Senators in the Chamber desiring to vote? The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brayler
Bumpers
Byrd
Campbell
Chafee
Cohen
Cochran
Coats
D'Amato
Dodd
Daschle
Chafee
Campbell
Byrd
Bumpers
Bradley
Ashcroft
Abraham

NAYS—55

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brayler
Bumpers
Byrd
Campbell
Chafee
Cohen
Cochran
Coats
D'Amato
Dodd
Daschle
Chafee
Campbell
Byrd
Bumpers
Bradley
Ashcroft
Abraham

So the amendment (No. 3508) was rejected.

Mr. SANTORUM. Mr. President, I move to reconsider the vote and lay it on the table.

The motion to lay on the table was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent to speak for 1 minute for the purpose of withdrawing some amendments.

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

AMENDMENTS NOS. 3514, 3515, 3516, 3517, 3523, AND 3531 WITHDRAWN

Mr. SANTORUM. I ask unanimous consent that the following amendments be withdrawn: No. 3514, 3515, 3516, 3517, 3523, and 3531. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I also ask unanimous consent that my amendments Nos. 3484 and 3488 be withdrawn. The subject of my amendments has been taken care of within the managers' amendment. I want to thank the Senator from Oregon [Mr. HATFIELD] for his cooperation.

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

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FORD. Mr. President, may we have order, please. They are withdrawing amendments. We would like to hear which ones are withdrawn.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

The Chair has recognized the Senator from Illinois.

Mr. SIMON. Mr. President, I believe my amendment is next. If we can have it worked out with the managers, it will not be necessary for a rollover. I would offer a revised amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Illinois that the amendment of the Senator from Washington is the next order of business.

AMENDMENT NO. 3466

Mrs. MURRAY. Mr. President, I rise as a cosponsor of this amendment. Very simply, this amendment will change the name of the Walla Walla Veterans Medical Center in Walla Walla, WA, to the Johnathan M. Wainwright Memorial VA Medical Center.

General Wainwright was born at Fort Walla Walla and was a member of the 1st cavalry after graduating from West Point. He served in France during World War I and was awarded the Congressional Medal of Honor in 1945 by President Truman for his service in World War II. He spent nearly 4 years in a prisoner of war camp in the Philippines and was known as the hero of Bataan and Corregidor. General Wainwright was a true war hero and won the praise and respect of all Americans.

Mr. President, the people of Walla Walla, WA want this name change to honor a war veteran and local hero. In Mr. President, they are dedicating a statue in his honor and would like to dedicate the name change of the hospital at the same time. The entire Washington State congressional delegation supports this change. And all of the veterans service organizations in Washington State support the change.

I urge my colleagues to support changing the name of the Walla Walla Veterans Medical Center to the Johnathan M. Wainwright Memorial VA Medical Center, and to allow this war hero the recognition he so rightly deserves.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3486 WITHDRAWN

Mr. GORTON. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the Gorton Amendment No. 3486.

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

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be withdrawn. It also will be included in the managers' amendment.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Is the majority leader seeking recognition?

Mr. DOLE. Mr. President, I believe the Senator from Illinois has been recognized on this point of order.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized for 1 minute.

Under a prior unanimous-consent agreement, the Senator from Indiana is recognized for 1 minute.

AMENDMENT NO. 3513, AS MODIFIED

Mr. COATS. Mr. President, I shall offer an amendment on which we are about to vote. It prevents the Government from discriminating against public or private hospitals and ob-gyn residents who choose not to perform abortions. It protects those civil rights, but it also allows those who voluntarily choose to perform abortions to receive training in that procedure. The amendment is supported by Senator FRIST. The amendment is supported by Senator SNOWE. It is supported by the American Medical Association, the Accreditation Council for Graduate Medical Education, the American College of Obstetricians and Gynecologists. It goes to the rights of institutions and individuals to say that they do not believe it is in their best interests to receive mandatory training for abortion procedures. It is a civil rights issue. I hope our Members would vote for it.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. Thank you very much, Mr. President.

I hope my colleagues understand that under current law any medical school that has any conscience objection in teaching abortion does not have to teach abortion and they still get their Federal funds. What the Coats amendment would do is say that even if an institution has no conscience objection, it can stop teaching surgical abortion and continue to receive Federal funds.

The reason why many of us on this side particularly oppose this is that we think it is dangerous for women. We think that doctors will no longer know how to perform surgical abortions. We think it is very dangerous that a woman is put in a situation where a physician does not know how to perform a surgical abortion, say, if she is brought in in an emergency situation. That is why the American Association of University Women opposes this amendment, the National Women's Law Center, the Women's Legal Defense Fund, and the Center for Reproductive Law and Policy, among others.

I hope you will vote no. Current law has a conscience clause. We all support that. I hope we can defeat the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3513, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows: [Roll Call Vote No. 39 Leg.]

So the amendment (No. 3513), as modified, was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table. The motion to lay the table was agreed to.

Mr. SIMON. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order.

AMENDMENT NO. 3511, AS MODIFIED

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3519

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. GRAMM. Mr. President, this bill started with a $4.8 billion contingency fund which was an effort to buy the President into a budget agreement where, if he would agree to a budget—any budget, not just a balanced budget—we would give him $4.8 billion.

But it seems since we started, we were overly eager to give the money away. We have already given the President about $3.3 billion by adding it right to spending, without even requiring a budget agreement. What I am saying here is, let's tax this contingency appropriation. If we have an agreement with the President, let us negotiate that at that time. Let us not negotiate in advance. I thought we were
trying to cut spending, not increase it. I do not understand how we balance the budget by giving the President $4.8 billion of additional spending. So I ask my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. May we have order? The PRESIDING OFFICER. The Senate will be in order. We can move this process along a little faster if Senators will take their conversations to the Cloakroom.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, let me clarify the Gramm amendment, which is in the context of what the leadership has been doing in trying to negotiate with the White House. In fact, the leadership supports my effort to try to table or to kill or vote no on the Gramm amendment, and that is simply this.

The negotiators on our side said to the President there would be $10 billion that we would consider adding in nondefense discretionary spending if you agree to balance the budget through this process by the year 2002. That was our leaders, the Speaker of the House and Mr. Dole, the majority leader of the Senate.

So, consequently, the administration came up with a request for this particular fiscal year for $8 billion of additional spending under the proposed agreement contingent upon getting that agreement.

We in the Appropriations Committee went over those requests. We cut it to $4 billion and we said, “But that $4 billion is contingent upon the leadership, who have been negotiating that long-term agreement finding an agreement.”

So what we are trying to do is to help the leadership by providing the incentive, by providing the continuing leverage, and that is simply it. There is not a dollar of this that can be spent until the leadership has reached an agreement with the White House, and that is to assist the leadership to pursue this expeditiously.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3520.

Mr. WELLSTONE. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I propose this amendment with Senators SPECTER, SANTORUM, JEFFORDS, and HARKIN.

This amendment has two parts to it. It urges the Senate to maintain the Senate position and that is the distinguished Senator from Minnesota, Senator WELLSTONE, in supporting this amendment. The Low-Income Home Energy Assistance Program, known as LIHEAP, is vital for the poor, especially for the elderly. In many cases, they have to choose between eating or heating.
Hon. MARK HATFIELD, Chairman, Senate Committee on Appropriations, Washington, DC.

RECORD, as follows:

Mr. JEFFORDS. Mr. President, we must ensure that State LIHEAP programs can operate effectively next winter. Advance appropriations are essential in this regard.

The other part of this resolution deals with funding for the rest of this fiscal year.

With passage of this bill, LIHEAP funding for this year will only be $900 million—a 40-percent cut from last year. Let me say at this point that getting down to the $900 million level has been quite a struggle.

There has been an effort by some Members of the other body to abolish the program. I have worked very hard to combat these efforts as have the Senator from Minnesota and the chairman and ranking member of the Labor/Health Subcommittee—the Senator from Pennsylvania and the Senator from Iowa.

While $900 million is not sufficient to meet the many needs of America's low income families, these funds have made it possible for States to provide energy assistance to many low income residents.

The problem is that the money is all spent. Using the authority granted to the Administration by the continuing resolutions we had previously passed, the President has already released $900 million so far this year, the amount this bill includes for LIHEAP. Almost all of these funds have gone out to the States and they have obligated the funds. There isn't any money left.

There is currently available to the President up to $300 million in emergency LIHEAP funding. A portion of these funds could be made available to those areas with the greatest need in order to meet the urgent home heating needs of families eligible for LIHEAP. No emergency funds have been used so far this fiscal year.

Mr. President, weather may officially start later this week, but for many parts of the country winter is not over. Last week we had lows in the twenties in Burlington, Vt. Checking today's USA Today we see that people can expect lows of 28 degrees in Grand Rapids, MI; 18 degrees in Eau Clair, WI; 13 degrees in Duluth, MN; and 15 degrees in Rapid City, SD. I might also remind my colleagues that 3 years ago, the so-called Storm of the Century, not in January, not in February, but in March. We are not out of the woods yet.

How are low income families going to heat their homes? How are they going to pay their energy bills? How are they going to avoid having their heat shut off? Mr. President, there are no more LIHEAP funds available. Using the emergency funds is the only way to meet this need.

And what about this summer? Traditionally 10 percent of LIHEAP funds are used for cooling assistance during the warm weather months, but this year there is no money left. How are States going to help low income senior citizens and persons with disabilities keep their homes cool this summer? This is not a trivial matter. High temperatures pose a serious health threat. Look at what happened last summer in Chicago. Hundreds of people died as a result of the extreme heat. There aren't any LIHEAP funds left, we are going to need emergency funds to meet this need.

Mr. President, because of reductions in LIHEAP funding, most States have had to reduce LIHEAP and restrict eligibility. There has been a 24-percent reduction in the number of households served by LIHEAP. In seven States that figure is 40 percent.

I guess you can say Vermont has done well in this regard. Only 14 percent of the 25,000 households that received aid last year have not gotten heating assistance this year, but the benefit level has been reduced by almost half.

I urge my colleagues' attention an article that appeared in yesterday's Providence Journal. It says that local agencies that provide heating assistance expect the need for heating assistance to continue well beyond April 1 but they do not have the money to meet this need.

Mr. President, our amendment is simply a sense-of-the-Senate resolution calling upon the President to use the authority he already has to meet the energy needs of America's low income families. LIHEAP families have gone out to the States and they have obligated the funds. There isn't any money left.

There are no LIHEAP funds left, we need to use the emergency funds.

Mr. President, I urge my colleagues to support this amendment. This winter is no over and we have to start thinking about next winter.

Mr. KOHL. Mr. President, I rise as a cosponsor of the sense-of-the-senate resolution on the Low Income Home Energy Assistance Program [LIHEAP]. This resolution calls on the President to release additional LIHEAP funds this year, and recognizes that forward funding for next year is critical to the LIHEAP program.

Mr. President, according to the calendar, Spring has almost arrived, but freezing weather is still expected for the Upper Midwest. There is still a very real need for LIHEAP assistance.

Mr. President, we came perilously close to disaster earlier this winter because of the cuts to LIHEAP and the failure of the Congress to finally fund the program.

Thankfully, President Clinton was able to release emergency funding when extended and severe cold weather spells threatened to result in a crisis situation for LIHEAP funds have been called out 40 percent from last year and there is no money left. We need to use the emergency funds.

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Mr. President, I urge my colleagues to support this amendment. This winter is not over and we have to start thinking about next winter.
What happened to the mandate of the 1994 elections? I am opposed to this amendment. I intend to vote against it, even if I am the only Member of the Senate that does. I am glad we have the yeas and nays. I hope it will be defeated.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3520.

The clerk will call the roll.

The PRESIDING OFFICER. The bill clerk called the roll.

The PRESIDING OFFICER. The Senator from Alaska, [Mr. Murkowski], has offered an amendment relating to the purchase of domestic fish or fish products by the Department of Agriculture and other Federal agencies. It is the understanding of the Senator that his amendment would impose no new requirement on the Federal Government to purchase these items?

Mr. MURKOWSKI. Yes, that is my understanding. Currently, Federal agencies are authorized to contract with suppliers of fish and fish products for various Federal programs. Additionally, these products may be purchased by the Secretary of Agriculture under the commodity surplus reduction authorities of section 32 of the Agriculture Act of 1988. While these authorities for procurement remain, my amendment will impose no requirement for purchase beyond the discretionary authorities of current law.

Mr. BUMPERS. Is it also the understanding of the Senator from Alaska that his amendment would not reduce the ability of Federal agencies to ensure the quality of fish and fish products purchased under these authorities?

Mr. MURKOWSKI. Yes, that is my understanding. All Federal agencies who enter into agreements for purchase of food commodities solicit bids which contain a number of contractual conditions relating to the quality of the items. Nothing in my amendment would restrict the criteria imposed by the Federal Government relating to the quality of the product. The only restriction imposed by my amendment would be to prohibit a contractual requirement that processing be subject to any federally mandated continuous inspection method imposed by the Food and Drug Administration.

Mr. BUMPERS. I understand current procedures for such purchases require an inspector of the National Marine Fisheries Service to be present at all times during processing. Would the Senator's amendment prohibit the presence of any Federal inspector during processing for these products in order to ensure contractual compliance related to quality standards?

Mr. MURKOWSKI. No. My amendment would only eliminate the requirement of their continuous present for...
any inspection purpose other than food safety and wholesomeness. All Federal agencies involved in the purchase of fish and fish products would retain all current authorities to inspect and impose quality standards they feel proper to protect the Federal investment in, and ultimate consumers of, these products.

I thank my colleagues on both sides for agreeing to the amendment. I think no further debate is necessary. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3524), as modified, is agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3521 AND 3522 WITHDRAWN

The PRESIDING OFFICER. The question now occurs on the McCain amendment No. 3521.

Mr. THURMOND. Mr. President, I ask unanimous consent to withdraw amendment No. 3521 and amendment No. 3522. They will be included in the managers' package.

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

VOTE ON AMENDMENT NO. 3525

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 3525.

The amendment (No. 3525) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BREAU.X. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. LOTT. Could I inquire what the parliamentary situation is at this point?

The PRESIDING OFFICER. The question is now on agreeing to the Thurmond amendment No. 3526.

Mr. HATFIELD. Mr. President, I ask unanimous consent to withdraw the Thurmond amendment so that we might consider some other amendment at this time.

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

The question would now occur on the Burns amendment No. 3528.

Mr. BURNS. Mr. President, I would like to suggest the absence of a quorum at this point.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3528 WITHDRAWN

Mr. BURNS. Mr. President, I ask unanimous consent that the vote be verified on the Burns amendment to H.R. 3019, amendment No. 3528, and the amendment be withdrawn.

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

Mr. BURNS. Mr. President, I suggest the adoption of the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, let me, first of all, indicate to the Senate our progress. We have now completed all of our amendments, with the exception of a Thurmond amendment and then the matter relating to the pending appeal of the ruling of the Chair by Senator Burns. Then I want to put in a quorum call for a few minutes for us to catch our breath and review things, because the only other item to be taken into consideration is the managers' package—the managers' package.

In this package are those accommodations we made to Senators who were not able to meet the deadline for filing amendments and for those which had been in the process of being cleared on either side with the authorizing committees.

Everyone's right is reserved in the managers' package, because anyone can move to strike or modify or second degree, whatever. I want to make that process clear. We have copies now of the managers' package. I would like to make sure everyone has reviewed these, and I have made sure their own interests are protected.

So at this time, Mr. President, I would like to, with the two parties on the floor, work on the two remaining issues, the Burns appeal and the Thurmond amendment.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

APPEAL OF RULING OF THE CHAIR WITHDRAWN

Mr. BURNS. Mr. President, I ask unanimous consent to withdraw my appeal of the ruling of the Chair on my amendment No. 3551 yesterday.

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

Mr. BURNS. Mr. President, I ask unanimous consent to withdraw the appeal of the ruling of the Chair on two amendments: No. 3526; and amendment No. 3528. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 754, line 4, before the period at the end, insert the following: "Provided further, that the authority under this section may not be used to enter into a multiyear procurement contract until the earlier of (1) May 24, 1996 or (2) the day after the date of enactment of an Act that contains a provision authorizing the Department of Defense to enter into a multiyear contract for the C-17 aircraft program."
Mr. WELLSTONE. Mr. President, at the end of last week I came to the floor and talked about the Violence Against Women Act. I announced that we now set up an important hotline, and that every day on the floor of the Senate I wanted to just announce this number for families in our country. This is the National Domestic Violence Hotline, and the number is 1-800-799-SAFE. There is also a TDD number for the hearing-impaired, and that is 1-800-787-3224.

Mr. President, I talked about domestic violence last week. I will not take the time today. But I would like for the next couple of weeks to get about 30 seconds every day to announce this number.

Again, for those that are watching CSPAN, the National Domestic Violence Hotline is 1-800-799-SAFE, and the TTD number for the hearing-impaired is 1-800-787-3224. If a woman feels she needs help because she is being beaten or her children are being beaten, she is being battered, this is the number to call. There are people who are skillful; there are people who understand this issue. Because of this hotline, there is help for women, there is help for children, there is help for families in this country.

Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. The majority leader of the world. In this the American economy and the world are at stake.

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

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

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

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

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

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

Mr. WELLSTONE. Thank you, Mr. President.
project already underway that the industry and the Department of Defense are counting on.

CRIMINAL JUSTICE IDENTIFICATION SYSTEMS

Mr. DeWINE. Mr. President, my amendment provides $11.8 million for local governments for the development of criminal justice identification systems and their linking to FBI databases. Specifically, this amendment allows the FBI to grant funds to local communities, in consultation with the States, to upgrade their criminal justice identification systems. Through this funding, law enforcement agencies could develop their criminal histories, and DNA, fingerprint, and ballistics identification systems, and hook them up to the FBI national databases. It would also allow local law enforcement to contribute identification materials to the database in Washington. This proposal is strongly supported by the FBI and State and local law enforcement agencies and governments.

While the FBI’s fingerprint and criminal histories systems are not yet complete, State and local governments need these funds now to take necessary steps to prepare their criminal records for connection to the national database.

This language was also passed by the Senate in June, 1995, as part of S. 735, the Senate’s antiterrorism measure, and in October, 1995, as part of H.R. 2076, the Crime, Justice, State and the Judiciary Appropriations

I want to thank Senator McConnell for his tremendous efforts in securing passage of this amendment. I also want to express my appreciation to Senator Hatfield and Senator Gregg for accepting this amendment.

REGIONAL EDUCATIONAL LABORATORIES

Mr. HATFIELD. I am pleased to see that the Senate provided an increase of funding for education research in fiscal year 1996. There is not a more central and basic Federal Government responsibility than to fund research and development activities. Within that increase, have you provided for the regional educational laboratories?

Mr. SPECTER. We have provided $51 million for the regional educational laboratories in the education research item. We have 10 laboratories across the nation. This funding will provide them each with a $1 million increase.

Mr. HATFIELD. Have you designated the purpose of these funds for the laboratories?

Mr. SPECTER. The laboratories, by law, are to have their research priorities and program of work determined totally by their regional educational governing boards. These boards are responsible to meet the education needs of their region. We are not giving a specific charge. We expect the laboratory boards to determine what is needed.

Mr. HATFIELD. Does this mean that the Department of Education can direct these funds in any way?

Mr. SPECTER. Senator Hatfield, the answer is that these funds are intended for regional priorities only and only when the priority is determined by a laboratory’s board, and is a priority within the general problem areas established in the law. None of these funds are to be used for any other purpose. They are not intended when we reauthorized these laboratories. A key role of the Office of Educational Research and Improvement is to guarantee that this expectation is met, not only with the additional funds we provide this year, but for all the funds for the regional education laboratories.

NATIONAL TEST FACILITY

Mr. CAMPBELL. Would the Senator from Alaska yield a few moments at this time to enter into a brief colloquy?

Mr. STEVENS. I would be happy to yield to the distinguished Senator from Colorado.

Mr. CAMPBELL. I thank the Senator. As the Senator may recall, the Senate report on the National Defense Authorization Act for Fiscal Year 1996 contained language concerning the $30,000,000 mandated cut from the Ballistic Missile Defense Organization (BMDO) program management and support program element. It is also my understanding that based on the additional management requirement, the Defense Appropriations Subcommittee directed that none of the program management and support account reduction be applied to the programs, activities, or functions of the Army Space and Strategic Defense Command. As a result of this report language, the National Test Facility (NTF) will take approximately a $4 million reduction in funding. As a result, there will be insufficient funds to do the much needed upgrade of the communications of the national test bed network. Also, a computer essential to the NTF’s mission may not be able to support its operational requirements. I am advised that this facility is essential to the BMDO’s mission, and therefore, cannot withstand any further reduction in funding.

I would like to ask the Honorable Chairman, Senator Stevens, if he would work to include the National Test Facility as another program not be affected by the BMDO program management and support account reduction.

Mr. STEVENS. The Senator from Colorado raises important issues regarding the NTF and I can assure him I will work in the conference committee to address this issue. I also take this opportunity to thank the Senator for his diligent efforts as the newest member of the Appropriations Committee.

INTERNATIONAL EDUCATION

Mr. SPECTER. Senator Pell, we are pleased to be able to provide support in the international education program in fiscal year 1996 for the International Education Program in title VI of the Goals 2000: Educate America Act. Since this sum is one-half of the originally authorized amount for this program we would appreciate any guidance that you, as the author of this legislation and the ranking minority member of both the Senate Foreign Relations Committee and the Education Subcommittee, might be able to provide on the use of these funds.

Mr. PELL. Thank you. First, I want to express to you my deep appreciation for the efforts you have made on behalf of this program, which provides critically important help in both civics and economic education to the emerging democracies in Eastern Europe and the former Soviet Union. Also I want to personally thank your staff member, Bettilou Taylor, for the amount of time and work she put forth in this area.

I very much appreciate the opportunity to provide guidance on how the funds for this program should be used. In a colloquy with then-Chairman Harkin in 1994, we agreed that the Department, given the limited funds, should award one grant in each area—one in civic education and one in economics education. I am pleased that the Department of Education complied with this request, and I believe it is a practice that should be continued.

Further, given the delay in reaching an agreement on a fiscal 1996 appropriations bill, I believe it advisable that the Department award continuation grants to the two organizations that received awards last year. These organizations, the National Council on Economic Education in New York and the Center for Civic Education in California, have had their grants for less than a year and should be given ample opportunity to implement fully the programs they have initiated over the past several months.

Mr. SPECTER. I thank the Senator for his kind words. Also, I believe he has offered good, solid advice, and I would concur with him that the Department should award continuation grants for the two organizations in question.

FUNDING FOR LIBRARY LITERACY

Mr. SIMON. I am concerned that funds for library literacy have been eliminated in the committee report. This is a particularly important program that supports literacy projects in over 250 libraries across the country. I did note and do appreciate, however, that the committee increased funding for library services.

Mr. SPECTER. My colleague is correct; libraries are in need of promoting literacy and I want to make it clear that the committee intends that library literacy projects continue to receive support through the additional funds allocated for library services. I will work in the conference committee with the House to ensure that the conference report reflects this intent.

Mr. SIMON. I thank my colleague. Though I obviously would feel more comfortable if funds were appropriated...
specifically for this purpose, I appreciate my colleague's efforts to accommodate my concerns regarding this important program.

**Medicare-Medicaid Database**

Mr. HOLLOWS. Mr. President, I rise for the purpose of engaging in a short colloquy with the distinguished Senator from Pennsylvania and the Senator from Arizona regarding the Medicare-Medicaid database.

Mr. SPECTER. I am familiar with the issue and would be glad to discuss it with my friends from South Carolina and Arizona.

Mr. HOLLOWS. Well, I do not believe that this is controversial because it has been addressed in the past by the committee and by the Senate. Last year, the committee report included report language prohibiting the use of funds for the Medicare-Medicaid database. This year, the House fiscal year 1996 Labor, Health and Human Services, Education, and Related Agencies Appropriations report again makes it clear that the House committee does not intend for funds to be used for this function, which could generate both needless paperwork and fines for businesses across America. I just want to make clear that the Senate committee continues to agree.

Mr. MCCAIN. I share the concern of my friend from South Carolina and have supported this prohibition from the start. Implementing the database clearly would burden business with costly reporting requirements. In fact, I have introduced a bill to eliminate this burdensome mandate and hope it could be passed by the end of the year.

Mr. SPECTER. I appreciate my colleagues raising this issue. I know that language similar to the fiscal year 1996 House report language was included in the Senate report last year, and certainly, the Senate committee continues to agree.

Mr. MCCAIN. I thank my friend from Pennsylvania for his clarification.

Mr. HOLLOWS. I thank my colleagues and yield the floor.

**Foreign Operations**

Mr. LEAHEY. Mr. President, the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, and I have agreed to an amendment he is offering to rescind $25 million in funds appropriated in Public Law 104-107, the fiscal year 1996 Foreign Operations Appropriations. The Export-Import Bank. Those funds would then be eligible for transfer to the Commerce, Justice, State Subcommittee for programs under the jurisdiction of the Attorney General.

Senator MCCONNELL and I have also agreed that if the $50 million emergency supplemental appropriation for anti-terrorism assistance for Israel that is contained in this omnibus appropriations bill is offset with Defense Department funds for the rebuilding of the infrastructure, the $25 million transfer to the Commerce, Justice, State Subcommittee may occur. However, if any of the Israeli supplemental is offset with Foreign Operations funds, the transfer will not occur. This ensures that if the Israel supplemental is paid for with Foreign Operations funds, the Export-Import Bank money would remain in the Foreign Operations budget and would reduce the impact of that offset on Israel.

Mr. MCCONNELL. Mr. President, the Senator from Vermont, Senator LEAHEY, has accurately stated our understanding.

Mr. JOHNSTON. Mr. President, I would like to commend the distinguished chairman, Senator SPECTER, and the distinguished ranking member of the Labor, Health and Human Services Subcommittee on Appropriations, Senator HARKIN, for their guidance and cooperative efforts in bringing this continuing resolution to the floor. There were extreme differences of opinion on a variety of subjects within this legislation, and both the chairman and ranking member deserve a great deal of credit for this.

Mr. President, I rise today to bring attention to a program that is providing an indispensable service to Americans living underserved rural areas. The committee has provided funding above requested levels for the Office of Rural Health Policy, and I applaud this decision. Rural telemedicine is a novel initiative in that it provides people in rural communities across the country access to physicians and instant diagnoses. In my opinion, this is yet another essential program given the declining numbers of doctors who practice general medicine in our nation’s small communities.

Telemedicine research has been ongoing, with specific efforts to determine the best and most efficient methods of delivering these services to America’s citizens.

One of the excellent telemedicine research projects which would have been funded in 1995 was from Louisiana State University Medical Center in New Orleans. LSU went through the competitive process and was highly regarded on the merits, and I’m proud of their accomplishments, and the work that they are doing in southeast Louisiana.

Mr. President, a number of telemedicine projects were approved last year, but did not receive funding as a result of rescissions. The LSU Telemedicine projects was just such a program. If the LSU Medical Center might continue its outstanding work, I would ask the distinguished chairman and ranking member, and hope that they agree, that consideration would be given to those programs that, after the required peer review, should have received funding from the fiscal year 1995 appropriation, but were not based simply on timing.

Mr. SPECTER. I thank my distinguished colleague from Louisiana for his comments, and bring this component of HCFA research to the subcommittee’s attention. The subcommittee adjusted the funding levels for the Office of Rural Health Policy because it felt that programs, such as telemedicine, offer promise for improving services to rural communities in the future. There is a need to evaluate how telemedicine projects currently underway or under consideration fit into the overall scheme of health care delivery in the areas being served. Therefore, I think it would be consistent for the Health Resources and Services Administration to consider previously approved projects when it obligates Rural Health Funds.

Mr. HARKIN. Mr. Chairman, I concur with your remarks. It would be appropriate to continue these efforts to secure effective telemedicine services for rural communities and to use existing, approved projects where possible.

HCFA Research and Demonstrations

Mr. SIMON. Mr. Chairman, I want to bring to the attention of the Senate and the committee language included in the Senate Appropriations Committee Report accompanying H.R. 2127, the 1996 Labor, Health and Human Service, Education Appropriations bill. It is my understanding that unless specifically contradicted, all items in that committee report are incorporated by reference in the committee report accompanying the continuing resolution now being considered by the Senate.

Mr. SPECTER. That is correct.

Mr. SIMON. Accordingly, I have included language under the Health Care Financing Administration, Research, Demonstrations, and Evaluations account that encourages HCFA to give “full and fair consideration” to a project from Northwestern Memorial for a “3-year project to develop a comprehensive health care information management system” is incorporated by reference in the report accompanying the continuing resolution now under consideration.

Mr. SPECTER. That is further correct. This is a project that warrants full and fair consideration by HCFA, which should adhere to the intentions of the Senate with regard to this important piece of report language.

Mr. SIMON. At a time when the Congress is proposing—and HCFA will be responsible for administering—significant reductions in Medicare and Medicaid costs, this proposal is particularly timely. Specifically, with the advent of managed care, and the resulting shift of patient care from inpatient acute care to ambulatory and other primary care settings, an improved health care delivery system is essential. At present, information management systems to measure cost outcomes—and achieve cost savings—beyond the acute care setting are not commercially available. A telemedicine management system recommended in this report language would serve as a prototype for other health care delivery systems, and offer the promise of cutting health care costs while maintaining quality health care.

Mr. SPECTER. I share your interest in ensuring that HCFA has the information necessary to reduce the costs of...
Mr. BURNS. My friend has described the amendment correctly. It is the amendment correctly. It is the amendment that we have just adopted.

Mr. SIMON. Thank you for your interest in this important project.

Mr. MCCAIN. Mr. President, I would like to clarify for purposes of the Record the amendment that we have just adopted.

First, the amendment gives the Federal Energy Regulatory Commission (FERC) the discretion of whether to transfer the license for the Flint Creek project. Second, in determining whether to transfer the license the commission must determine whether the waiver of fees is warranted, necessary, and in the public interest.

In making these determinations FERC will ensure that the current license is experienced and the cost of licensing the project is less burdensome than the proposed license transfer. That no entity other than a political subdivision of the State of Montana would accept the license if made available, and that a fee waiver is necessary in order to transfer the license.

Mr. President, the proponents of this amendment inform me that without a limited fee waiver, the Flint Creek project would be defunct, the dam removed and that, accordingly, the Federal Treasury would lose whatever, leaving both the people of the area and the Federal Treasury worse off.

I trust that FERC will carefully examine the situation and exercise its discretion to ensure fairness to the parties in Montana, the Federal Treasury and all similarly situated projects. I ask my friend from Montana, is that a correct reading of the amendment.

Mr. BURNS. My friend has described the amendment correctly.

Mr. BOND. Mr. President, I support the amendment offered by the Senators from South Dakota to earmark $13 million from the CDBG program to enable the city of Watertown to replace a failed sewage treatment plant without burdening that city with unfair additional debt and devastating economic consequences. This grant will be matched by the city.

The City of Watertown participated in an innovative wastewater treatment project which failed. When that city undertook this demonstration, it was with the encouragement of EPA, and with the understanding that if the plant were to fail, that Federal grant funds would be provided to enable the city to meet its secondary treatment responsibilities.

Unfortunately, the plant has failed, and the authorization to make such grants has expired, since Congress has directed that henceforth such assistance only be available in the form of formula allocated capitalization of state revolving loan funds. It has been argued that we should override this statutory direction and make specific grants to certain communities. Throughout the consideration of this bill I have opposed such earmarks from the EPA state revolving loan account, and I remain opposed to the diversion of Federal Treasury funds for such site specific specific concerns.

Mr. President, despite my concern over such use of EPA revolving loan funds, I reluctantly have accepted the argument of the Senators from South Dakota that this city would be unfairly burdened with a massive additional cost of financing a replacement wastewater treatment plant, a cost that they were assured previously they would not have to pay. More importantly, this additional cost, necessitated by the failure of a technology recommended by the Federal Government, will have devastating economic consequences for this city.

As such, amelioration of these consequences was one of the purposes under the HUD CDBG program intended to address: that of creating or preserving employment in a community. While I also am generally opposed to such earmarks in the CDBG program, this is a program with which I consider its current authorization, and as such, is a more appropriate means of addressing the legitimate concerns of this community.

Mr. AKAKA. Mr. President, would the Senator from Missouri, the chairman of the VA, HUD, and Independent Agencies Subcommittee, yield for a question?

Mr. BOND. I would be happy to yield for a question from the junior Senator from Hawaii.

Mr. AKAKA. Is it the intention of the committee to include the Committee for Minority Veterans and the Committee on Women Veterans under the restrictions placed on the Secretary of Veterans Affairs?

Mr. BOND. No, it was not.

Mr. AKAKA. Will the Committee for Minority Veterans and the Committee on Women Veterans be able to meet their responsibilities, including travel obligations, under the restrictions placed on the Secretary’s travel?

Mr. BOND. Yes, they will. I believe that the ranking member of the Subcommittee from Maryland also supports this view.

Ms. MIKULSKI. That is correct. As a strong proponent of the Committee on Women Veterans and the Committee for Minority Veterans, I fully support their efforts and will make every effort to see that their activities are not adversely affected.

Mr. AKAKA. I am most grateful for the Senator from Maryland’s past assistance in providing support and funding for this Committee.

As created by Congress, the centers were established to address the special needs of women and minority veterans overlooked under the Department’s previous structure. Both centers and their respective Advisory Committees have made great strides in identifying and assisting minority and women veterans.

The Committee for Minority Veterans is required to meet at least twice a year and submit its report no later than July 1. The Committee on Women Veterans is scheduled to meet four times during a fiscal year and is expected to submit its next annual report in January 1997. The projected costs for the two committees to hold meetings, conduct public hearings, visit VA field facilities, and outreach to minority and women veterans are estimated to be over $120,000 for the remainder of the fiscal year. I am pleased that the provision in this bill will not adversely affect the activities of the Center for Minority Veterans and the Center on Women Veterans.

Mr. President, I thank the Senator from Missouri and the Senator from Maryland for their assistance on this matter.

Mr. CONRAD. I notice that the chairman and ranking member of the Appropriations Subcommittee on VA-HUD and Independent Agencies are on the floor and Senator Dorgan and I would like to engage them in a short colloquy.

As you know, two amendments to the omnibus appropriations bill were adopted on the floor on Monday providing much needed hazard mitigation and disaster relief for the people of the Devils Lake Basin in North Dakota. As Senator Dorgan and I have argued, the floor prior to adoption of those amendments, Devils Lake reached a 120-year high water level last year, and the resulting flooding caused more than $35 million in damages. Based on the most recent forecast by the National Weather Service forecast on March 1, we anticipate record high lake levels this year. The amendments which were adopted will go a long way toward preventing another disastrous flood from occurring. We would like to know if additional assistance might be available to North Dakota through the Community and Development Block Grant Program.

Mr. DORGAN. We note that an additional $100 million dollars is provided for the Community Development Block Grant Program in the disaster supplemental portion, title II, of the pending bill. The State of North Dakota, working with the affected counties of Benson and Ramsey and the Devils Lake Sioux Tribe, have identified many homes that will require relocation or acquisition to prevent them from being damaged by floods later this year. A substantial portion of the anticipated $50 million in flood damage could be prevented if homes in the flood plain are acquired or moved prior to the flood. Senator Conrad and I would like to inquire if CDBG block grant funds have been used for acquisition and relocation in the past.
March 19, 1996

Mr. BOND. It is my understanding that CDBG funds have been used for acquisition and relocation in the past and would be an allowable use of these funds under HUD guidelines for the CDBG program.

Ms. MIKULSKI. I concur with the chairman of the subcommittee on the use of CDBG funds for acquisition and relocation assistance. If Federal dollars can be saved by taking action before flooding occurs, I think we should do so.

Mr. CONRAD. I thank the chairman and ranking member for their comments. We have one additional question for the chairman and ranking member.

Mr. DORGAN. North Dakota has received a Presidentially declared disaster declaration for each of the past 3 years. H.R. 3019 provides disaster assistance for the Pacific Northwest and other recent natural disasters. Could the chairman provide me with his view as to whether the Devils Lake Basin would have eligibility for additional CDBG assistance under the "other recent disasters" provision in title II of H.R. 3019?

Mr. DORGAN. I believe the State of North Dakota would be eligible to receive CDBG funding under title II of this bill, provided the administration concurs with the congressional designation of the appropriation as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, and submission of an official budget request to this end.

Ms. MIKULSKI. I believe the chairman's interpretation of the provisions in the bill is correct.

Mr. CONRAD. I thank the chairman and ranking member of the subcommittee for clarifying the intent of Congress regarding the utilization of CDBG funds for flood mitigation efforts. I also want to thank the chairman and ranking member of the full committee for their help throughout this process.

Mr. DORGAN. I want to concur with the remarks of Senator CONRAD. They and their staffs have provided us with invaluable help in our efforts to seek assistance to prevent flooding in the Devils Lake Basin in North Dakota.

B-52 SUPPLEMENTAL FUNDING AMENDMENT

Mr. CONRAD. Mr. President, my distinguished colleagues from North Dakota and I offered an amendment reprogramming $44.9 million from Air Force research and development, R&D, accounts to operations and maintenance, O&M, earmarked for retention of our entire fleet of B-52s in active status or a fully maintained attrition reserve.

Retention of these aircraft makes good sense. The B-52 is currently our only dual-capable aircraft, capable of responding anywhere in the world with advanced, precision-guided munitions or in support of our nuclear deterrent. The B-52 is both today's most proven bomber, and as a result of construction upgrades which are continuing, the B-52 is a thoroughly modern aircraft. General Low, former Commander of the Air Combat Command, has stated that the B-52's airframe is good until 2035. The B-52 is also cost effective, making it a good buy as we work to balance the budget.

As my colleagues may be aware, the Air Force has announced its intention to send up to 28 of these aircraft to the boneyard at Davis-Monthan. This is clearly unwise. In the context of great uncertainty regarding the ratification of START II, loss of the capability to reconstitute the current force structure in a relatively short period of time would likely decrease Russia's incentive for ratification. I know that my colleagues shared this concern when they voted to pass the fiscal year 1996 Defense Authorization Act, which included a provision prohibiting the retirement of any B-52s or any strategic systems, with fiscal year 1996 funds.

Recent events in the Taiwan Strait and frequent threatening Iraqi military maneuvers since the Gulf War highlight the wisdom of this provision. In an era when we face the possibility of sudden massive aggression that leaves us little time to deploy reinforcements, the B-52's global reach is a valuable capability we ought not sacrifice.

As many of my distinguished colleagues are aware, the Bottom-Up Review (BUR) found that 100 deployable conventional bombers are needed to win one major regional conflict (MRC). However, could we only deploy 92 global range bombers if we had to go to war today? Notable B-52s will be sent to the boneyard when we are unable to meet our requirements for even one MRC is unwise, if not dangerous.

Retention of these proven, cost-effective, and highly capable bombers is clearly in our interest, and I believe that this amendment is the right way to do it. In light of the great budgetary pressure faced by the Air Force in this time of fiscal austerity, I am pleased that a portion of the Defense Department's unexpected inflation dividend was available for reprogramming. No other valuable Air Force program will be negatively affected by this amendment.

I urge my colleagues to support this amendment, and call on the Department of Defense to respect Congress's prerogative to determine the structure of our Armed Forces. In particular, I urge the Defense Department to postpone inactivation of any part of our B-52 force until Congress has completed all action on this year's defense budget, including the reprogramming package. The development of the structural amendment by the administration and supplemental appropriations legislation for fiscal year 1996.

I thank my distinguished colleagues for their careful consideration of this amendment, and yield the floor.

Mr. DORGAN. Mr. President, I rise to explain the amendment that I have offered with Senator CONRAD to ensure that B-52s are kept in the active status.

Let me outline what my amendment would do and then let my colleagues know why the Senate should pass it.

We have 94 B-52 bombers in active service in the Air Force today. Our experience in the Vietnam War and the Persian Gulf War shows that the B-52 has long been our workhorse bomber. But despite what the B-52 continues to do for our national defense, the Air Force is considering drawing down the B-52 fleet.

I am trying to prevent this from happening, and to keep B-52s up and flying. My amendment would provide the Air Force with the funding to operate and maintain 94 B-52 aircraft either in active status or in attraction reserve. A plane in active status, of course, is part of a combat coded squadron. A plane in attrition reserve is not in a separate squadron but is cycled through active squadrons, and is maintained in flyable condition.

In order to pay for full maintenance of the B-52 fleet, my amendment would transfer $44.9 million in Air Force research and development funds to Air Force operations and maintenance. The $44.9 million has already been appropriated in the defense appropriations bill. The money is available for transferring because the Defense Department's new estimates of inflation led the Department to conclude that it can accomplish its Air Force research and development with less money. In fact, the Defense Department proposed that this $44.9 million be rescinded as part of its supplemental appropriations and rescissions request.

I offer this amendment by the Congressional Budget Office, and CBO tells me two things that should cause my colleagues to support my amendment. First, CBO believes that the $44.9 million funding transfer will enable the Air Force to carry out my amendment's purpose of maintaining 94 B-52s. So this amendment is fully funded. Second, CBO has scored this amendment as saving $4 million in fiscal year 1996 and as deficit neutral over the 5 years 1996 to 2000. CBO projects that this amendment will actually save money in this fiscal year and be deficit neutral over the next 5 years.

Having described my amendment, let me briefly tell my colleagues why I think it is important that we retain our full, 94-plane B-52 fleet.

START II TREATY

The most important reason to keep 94 B-52s flying is that Russia has not yet ratified the START II Treaty. START II is the arms control treaty that the United States and the Russians have negotiated to cut our nuclear stockpiles. It makes no sense to retire strategic weapons systems when START II has not yet gone into effect. Disarmament should
not be unilateral. Members of the Russian Duma will doubtless ask themselves why they should ratify START II if the United States is cutting its strategic bomber force anyway.

**CONGRESSIONAL INTENT**

Second, Congress has explicitly recognized START II considerations. We wrote a provision into law, section 1404 of the National Defense Authorization Act for Fiscal Year 1996, forbidding the retirement of any strategic weapon system this year. We did that because we knew that we should not fulfilling START II until Russia subjects itself to the limits in START II. That is why section 1404 explicitly prohibits retiring B-52 bombers or even preparing to retire them. My amendment simply brings up section 1404 with the funding the Air Force needs to maintain the full B-52 bomber fleet. I seek to enable the Air Force to carry out the intent of Congress.

**CAPABILITIES OF B-52 FLEET**

Third, I would remind my colleagues that B-52 are long-range force projectors. With maximum fuel load, the B-52 can fly 10,000 miles without in-air refueling, which is over 33 percent further than the B-1 or B-2 bombers. With in-air refueling, the B-52 literally has a worldwide range. The B-52 has been modified to carry up to 12 air-launched cruise missiles externally and 8 internally. Alternatively, it can carry up to 50,000 pounds of attack missiles and gravity bombs. A bomber of such range and payload is vital in order to project air power to areas where the United States lacks prepositioned equipment or bases capable of handling heavy bombers.

To take an example, Mr. President, right now we face a crisis in Southeast Asia, on the Taiwan Strait. China is firing live ammunition and testing dummy missiles in a way that is calculated to disrupt Taiwan's economy and rattle Taiwan's electorate. We have one carrier task force in the area; we are moving a second carrier task force from the Persian Gulf to Southeast Asia in order to keep the peace. Well, the B-52 has already kept the peace in the Persian Gulf. And it can keep the peace in Southeast Asia in one hop if need be. It makes no sense to retire B-52's at a moment when our ability to project force into every corner of the world is key to the peace of Southeast Asia.

**BOMBER STUDY ONGOING**

Last, my colleagues will recall that in February President Clinton ordered the Defense Department to study the future of our long-range bomber fleet. The Deep Attack Weapons Mix Study, which is headed by Under Secretary of Defense for Acquisition and Technology Paul Kaminski and Vice Chairman of the Joint Chiefs of Staff Joseph Ralston, will examine both the munitions and the bombers used to strike deep into enemy territory. That study includes a close look at the strategic bomber force structure. It seems to me that any retirement of B-52 bombers would prejudge the results of the Deep Attack Weapons Mix Study. I think my colleagues will agree that we should ensure that the Air Force can await the results of the study before retiring any B-52 bombers.

In conclusion, Mr. President, I am asking the Senate to approve an amendment that is paid for, that fulfills congressional intent, that maintains America's strategic forces, and that keeps a bomber in the air. I hope my colleagues will support this amendment.

Thank you, Mr. President. I yield the floor.

**AMERICORPS**

Mr. LEAHY. Mr. President, I support the mission of AmeriCorps. I believe that engaging Americans of all ages to help communities solve their own problems is a worthy goal.

One of the greatest threats facing our cities and towns today is the loss of a sense of community responsibility. AmeriCorps invites Americans to put something back into their communities—to reestablish the local ties that have been so important to this country.

I am very concerned about the provision in this omnibus appropriations bill which terminates AmeriCorps grants through Federal agencies. Right now, about half of AmeriCorps participants in my State are part of the USDA AmeriCorps Program. This includes the Vermont Anti-Hunger Corps and a rural development team. These projects have involved nonprofit groups, and a unique partnership of Federal, State, and local organizations. All of which have contributed to their success.

I want to clarify with the Chairman that this language would not preclude these local programs currently funded through Federal agencies to continue through national direct grants or through State commissions.

Mr. BOND. Yes, the Senator is correct. If local programs currently being funded through Federal agencies are doing a good job, then I would encourage them to either work with national groups to apply for funding or work with the commission in the State in which they reside. These local programs have the experience and expertise to compete for AmeriCorps grants. I expect the Corporation for National and Community Service and the State commissions to take this experience into consideration when reviewing new grantees. The bottom line is that we do not want Federal agencies capitalizing on funds that should be going directly to nonprofit organizations.

Mr. LEAHY. I thank the Chairman Senator Bond. I ask Senator Mikulski if this is also her understanding?

Ms. MIKULSKI. Yes, Mr. President. The concern of the Senator, about the termination of the grants to Federal agencies. Unfortunately, we lost the public relations war in defining how these Federal agency grants really work. These programs are not bloated bureaucracies, but a way for small local programs to benefit from the technical expertise of Federal agencies in designing programs to meet their own local needs. I would urge any local programs currently being funded through a Federal agency to apply through the national direct grants or through their own State commissions.

Mr. LEAHY. I thank Chairman Bond and Senator Mikulski. I plan to work closely with these groups so that they can continue to providing services through AmeriCorps. And I appreciate all of the work the Senators have done to come to a bipartisan agreement on funding for AmeriCorps.

I look forward to continue working with them on this important issue.

**VETERANS HEALTH CARE**

Mr. McCAIN. Mr. President, we need to take immediate steps to implement a plan to better allocate health care funding among the Department’s health care facilities so that veterans, no matter where they live or what circumstances they face, have equal access to quality health care.

The amendment that I propose here today with my distinguished colleague, Senator Bob Graham of Florida, will, I hope, finally direct the Department of Veterans Affairs to do the right thing. That is, to eliminate funding disparities among VA health care facilities across the country.

Mr. President, inequity in veterans’ access to health care is an issue that I originally brought to Secretary Jesse Brown’s attention in March 1994. The Department of Veterans Affairs is currently using an archaic and unresponsive formula to allocate health care resources. The system must be updated to account for population shifts.

The veterans population in three States, including Arizona, is growing, at the same time that it is declining in other parts of the country. Unfortunately, health care allocations have not kept up with the changes. The impact of disparate funding has been very obvious to me during my visits to many VA medical centers throughout the country, and particularly in Arizona. 

I urge any local program currently being funded through Federal agencies in designing programs to continue through national direct grants or through State commissions. I hope, finally direct the Department of Veterans Affairs to do the right thing.

The problem has been further verified by the General Accounting Office (GAO) in a report entitled “Veterans Health Care: Facilities’ Resource Allocations Could Be More Equitable.” The GAO found that the Department of Veterans Affairs continues to allocate funding based on past budgets rather than current needs, and has not updated the Resource Planning and Management system [RPM] developed 2 years ago to help remedy funding inequity.
Mr. President, the GAO cites VA data that the workload of some facilities increased by as much as 15 percent between 1993 and 1995, while the workload of others declined by as much as 8 percent. However, in the two budget cycles studied, the VA failed to account for the changes in funding allocations. The maximum loss to a facility was 1 percent of its past budget and the average gain was about 1 percent.

This inadequate response to demographic change over the past decade is very disturbing, and I believe, wrong. To illustrate the problem, I would point out that the Carl T. Hayden VA Medical Center experienced the third highest workload growth based on 17 hospitals of similar size and mission, yet was only funded at less than half the RPM process.

Mr. President, the GAO informs me that rather than implementing the RPM process to remedy funding inequities in access to veterans health care, the VA is waiting to ration health care or eliminating health care to certain veterans in areas of high demand.

The GAO says:

Because of differences in facility rationing practices, veteran access to care system wide is uneven. We found that higher income veterans received care at many facilities, while lower income veterans were turned away at other facilities. Differences in who was served occurred even within the same facility because of rationing.

The GAO also indicates that there is confusion among the Department’s staff regarding the reasons for funding variations among the VA facilities and the purpose of the RPM system.

Mr. President, this problem must be addressed now. This amendment compels the VA to take expeditious action to remedy this serious problem and adequately fund the changes in demand at VA facilities.

To conclude, I want to reiterate that I find it simply unconscionable that the VA could place the Carl T. Hayden VA Medical Center in Phoenix, Arizona, on the funding ladder, when the three VA medical facilities in the State of Arizona must care for a growing number of veterans, and are inundated every year by winter visitors, which places an additional burden on the facilities. I ask unanimous consent that the VFW survey and the GAO summary report be printed in the RECORD.

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

VETERANS OF FOREIGN WARS OF THE UNITED STATES, Washington, DC, April 7, 1994.

JOHN T. FARRAR, M.D.,
Acting Under Secretary for Health, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert Vahaly, Senior Field Representative, conducted a survey of the Phoenix, Arizona, Department of Veterans Affairs Medical Center, on March 14-15, 1994. During his time at the facility, he was able to talk with many patients, family members and staff. This enabled him to gather information concerning the quality of care being provided and the most pressing problems facing the facility.

While the VA is receiving treatment in the clinics and wards felt that the quality was good, they almost all commented on the long waits in the clinics and the understaffing throughout the facility with their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O’Tooleatisfying their patients. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the understaffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the VA has resorted to rationing care. This means that the staff must either take unwanted shortcuts or continue to work beyond the point expected of staffs at the other medical centers. While it is well understood that the Veterans Health Administration is underfunded throughout the system, it is clear from the comparisons that this facility is not adequately staffed the number of available resources resulting in the deplorable situation now facing the health care team.

Another problem in Phoenix that must be addressed is the serious space deficiency, especially in the clinical areas. The ambulatory care center received 76,000 annual visits. In fiscal year 1993, the station provided 218,000 annual visits, almost four times the design level. Many physicians are required to conduct exams and provide treatment from temporary cubicles set up inside the waiting rooms. This bandaid approach has added to the already overcrowding.

The other problem should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Medical Center. Currently, the medical center has a FTE of 1380 which is over the target staffing level. Based on available reports, the medical center would need an additional 61 registered nurses just to reach the average productivity level in their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and overall VA work loads. A renewal of the productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is recognized that this station will never be permitted to enjoy that level of staffing, it is felt that, at the least, should have been given some consideration for their staffing problems during the latest White House ordered employee reductions.

To assist the medical center to meet their mandates for an influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been received from the 1994 VA appropriations bill be provided. To enable the station to handle the ever increasing ambulatory work load, the Veterans Health Administration must approve the pending request for leased clinic space in northwest Phoenix and, the implementation plan for the use of the Williams Air Force Base hospital as a satellite outpatient clinic, along with the necessary funding to adequately operate the facility.

In addition, VHA should approve and fund, at a minimum, the expansion of the medical centers’ Medical Space onto the Indian School land which was acquired for that purpose.

Approval of the above recommendations would make it much easier for this medical center to meet the needs of the ever increasing veteran population in the Phoenix area. There is no indication that the increasing population trends will change prior to the year 2020. This hospital cannot be allowed to continue the downhill slide. The veterans of Arizona deserve a fair deal and the medical staff should be given the opportunity to provide top quality health care in a much less stressful setting.

I appreciate receiving your comments on the Phoenix VA Medical Center at your earliest opportunity.

Sincerely,

FREDERICO JUARBE, Jr.,
Director, National Veterans Service.

U.S. GENERAL ACCOUNTING OFFICE,
Health, Education, and Human Services Division,

Hon. JOHN McCAIN,
U.S. SENATE.

DEAR SENATOR MCCAIN: The Department of Veterans Affairs (VA) is faced with the challenge of equitably allocating more than $16 billion in health care resources across a nationwide network of hospitals, clinics, and nursing homes. The challenge is made greater by the shifting demographics of veterans. Nationally, the veteran population is declining, veterans have migrated from northeastern and midwestern states to southeastern and southwestern states.

VA has historically based its allocations to facilities primarily on their past funding levels—providing incremental increases to facilities’ past budgets. In an effort to improve its planning, allocation, and management of resources, VA made a considerable investment in implementing a new system, called the Resource Planning and Management (RPM) system, for the fiscal year 1994.

VA considers RPM to be a management decision process to use to formulate its budget, allocate most of its resources, and computerize its patient registration system. As the basis for resource allocation, RPM classifies each patient into a clinical care group, calculates average facility costs per patient, and forecasts future workload. VA believes that the system would improve VA’s management of limited medical care resources, better define future resource requirements, and enable the VA to explore and improve the quality and efficiency in its health care system.

This vision included improving the equity of its allocations by more closely linking the resources with facility workloads and alleviating inconsistencies in veterans’ access to care across the system.

Two recent events could have significant implications for VA’s RPM allocation system. First, VA is restructuring its organization to establish 22 veterans integrated service networks (VISN) that will replace the current regional offices and assume the individual facilities’ role as the basic budgetary and planning unit for health care delivery. The new structure will require some change in how resources are allocated. Second, the Senate passed your proposed amendment to the VA appropriations bill that would require VA to develop a plan for the allocation of health care resources among its health care facilities to ensure that veterans have the same access to quality health care.

Because of your interest in this issue, you asked us to review the equity of VA’s resource allocation system, particularly as it relates to the allocations made to the Carl T. Hayden Medical Center in Phoenix, Arizona. More specifically, you asked us to determine the following:

To what extent does VA’s allocation system provide for an equitable distribution of resources among VA facilities?
What are the causes of any inequity in the distribution of resources, and what changes, if any, would help ensure that the system more equitably distributes resources?

We have seen that the system has indeed failed to achieve its goal. VA documents on its original plans for RPM and methodology are in appendix I. We performed our review between December 1994 and October 1995 in accordance with general accepted government auditing standards.

RESULTS IN BRIEF

The resource allocation system gives VA the ability to identify potential inequity in resource distribution and to forecast workload changes. Data generated by the system show wide differences in operating costs among VA facilities. VA officials have used the system to make only minimal changes in facility funding levels—the maximum loss to any facility was about 1 percent of its past budget. VA officials have not used the system to make any changes to address inequities, we discussed such changes with VA officials and reviewed VA documents on its original plans for RPM and methodology are in appendix I. Further details of our scope and methodology are in appendix I. We performed our review between December 1994 and October 1995 in accordance with general accepted government auditing standards.

1 VA officials indicated that as part of this change, the resource planning and management processes it used would change and the system would be renamed. As a result, the system was renamed RPM.

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3 On September 26, 1995, the Senate adopted amendment number 2787 to the VA appropriations bill, which was in conference at the time of our review. If it becomes law, provision would require the Secretary of VA to develop a plan for the allocation of health care resources to ensure that veterans having similar health care needs or requiring similar medical conditions have similar access to health care services. The plan would also require VA to consider the region in the country in which the veteran resides. The plan to be developed by VA would also address health care needs and resources for veterans living in rural areas.

4 VA officials have used the system to identify potential inequities and to address them. VA's distribution of resources, and what changes, if any, would help ensure that the system is fair and equitable. VA's distribution of resources, and what changes, if any, would help ensure that the system is fair and equitable.

5 We considered the following two elements to be characteristics of an equitable system:

- The system would allocate resources to each facility to meet the needs of veterans in the geographic region in which the facility is located.
- The system would allocate resources to each facility to meet the needs of veterans in the geographic region in which the facility is located.

6 We based our evaluation of the equity of distributions on VA's vision for RPM and methodology are in appendix I. We performed our review between December 1994 and October 1995 in accordance with general accepted government auditing standards.

FOOTNOTES

VA in 1995 operated 170 hospitals, 375 ambulatory clinics, 133 nursing homes, and 39 domiciliaries. For resource allocation purposes, RPM combines certain health care facilities that are managerially associated. In total the RPM system develops allocations for 167 facilities.

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veterans are forced to move back home to get the care to which they are accustomed. Others simply give up in despair. Mr. President, we can help to rectify this inequity today. Right now. Our amendment would simply mandate that will take for their fair allotment of resources to ensure that veterans having similar economic status, eligibility priority, and similar medical conditions have similar access to care regardless of where they live. And it would provide equal services to all our Nation's veterans is what the VA health care system is all about.

We as politicians can quibble over such terms as construction projects, resource allocation methodology, and patient workload, but one thing is certain: We all have a stake in honoring our collective commitment to our veterans—and they deserve no less.

Thank you, Mr. President.

Mr. President, to strike the moratorium, the managers’ amendment to the omnibus appropriations bill for fiscal year 1996 includes a provision—added on behalf of myself and Senator KEMPThorne—to increase the appropriation for Endangered Species Act listing activities by $1,249,999 to accommodate this addition to the listing account. Senator KEMPThorne and I proposed this amendment in order to address concerns raised during debate last week on the Endangered Species Act listing moratorium. I believe that working together to secure additional funding for listing activities—we have improved the prospects for orderly, effective research and conservation efforts by the Fish and Wildlife Service. The Hutchison amendment would have made it impossible for the Service to perform the tasks that are authorized under the Hutchison language—tasks such as decisions on emergency listings or responses to citizen petitions—without an increase in funding. The $1,249,999 that is added to the listing account under this amendment is intended to provide the U.S. Fish and Wildlife Service with funding necessary to perform the tasks such as deciding on final decisions on emergency listings or responses to citizen petitions—without an increase in funding. The $1,249,999 that is added to the listing account under this amendment is intended to provide the U.S. Fish and Wildlife Service with funding necessary to perform the tasks that are authorized under the listing amendment.

Mr. President, it was a pleasure to work with Senator KEMPThorne and Senator HUTCHISON on this amendment. And, while I believe the ESA listing moratorium, I believe that working together to secure additional funding for listing activities—we have improved the prospects for orderly, effective research and conservation efforts by the Fish and Wildlife Service. It is my hope that we can continue to work together to enact responsible legislation to reauthorize the Endangered Species Act later this year. I would like to thank Senators HATFIELD and GORTON and their Appropriations Committee staff for their assistance with this amendment. Also, I very much appreciate the willingness of Senator HATFIELD and of Senator BYRD for their support of this provision.

HIV-POSITIVE SERVICEMEMBERS

Mr. NUNN. Mr. President, the National Defense Authorization Act for fiscal year 1996, which was signed into law on January 10, 1996, contains a provision which mandates the discharge of every member of the Armed Forces who is HIV positive within 6 months. At the present time, the services have in place procedures for medically separating HIV-positive personnel who are physically disabled. Those who are not disabled are placed in a nondeployable status but continue to perform military duties. This is similar to the status of others whose medical condition—such as cancer, heart disease, asthma, and diabetes—restrict deployability but not the capability to provide valuable military service. The new policy is wasteful because it will throw away the large investment the military has made in the training and experience of individuals who can still make a valuable contribution to the Armed Forces. Why throw away that investment at the peak of an individual’s career?

Not only will the new policy waste our recruitment and training dollars, it will throw away invaluable experience. Consider the case of the sergeant who has been married for 10 years who has a child, and who is HIV positive. His service record is full of honors, including an award for automating a warehouse system that saved the Navy an estimated $2 million over a 2-year period. He has 12 years of service and has been HIV positive for 5 years. There is a reasonable likelihood that he could serve for many more years, with the potential to develop systems that will save millions more for the Navy.

This new policy will deprive him of his livelihood and deprive the taxpayers of the contributions that he can make to greater efficiency and savings. The new policy is unfair because it will leave many servicemembers without employment for themselves and health care for their families. There is a sergeant with 13 years of service who is married, with three children. He is HIV positive, as is his wife and two of the three children. Under the new policy, he is the only one of the family who will retain a right to DOD medical care. His family, including his HIV positive wife and two HIV positive children, will be excluded from any DOD health care.
As a result of the bill, he will be discharged from service, lose his employment, loss his retirement potential, and lose his family's medical care.

This is an individual who is perfectly capable of performing military duties, yet we are going to throw away our investment in him and place him in dire financial straits—even though those who are non-deployable for reasons other than HIV will remain in service.

That is unfair.

The policy is unwise, because it could undermine the traditional doctrine of judicial deference to Congress in the realm of military personnel policy.

In a 1994 essay in the Wake Forest Law Review, I examined the Supreme Court's precedents and concluded that the Court's jurisprudence reflected "the highest degree of deference to the role of Congress and respect for the judgment of the Armed Forces in the delicate task of balancing the interests of national security and the rights of military personnel."

I also noted, however, that the Supreme Court assumed that Congress is not free to disregard the Constitution when it acts in the area of military affairs. Consequently, it is essential that Congress act with care when it establishes procedures that would impose discipline on military service that would be constitutionally impermissible in civilian life.

In the case of the new HIV discharge policy, we have not acted with care.

It is instructive to contrast the development of the new policy with the process followed in 1993 when the legislative and executive branch considered the policy on homosexuality in the Armed Forces.

In February 1993, Congress rejected an amendment that would have imposed a policy without any hearings of deliberation. Instead, we provided for a 6 month detailed review within the executive branch and Congress.

This included an opportunity for the Department of Defense and Congress to hold hearings, receive testimony from the members of the Armed Forces, legal and academic experts, and interested members of the public.

The Senate Armed Services Committee alone compiled a record of more than 1,000 pages in testimony.

The hearing process and DOD reviews in 1993 were followed by the development of a proposed DOD policy and specific legislation that included detailed legislative findings. The findings focused on clear expert testimony on the impact on unit cohesion, morale, discipline, and military effectiveness.

The civilian and military leadership of the Department of Defense supported the legislation; it was overwhelmingly approved after thorough debates in both the House and the Senate, was signed into law by the President, and has been defended by the Department of Justice in the face of several legal challenges.

Although there may be disagreement on the merits of the 1993 policy, the process ensured careful and thorough review by the legislative and executive branches of the relevant policy and constitutional issues. The process was designed to provide for careful and thorough review.

The contrast to the development of the new HIV policy could not be starker.

There has been no review within the executive branch. In fact, the military leadership views the policy as unnecessary and unfair.

The House did not develop a detailed legislative record, and the provision was not even included in the Senate-passed bill.

There is not a clearly articulated legislative basis for treating HIV-positive personnel in a manner that differs from the treatment of other nondeployables.

In the absence of careful legislative consideration, it could be difficult for the new policy to survive a constitutional challenge—particularly in terms of the weak arguments for the policy.

Supporters of the provision have relied primarily on three reasons to justify the provision.

First, they believe that the retention of HIV-positive personnel degrades unit readiness.

However, that the small fraction of nondeployable personnel who are HIV positive have a significantly greater impact in this regard than the large number of persons who are nondeployable for other reasons.

The second reason given for the policy is to establish deployment equity on the grounds that if a person is nondeployable, other servicemembers stand a greater risk of deployment.

This concern might be appropriate if the numbers were significantly greater and if the HIV positive personnel were the only nondeployables. For example, if the number of HIV positive personnel in the Marine Corps were to become a significant percentage, then the HIV policy would be reconsidered together with the policies that retain servicemembers who are medically nondeployable for reasons such as cancer, diabetes, asthma, and heart disease.

This, however, is not the case today. The numbers are tiny and the persons who are nondeployable for other reasons greatly outnumber those who are HIV positive.

The third rationale offered by supporters of the policy is that discharge is warranted because it is asserted, persons who are HIV positive likely contracted the infection through sexual misconduct or drug abuse.

There are two problems with this argument.

First, it ignores the well-established medical fact that HIV can and often is transmitted through actions that do not involve military misconduct, such as blood transfusions and heterosexual conduct.

Second, there is no example administrative and judicial procedures in the Armed Forces to discipline those who engage in misconduct involving sex and drugs. The record does not establish a military need to discharge all who are HIV positive in order to maintain good order and discipline.

The administration, believing the new provision to be unconstitutional, has determined that it will obey the law but not defend the President.

As a result, the judiciary will be thrust into the midst of a constitutional debate on a controversial military personnel matter with a sparse legislative record and a severe split between the Congress and the President.

It is an invitation to undermine the doctrine of deference, which has served so well and so long to ensure that the Armed Forces have the tools necessary to maintain good order and discipline without interference from the courts.

For that reason alone, the provision should be repealed.

This provision was not part of the Senate-passed authorization bill. I opposed this provision during the conference with the House of Representatives.

I spoke out against it on the floor of the Senate during debate on the conference report.

Today, I support the amendment that will repeal this provision.

Mrs. BOXER. Mr. President, despite my objections to the omnibus appropriations bill, I am pleased that it includes an amendment overturning the prohibition on military service by HIV-positive personnel. As my colleagues are aware, this grossly unfair prohibition was established in the fiscal year 1996 DOD authorization bill and will become effective this summer.

I opposed the fiscal year 1996 DOD authorization bill largely because of this provision. The day the Senate approved that provision, I vowed to mount an effort for repeal. I am pleased that today, the full Senate has joined in that fight.

The policy now in effect—developed in the Reagan and Bush administrations—works well. The provision contained in this bill reinstates the current policy, in which military personnel who test positive for the HIV virus are permitted to keep their jobs, so long as they are physically able.

Currently, HIV-positive personnel are treated in the same manner as other soldiers with chronic ailments such as diabetes and heart disease. Only about 20 percent of the roughly 6,000 worldwide nondeployable troops are HIV positive.

Dismissing all HIV-positive soldiers makes no sense. Why should the Pentagon fire military personnel who perform their duties well and exhibit no signs of illness? This would waste millions of tax dollars in unnecessary separation and retraining costs.

Backers of this provision argue that HIV-provision personnel degrade readiness because they are not eligible for worldwide deployment. This argument is absurd. Can it seriously contend that about 1,000 per year—less than 0.1 percent of the active force—could have a meaningful impact on readiness?
CONGRESSIONAL RECORD Ð SENATE
March 19, 1996

Mr. M. McCain. Mr. President, my amendment will require that any disaster-related funds earmarked for a specific project by Federal agencies be awarded according to the established, priority-based procedures of those agencies.

This amendment would ensure that disaster-related funding allocated by the Economic Development Administration, the U.S. Department of Agriculture, the Department of Housing and Urban Development, the Small Business Administration, and the National Park Service, will be awarded based on need—and not according to unauthorized earmarks.

This amendment will not reduce the funding in this bill, nor direct these agencies to give preferential priority to any particular project, State, or region of the country.

This proposal is entirely fair and equitable to all of the States and communities that we represent. It plays no favorites, and offers no advantages to individuals or interests mentioned in their desire to receive funding for a local project. This amendment will simply ensure that taxpayer funding made available under this appropriation will be spent according to Federal guidelines and not used to fund congressionally mandated earmarks.

Let me discuss just one example of what I believe is an inappropriate expenditure of taxpayer dollars that was added to the legislation before us. Last week, an amendment was offered to this bill, and adopted without a recorded vote, that would provide a total of $13.8 million for an unauthorized flood control project.

That amendment directs the Economic Development Administration [EDA] to spend $10 million for flood control work at Devil’s Lake Basin in North Dakota; it also directs the U.S. Fish and Wildlife Service to spend $3.8 million for related work at Devils Lake Basin. The approximately $14 million in new taxpayer dollars for this project was not requested by the agencies to be funded in this bill, nor was the project subject to any competitive evaluation process by the EDA or HUD.

Mr. President, I don’t think this is how the Senate should be doing business. And I definitely don’t think this is what the people of North Dakota or the taxpayer’s dollars, at a time when we have scarce resources with which to address many serious disaster needs across the country.

I believe earmarking funds for a specific project is unfair, especially with respect to vital flood control programs. It clearly undermines the competitive-review process that ensures that the most urgent needs of distressed cities and towns across the entire United States are properly addressed.

While I’m sure that this situation in North Dakota is worthy of attention, we have no way of knowing that it represents the most serious need for Federal emergency assistance.

As most of my colleagues are aware, the Economic Development Administration [EDA] provides grants for infrastructure programs and community projects in economically distressed communities and regions. They are not serving the wealthy to spend their tax dollars with hundreds and hundreds more requests for Federal aid than they can possibly fulfill.

In fact, Mr. President, the EDA has such a backlog of official applications that they are turning away additional applications almost a year ago.

The EDA makes its funding awards through its regional offices on a competitive, agency-review basis. Right now the EDA has almost 600 funding requests awaiting final decisions—600.

These requests represent the pleas of communities across the United States for help from the Federal Government due to military base closures, job loss, and declining local economies. Nationally, the EDA has received over $330 million in community-based funding requests that they stopped accepting additional applications almost a year ago.

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In my view, the effort to enact this proposal as part of an omnibus appropriations bill is inappropriate. Although a version of the PLRA was introduced as a free-standing bill and referred to the Judiciary Committee, it never received the Senate mark-up, and there is no Judiciary Committee report explaining the proposal. The PLRA was the subject of a single hearing in the Judiciary Committee, hardly the type of thorough review that a measure of this scope deserves.

At the hearing, General Attorney John Schmidt expressed serious concerns about the feasibility and consequences of the PLRA. While Mr. Schmidt did not take issue with provisions in the PLRA that merely seek to curb frivolous prison litigation, he noted that other aspects of the proposal would radically and unwisely curtail the power of the Federal courts to remedy constitutional and statutory violations in prisons, jails, and juvenile detention facilities.

I understand that my colleague from Illinois intends to include relevant excerpts of Mr. Schmidt’s testimony in the Record, but I will just highlight the objections that he raised, all of which I share. Mr. Schmidt observed that:

The effort to terminate all existing consent decrees “raise[s] serious constitutional problems” under doctrines reaffirmed by the Supreme Court as recently as this year.

Provisions limiting the power of Federal courts to issue relief in prison conditions cases would “create a virtual impediment to the settlement of prison conditions suits—even if all interested parties are fully satisfied with the proposed resolution.”

“...could require judicial resolution of matters that would otherwise be more promptly resolved by the parties in a mutually agreeable manner.”

The proposal to terminate relief two years after issuance is misguided because, in those cases, the problem is remitted, the “Justice Department and other Plaintiffs would have to refile cases in order to achieve the objectives of the original order and defendants would be burdened of responding to these new suits. Both for reasons of judicial economy, and for the effective protection of constitutional rights, we should aim at the resolution of disputes without unnecessary litigation and periodic disruption of ongoing remedial efforts.”

All of these problems remain in the legislative language before us today.

I call to the attention of my colleagues an assessment prepared by the Administrative Office of the United States Courts dated June 21, 1995. The Office found that the “poten- tial annual resource costs [of the bill] could be more than $239 million and 2,096 positions, of which at least 280 would be judicial officers—Article III judges and/or magistrate judges.” The bill appropriates no funds to the Federal judiciary to offset this enormous fiscal impact.

I note with great concern that the bill would set a dangerous precedent for stripping the Federal courts of the ability to safeguard the
civil rights of powerless and disadvantaged groups.

I do not intend to offer an amendment to this bill, because it is clear that a majority of the Senate would not vote to strike the provision, and I do not think it is necessary for me to consider detailed improvements to the PLRA during debate on this omnibus appropriations bill. But the abbre- viated nature of the legislative process should not suggest that the proposal is noncontroversial in Congress.

It is my hope that the President vetoes this bill, as I expect he will, that the administration seek to negoti ate changes in the PLRA that remedy the profound constitutional, fiscal, and practical problems outlined by Mr. Schmidt and other experts.

I ask unanimous consent that a copy of a letter sent by myself and four other Senators to the Attorney General on this subject be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL: We write to express our concern about aspects of the Prison Litigation Reform Act (PLRA), which has passed Congress as title VIII of the Commerce, Justice, and State Department Appropriations bill. President Clinton vetoed this appropriations bill on December 18, but it is our understanding that issues such as the PLRA may be the subject of negotiations between the Administration and members of the Appropriations Committees in the coming weeks.

We do not take issue with provisions in the PLRA that merely seek to curb frivolous prison litigation. But in other respects, the PLRA is far reaching legislation that would unduly restrict the power of the state courts to remedy constitutional and statutory violations in prisons, jails, and juvenile detention facilities.

PLRA is viewed as one of many issues on the appropriations bill. For this reason, PLRA passed on a voice vote following relatively brief debate. But the manner in which the bill passed the Senate should not suggest to you that the Senate considers the proposal to be entirely noncontroversial.

In particular, we share some of the concerns that Associate Attorney General John R. Schmidt raised in his testimony before the Senate Judiciary Committee on July 27, 1995, that provision 1 of the bill limiting the power of federal courts to issue relief in prison conditions cases would “create a very substantial impediment to the settlement of prisoners’ claims—even if all interested parties are fully satisfied with the proposed resolution.” “This would result in litigation that no one wants . . . and could require judicial resolution of matters that would otherwise be more promptly resolved by the parties in a mutually agreeable manner.”

Mr. Schmidt also pointed out that the proposal to terminate relief two years after issuance is troublesome because, in those cases where the problems have not been remedied, the “Justice Department and other interested parties would have to refile cases in order to achieve the objectives of the original order, and defendants would have the burden of responding to these new suits. Both for reasons of judicial economy, and for the effective protection of constitutional rights, it is important that federal judges be in a position to avoid litigation without unnecessary litigation and periodic disruption of ongoing remedial efforts.”

These problems have not been remedied by the changes made to the proposal since Mr. Schmidt’s testimony.

We also call to your attention an assessment prepared by the Administrative Office of the United States Courts on June 21, 1995. The Office found that the “potential annual resource costs of [the bill] could be more than $239 million and 2,069 positions, of which at least 60 would bejudicial officers (Article III judges and/or magistrate judges).” The bill appropriates no funds to the federal judiciary to offset this enormous fiscal impact.

We suggest that the Administration negotiate changes in the PLRA that remedy the serious fiscal and practical problems outlined by Mr. Schmidt and other experts.

Thank you for your attention to this important matter.

Sincerely,

FRED THOMPSON,
JIM JEFFORDS,
TED KENNEDY,
JOE BIDEN,
JEFF BINGAMAN.

Mr. SIMON. Mr. President, I join Senator KENNEDY in raising my strong reservations about the Prison Litigation Reform Act, a section of S. 1994. In attempting to curtail frivolous prisoner lawsuits, this legislation goes much too far, and it makes it impossible for the Federal courts to remedy constitutional and statutory violations in prisons, jails, and juvenile detention facilities. No doubt there are prisoners who bring baseless suits that deserve to be thrown out of court. But unfortunately, in many instances there are legitimate claims that deserve to be addressed. History is replete with examples of egregious violations of prisoners’ rights. These cases reveal abuses and inhuman treatment which cannot be justified no matter what the crime. In seeking to curtail frivolous lawsuits, we cannot deprive individuals of their basic civil rights. We must find the proper balance.

My colleague from Illinois, Associate U.S. Attorney General John Schmidt, testified before the Senate Judiciary Committee on July 27, 1995, and raised numerous concerns about this legislation. I have included a copy of his comments for my colleagues to review. I should also note that at the same hearing, former Attorney General Barr of the Bush administration, agreed with the assertion that there are constitutional problems with the bill as drafted which have not yet been addressed.

As outlined in Mr. Schmidt’s testimony, the bill has so many problems that I cannot list them all here. So let me describe just a few. First, the bill severely limits the options available to States and courts in remedying legitimate complaints. For example, the bill makes it impossible for States to enter into consent decrees even when the consent decree may well be in the State’s best interest for both fiscal and policy reasons. Similarly, this legislation, by creating new and burdensome standards of review, would effectively prohibit courts from placing population caps on prisons. Prison overcrowding obviously creates a serious health and safety issue, as well as to prison staffs and the inmates themselves. We must not exacerbate this problem. Furthermore, the bill places undue burdens on States and courts by requiring that relief be terminated 2 years after issuance, even in cases where the problems have not been remedied.

I am very discouraged that this legislation was considered as one of many issues on an appropriations bill. Legislation with such far reaching implications certainly deserves to be thoroughly examined by the committee of jurisdiction and not passed as a rider to an appropriations bill. I urge the White House to oppose this inappropriate legislation.

I ask unanimous consent that the relevant portions of Mr. Schmidt’s testimony be printed in the RECORD.

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

TESTIMONY OF JOHN SCHMIDT

FROM PRISON REFORMS TO PRISONER LITIGATION

The Department also supports improvements in the criminal justice system through the implementation of state reforms. Several provisions, several riders, under consideration by the Senate contain three sets of reforms that are intended to curb abuses or perceived excesses in prisoner litigation or prison conditions suits.

The first set of provisions appears in title II of H.R. 667 as passed by the House of Representatives, and in §103 of S. 3. These provisions strengthen the requirement of exhaustion of administrative remedies under the rights of institutionalized persons Act (CIRPA) for state prisoners and other safeguards against abusive prisoner litigation. We have endorsed these reforms as previously communicated.1 We also recommend that parallel provisions be adopted to required federal prisoners to exhaust administrative remedies prior to commencing litigation.

The second set of provisions appears in a new bill, S. 866, which we have not previously commented on. The provisions in this bill have some overlap with those in §103 of S. 3 and title II of H.R. 667, but also incorporate a number of new proposals. We support the objectives of S. 866 and many of the provisions. In some instances, we have recommendations for alternative formulations that could realize the legislative intent more effectively.

The third set of provisions appears in S. 400, and in title III of H.R. 667 as passed by the House of Representatives, the “Stop Innkeeper’s Liability” provisions. The Violent Crime Control and Law Enforcement Act of 1994 enacted 18 U.S.C. 3623, which limits remedies in prison conditions lawsuits. The STOP provisions would amend this section to impose various additional conditions and restrictions. We support the

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basic objective of this legislation, including particularly the principle that judicial caps on prison populations must be used only as a last resort when no other remedy is available for a clearly constitutional violation, although we have constitutional or policy concerns about a few of its specific provisions.

A. The Provisions in §103 of S. 3 and H.R. 667

As noted above, we support the enactment of this set of provisions.

The Civil Rights of Institutionalized Persons Act (42 U.S.C. §1997e) currently authorizes federal courts to hear and determine suits by prisoners for up to 180 days in order to require exhaustion of administrative remedies. Section 103(a)-(b), (e) of S. 3 strengthens the administrative exhaustion rules in this context—and brings it more into line with administrative exhaustion rules that apply in other contexts—by generally prohibiting prisoner §1983 suits until administrative remedies are exhausted.

As noted above, we recommend that this proposal also incorporate a rule requiring federal prisoners to exhaust administrative remedies prior to commencing litigation. A reform of this type is as desirable for federal prisoners as the corresponding strengthening of the exhaustion provision for state prisoners that now appears in section 103 of S. 3. We would be pleased to work with interested members of Congress in formulating such a proposal.

Section 103(c) of S. 3 directs a court to dismiss a prisoner §1983 suit if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious. A rule of this type is desirable to minimize the burden on states of responding unnecessarily to prisoner suits that lack merit and are sometimes brought for purposes of harassment or recreation.

Section 103(d) of S. 3 deletes from the minimum standards for prison grievance systems in 42 U.S.C. §1997e(b)(2) the requirement of an advisory role for employees and inmates (at the most decentralized level as is reasonably possible) in the formulation, implementation, and operation of the system. This removes the condition that has been the greatest impediment in the past to the willingness of states to adopt sanctions adequate to seek certification for their grievance systems.

Section 103(f) of S. 3 strengthens safeguards against and sanctions for false allegations perpetrated by prisoners who seek to proceed in forma pauperis. Subsection (d) of 28 U.S.C. 1915 currently reads as follows: “The court may request an attorney to represent any such person unable to employ counsel and shall at any time in the interest of justice dismiss the case if the action is frivolous or malicious. Section 103(f) of S. 3 amends that subsection to read as follows: “The court may request an attorney to represent any such person unable to employ counsel and shall at any time in the interest of justice dismiss the case if the action is frivolous or malicious.” This is substantially the same as provisions included in §103 of S. 3 and title II of H.R. 667, which we support.

Section 3 of S. 866 essentially directs courts to assess reasonable filing fees for prisoner §1983 suits, and requires the prisoner to pay the full amount of fees ordered, in the same manner provided for the payment of filing fees by the amendments.

In essence, the point of these amendments is to ensure that prisoners will be fully liable for fees and costs incurred as the result of their actions. However, we recommend the addition of a provision that prisoners will not be barred from suing because of this liability if they are actually unable to pay. We support the reduction of the frequency with which prisoners file frivolous and harassing suits, and the general absence of other disincentives to doing so.

However, the complicated standards and detailed numerical prescriptions in this section are not necessary to achieve this objective. It would be adequate to provide simply that prisoners are fully liable for fees and costs, that their applications must be accompanied by certified prison account information, and that funds from their accounts are to be forwarded periodically when the balance exceeds a specified amount (such as $10) until the liability is discharged. We would be pleased to work with the sponors to refine this proposal.

In addition to these amendments relating to fees and costs, §2 of S. 866 strengthens 28 U.S.C. §1915(d) to provide that the court shall order the prisoner to make monthly payments of 20% of the preceding month’s income credited to the account, with the agency having custody of the prisoner forwarding such payments whenever the amount in the account exceeds $10. However, a prisoner would not be barred from bringing any action because of inability to pay the full amount of costs. If the prisoner includes the payment of costs, the prisoner would be required to pay the full amount of costs ordered, in the same manner provided for the payment of filing fees by the amendments.

We support this reform in principle. Engaging in malicious and harassing litigation, and committing perjury or its equivalent, are common forms of misconduct by prisoners. The possibility of some other prisoners’ misconduct, this misconduct can appropriately be punished by denial of good time credits.

However, the procedures specified in section 6 are inconsistent with the normal approach to denial of good time credits under 18 U.S.C. §3624. Singling out one form of misconduct for disciplinary sanctions concerning denial of good time credits—where all other decisions of this type are made by the Justice Department—would work against consistency in prison disciplinary policies, and would make it difficult or impossible to coordinate sanctions imposed for this type of misconduct with those imposed for other disciplinary violations by a prisoner.

We accordingly recommend that §6 of S. 866 be revised to provide that (1) a court may, and on motion of an adverse party shall, make a determination whether a circumstance specified in the section has occurred (i.e., a malicious or harassing claim or knowing falsehood), (2) the court’s determination that such a circumstance occurred shall be forwarded to the Attorney General, who shall determine whether the Attorney General shall have the authority to deny good time credits to the prisoner. We would be pleased to work with the sponsors to refine this proposal.

Section 7 of S. 866 strengthens the requirement of exhaustion of administrative remedies under CRIPA in prisoner suits. It is substantially the same as part of §103 of S. 3, which we support.

C. The STOP Provisions

As noted above, we support the basic objective of these STOP provisions. Particularly the principle that population caps must be only a “last resort” measure. Responses to unconstitutional prison conditions must be designed and implemented in the manner that is most consistent with public safety. Incarcerated criminals should not enjoy opportunities for early release, and the system’s general capacity to provide adequate detention and correctional space should not be impaired, where any feasible means exist for avoiding such a result. We also recommend that prisons be comfortable or pleasant; the normal distresses and hardships of incarceration are the just penalty for those who commit crimes. In addition, the constitutional provision enforced most frequently in prison cases is the Eighth Amendment’s prohibition of cruel and unusual punishment. Among the conditions that have been found to violate the Eighth Amendment are excessive violence, whether inflicted by guards or by inmates under the supervision of indifferent or sadistic prison officials, inadequate response to serious medical needs, and lack of sanitation that jeopardizes health. Prison crowding may also be a contributing element in unconstitutional conditions. For example, when the number of inmates at a prison becomes so large that sick inmates cannot be treated by a physician in a timely manner, the overcrowding contributes to breakdown in security and contribute to violence against inmates, the crowding can be addressed as a contributing cause of a constitutional violation. See Rhodes v. Chapman, 452 U.S. 337 (1981).

However, there is a typographic error in line 22 of page 8 of the bill. The words “and exhausted” in this line should be “are exhausted.”
In considering reforms, it is essential to remember that inmates do suffer unconstitutional conditions of confinement, and ultimately must retain access to meaningful remedies. Reform is necessary, for several reasons:

1. The deprivation of federal rights of individual plaintiffs, that such relief must be narrowly drawn and the least intrusive means of remedying the deprivation, and that substantial weight must be given to any adverse impact on public safety or criminal justice system operations in determining intrusiveness. They argue that limiting prison population is not allowed unless crowding is the primary cause of the deprivation of a federal right and no other relief is possible.

Proposed 18 U.S.C. 3626(b) in the STOP provisions provides that any prospective relief in a prison conditions action shall automatically terminate after two years (running from the time the federal right is violated). The application of this provision is filed under 18 U.S.C. 3626(b), and after 180 days in any other case.

Proposed 18 U.S.C. 3626(d) in the STOP provisions confers standing to oppose relief that reduces or limits prison population on any federal, state, of local official or unit of government whose jurisdiction or function includes or custody or control of a prisoner in a prison subject to such relief, or who otherwise may be affected by such relief.

Proposed 18 U.S.C. 3626(e) in the STOP provisions permits judicial decisions of motions to modify or terminate prospective relief in prison conditions suits, with automatic stays of such relief 30 days after a motion is filed under 18 U.S.C. 3626(b), and after 180 days in any other case.

Certain provisions of the STOP provisions provide that the new version of 18 U.S.C. 3626 shall apply to all relief regardless of whether it was originally granted or approved on, or after the enactment date.

The bills leave unresolved certain interpretive issues. While the revised section contains a provision that would bar relief for unconstitutional conditions of confinement in state courts, the intent of the proposal, however, is to be interpreted as preventing federal courts from awarding injunctive relief. The degree of specificity of the proposed revision of 18 U.S.C. 3626 affects prison conditions suits in both federal and state court, or just suits in federal court. In contrast to the current version of 18 U.S.C. 3626, the proposed revision—except for the new provision restricting the use of mandatory prospective relief in federal court proceedings. Hence, most parts of the revision appear to be intended to apply to both federal and state courts, and would probably be unenforceable by the courts. To avoid extensive litigation over an issue that goes to the basic scope of the proposal, this provision should not be construed in one way or the other by the text of the proposal.

The analysis of constitutional issues raised by this proposal must be mindful of certain principles. Congress possesses significant authority over the remedies available in the lower federal courts, subject to the limitations in III and 3626(b) to orders in pre-enforcement cases. However, if the decision does not provide relief, the remainder of the proposed statute, and the proposal’s objectives could be undermined if the extent of remedial authority depended on the form of relief (habeas corpus or a civil action). Since the relief available in habeas proceedings is broader in terms of the scope of relief that could be obtained. The STOP provisions of S. 400 and title III of H.R. 667Ðin proposed 18 U.S.C. 3626(a)—provide that prospective relief in prison conditions suits extend no further than necessary to remedy the deprivation of federal rights of individual plaintiffs, that such relief must be narrowly drawn and the least intrusive means of remedying the deprivation, and that substantial weight must be given to any adverse impact on public safety or criminal justice system operations in determining intrusiveness. They argue that limiting prison population is not allowed unless crowding is the primary cause of the deprivation of a federal right and no other relief is possible.

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Proposed 18 U.S.C. 3626(a)(1) in the STOP provisions provides that any prospective relief in a prison conditions action shall automatically terminate after two years (running from the time the federal right is violated). The application of this provision is filed under 18 U.S.C. 3626(b), and after 180 days in any other case.

Proposed 18 U.S.C. 3626(d) in the STOP provisions confers standing to oppose relief that reduces or limits prison population on any federal, state, of local official or unit of government whose jurisdiction or function includes or custody or control of a prisoner in a prison subject to such relief, or who otherwise may be affected by such relief.

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Chair.

of knowing if anyone is interested in waited for an hour and 10 minutes for question. So that will mean we have the quorum and the Chair will put the minutes—I will ask for the lifting of time to bring this to a halt.

Second, we are concerned about the provision that would automatically terminate any prospective relief after two years. In some cases the unconstitutional conditions on which relief is premised will not be corrected within this timeframe, resulting in a need for further prison conditions litigation. The Justice Department and other plaintiffs, would have to refile cases in order to achieve the objectives of the original order, and defendants the burden of responding to these new suits. Both for reasons of judicial economy, and for the effective protection of rights, we believe at the resolution of disputes without unnecessary litigation and periodic disruptions of ongoing remedial efforts. This point applies with particular force where the new litigation will revisit matters that have already been adjudicated and resolved in an earlier judgment.

Existing law, in 38 U.S.C. 3626(c), already requires that any order of consent decree seeking to remedy an Eighth Amendment violation be reopened at the behest of a defendant for recommended modification at a two year intervals. This provision could be strengthened to give eligible intervenors under the STOP proposal, including prosecutors, the same right to periodic reconsideration of prison conditions orders and consent decrees. This would be a more reasonable approach to guarding against the unnecessary continuation of orders than imposition of an unqualified, automatic time limit on all orders of this type.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of the conference report on H.R. 956, the Common Sense Product Liability Reform Act.

The legislation is modest in its reach, but it includes long-overdue changes, and it puts together commonsense reforms that command broad support in this Congress.

Nonetheless, President Clinton announced that he will veto the bill and if, indeed, he does veto this legislation he will do so with a strong interest—the trial lawyers—rather than the American people.

The President refused to buck the trial lawyers last year, also, and he vetoed securities litigation reform. His veto was overridden by a bipartisan vote. The senior Senator from Connecticut, Senator Dodd, brought strong support from the other side of the aisle, and we overrode the veto. It was not a radical bill. It was a balanced bill. The trial lawyers handed him the veto pen, and, political considerations at the forefront, he signed on the dotted line to veto securities reform.

Likewise, Product Liability Reform Act is not radical legislation, as Presidential campaign aides insist. It addresses some of the principal abuses—our efforts to pass an expansive bill failed—and it, too, has a broad base of support. Just look at the bipartisan leadership of this bill. But despite the consensus for the bill, President Clinton again will do the trial lawyers bidding, and he insists that he will veto yet another reform measure.

The argument that this legislation goes too far just does not hold up. The conference report was hammered out with the 60 votes for cloture in mind. It is, by definition, a consensus bill. So, let the facts be clear, this veto is not about consumer protection—the trial lawyers, that is not about changes to a legal racket that took them years to build—it is about political considerations in an election year.

So, despite all the White House rhetoric about wages and growth, the President will take a stand for growth, but it will not be for growth in jobs. No, it will be for continued growth in the frivolous lawsuits that swell court dockets and cost American jobs.

The American tort system is far and away the most expensive of any industrialized country. It cost $152 billion in 1994. This is equivalent to 2.2 percent of the gross domestic product. This has serious economic implications, and, in fact, it is estimated that the legal system keeps the growth of our gross domestic product approximately 10 percent below its potential.

We have heard a lot of discussion about economic growth, but I believe that a good legal reform bill is, in effect, a gross domestic product. The costs of these baseless lawsuits are profound—lost jobs, good products withdrawn from the market, medical research discontinued, and limited economic growth—all because our tort system is far too expensive.

We do not have the votes for general legal reform in this Chamber. I wish we did. However, we do have the votes for limited product liability reform, and we do have a bill that addresses the principal abuses.

President Clinton will be forced to choose sides on this bill. I hope he will reconsider his announcement and line up with the American workers rather than the trial lawyers. This bill will reduce the costs of frivolous lawsuits. It creates a very substantial impediment the cases that compel companies to settle rather than risk ruin in the hands of juries run amok—and it will boost capital investment in our factories. Consequently, this legislation will generate jobs—manufacturing jobs—and strengthen our industrial base. This is good economics, and Mr. President, it is good for the working people of this country.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, for the better part of an hour we have notified Members through the communication system that we are ready to go to third reading and finalize, first of all, the managers’ package—for the better part of an hour. And I think it has now reached a reasonable period of time to bring this to a halt.

So I want to say that at 5:05—15 minutes—I will ask for the lifting of the quorum and the Chair will put the question. So that will mean we have waited for an hour and 30 minutes for anyone to exercise their parliamentary right. I think that is a fairly good test of knowing if anyone is interested in doing so. Then we will move to the third reading following the adoption of the managers’ package.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, may I proceed for 5 minutes?

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

Mr. HOLLINGS. Mr. President, in response to my distinguished friend from North Carolina—and I know North Carolina very well—I would challenge the distinguished Senator to name the industry that refused to come to North Carolina, or to Tennessee, on account of product liability. Specifically, the State of North Carolina, as well as my State of South Carolina, has foreign industry galore. They talk about the international competition, and within that international competition we just located, with respect to investment Hoffman LaRoche from Switzerland, the finest medical-pharmaceutical facility that you could possibly imagine; with respect to the matter of photographic papers, Fuji has a beautiful plant there; and we have Hitachi, a coil roller bearings, and we have over 40 industries from Japan and 100 from Germany. The distinguished Presiding
Officer has 98 Japanese plants in Tennessee. In my 35 years dealing with industry and bringing industry into South Carolina, they have yet to mention product liability.

Now, let us get to the trial lawyers. Bless them. If there is a lazy crowd of bums, it is the corporate lawyers that sit downtown here and infest this particular democratic body with billable hours—billable hours. All they have to do is get up and see a Senator, and they send a bill. All they have to do is say something, and it is $200, $300, $400, or $500 an hour—the whole crowd up here in Washington. They have hardly ever tried a case in court.

Let us go right to the particular product liability cases. The American trial bar association—the American Bar Association—is opposed to this measure. The Senator from North Carolina should know that. The Association of State Legislators have opposed it. The American Bar Association of State Supreme Court Judges have opposed it. The attorneys general have come here and law professors from all around the country have come here to oppose it. The reason they have come is that they feel this is not a real measure you could possibly imagine.

Talk about balancing how they got together, why not apply this bill to the manufacturing? It is all applied to the injured parties who have difficulty getting a lawyer in the first instance. You have to have a chance to get in court, not just your day in court. But to get to court, you have to be willing to take on the expenses—not billable hours, but the risk of winning or losing. Under the contingency arrangement unless 12 jurors find in their behalf and the courts of appeal affirm that particular finding, you don’t get paid. So it is not willy-nilly.

They mention a coffee case—they have had pictures of the coffee case in New Mexico where the lady dropped the hot coffee. She got third-degree burns. She went to the hospital for an extended period of time. But the trial judge cut back on that particular award. They never mentioned that. We have a good judiciary there in the State of New Mexico.

So we can go into these cases. But to come here, as I heard one particular statement just earlier this afternoon, that the President of the United States was a proponent of this because he was bankrolled by the trial lawyers—I wish every one would look up and see the Senator who made that statement. He is an expert in banking.

That is all I can say.

I yield the floor.

Mr. DOMENICI. Mr. President, I want to say to my friend, Senator Hollings, that he mentioned New Mexico and the McDonald case. I do not know how he mentioned it, but he mentioned it, and about 10 days after that event—and the paper was full of the stories—I pulled into a McDonald’s in downtown Albuquerque on my way to Santa Fe in the car. And we pulled up to the drive-in window to get coffee, and in the process talking to the nice lady working for McDonald’s, we asked for the coffee. She had it ready, just as we started to leave, I was sitting in the front seat with one of my staff men right here. Every well always, she was smiling heavily—almost laughing. I said, “What is the matter, ma’am?” We had been talking about the case before. She said, “Well, last night a truck came by here and the man in the driver’s seat right here clowned to me and said, ‘Don’t bother with the cup. I just pour it in my lap.’” [Laughter.]

Mr. CHAFEE. Mr. President, I ask that I might proceed for 3 minutes as if in morning business.

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

Mr. CHAFEE. Mr. President, I want to take a moment of the Senate to discuss further the matter that the distinguished Senator from North Carolina has brought up, the product liability reform conference report.

I want to take a moment to discuss an important matter that today or tomorrow will come before the Senate: namely, the product liability reform conference report. I say that I was sorely disappointed to read over the weekend that the President has issued a veto threat for this carefully balanced, carefully drafted, well-thought out measure. And it is hard to believe the President’s advisors could come up with a credible basis for objecting to this commonsense bill. I strongly urge the President to reconsider.

SENATE HISTORY RE PRODUCT LIABILITY REFORM

This issue is not a new one, and this legislation was not drafted in a hasty or casual manner. Indeed, it is the culmination of more than a decade’s worth of hard work. Let me outline the enormous time and energy that has been expended on behalf of this bill by its Senate sponsors:

I would like to just briefly outline what is going into this bill. No one can suggest that this is a will-o’-the-wisp piece of legislation that just suddenly came out of nowhere. In 1981, legislation was introduced similar to the bill that was finally approved and comes from the conference today or this week. It was introduced in 1981.

In the 97th Congress (1981-82), S. 2631 was introduced by Senator Kasten and others. It was reported by the Commerce Committee but never taken up by the Senate. In the 98th Congress (1983-84), Senators Kasten, Percy, and Gorton again introduced product liability legislation (S. 44), and again it was reported by Commerce. And again it saw no further action.

In the 99th Congress (1985-86), Senator Kasten introduced a revised version of his proposal and added a proposal (S. 100). This bill was defeated on a tie vote in Committee. However, a host of freestanding amendments were considered during hearings. Eventually an original Committee bill (S. 2760) was sent to the floor, where the Senate voted overwhelmingly to consider it. Yet notwithstanding the strong votes, the bill was returned to the calendar and the Senate recessed for the year.

In the 100th Congress (1987-88), Senators Kasten, Pressler, Rockefeller, and Danforth, soldiering on, introduced two more revised bills (S. 666, S. 711), neither of which was taken up by the Committee or the Senate. In the 101st Congress (1989-90), ever hopeful, Senators Kasten, Gorton, Pressler, and Rockefeller introduced their bill. S. 1400 won Committee approval, but was blocked from Senate consideration.

In the 102d Congress (1991-92), Senators Kasten and Rockefeller led a bipartisan group in introducing S. 640. The bill was favorably reported, but was stalled for 7 months by liability reform opponents. To force floor action, S. 640 was offered as an amendment to the then-pending motor-voter bill. But cloture failed, and subsequently the amendment was sent to Judiciary for further hearings. However, proponents were able to win a commitment from the Democratic leader to bring the bill up later. That fall, the Senate witnessed an extraordinary effort by bill opponents to stymie the bill by forcing the Senate to hold three back-to-back cloture votes, each of which fell at least short of the needed 60. The end result? That bill also died.

How about the 103d Congress? Anything better? Not much. S. 687 was introduced in March 1993 with Senators Rockefeller and Gorton again bravely leading the charge. After a hearing and the strongest committee vote yet, 16 to 4, the bill went to the floor, but again the opponents stopped its momentum with two cloture votes, and that killed the bill for the rest of the 103d Congress.

Now we come to the 104th Congress, some 15 years after the first Kasten bill was presented. Prospects seemed pretty good. Supporters had gained new adherents on both sides of the aisle. Product liability and tort reform had caught the public’s attention and support. The legislation in itself had plenty of time to ripen. After all, there had been countless hearings and enormous opportunity for public comment. But their credit continued to take all legitimate concerns into account and came up with reasonable responses to those questions raised.

Will this be the year of product liability reform? Well, let us see. S. 565 was introduced in March 1995, a year ago, by Senators Gorton, Rockefeller, Pressler, Lieberman, and others, and a large bipartisan coalition. The bill was reported in April. The Senate took up the bill late April and began voting on amendments. A total of four cloture votes were held on or in relation to the bill, with the fourth vote in this grueling
procession being ultimately successful. On May 10, with bipartisan support, the bill as amended passed the Senate, 61–37. Now the conference report is finally before us. But now we learn that all this work is for naught—for notwithstanding all our efforts we have seen. I venture to guess that product liability has been subject to more cloture votes than any other bill: two in 1996, three in 1992, two in 1993, and four in 1995. Yet, it seemed we were close to beating that gridlock with this new Congress. The drafting of the bill was bipartisan from Day One. The White House was well aware of what was going on, watching closely as the Senate took up the bill and began adding amendments. Indeed, I understand from the key Republican and Democratic sponsors of the bill that it was the administration that, during the Senate debate in May, quite helpfully suggested the addition of the so-called additur provision to the final version of the Senate bill—the provision that helped the bill win final approval by that 61 to 37 margin.

What, then, happened to change the White House attitude? Did the bill change drastically in conference? The answer is no, hardly at all. It was clear to all that the House broader tort reform bill would not win administration approval. Therefore, to their credit, the conferees were careful to stick closely to the Senate version. The bill that we will vote on is virtually identical to the Senate-passed bill that won such strong approval.

What, then, caused the President to issue the veto threat? I cannot believe he is personally opposed to a federal liability law, for as Governor he sat on the National Governors’ Association Committee that drafted the NGA’s first resolution favoring Federal liability reform.

Here in my hand I have the letter to Senator DOLE stating the veto threat. The reasons for the veto are couched very carefully but do not stand up to close scrutiny. First, we are told the bill would allow a “dangerous intrusion into state authority”—yet in this case, the need for a uniform product liability law—not 50 separate laws—is so warranted that the NGA enthusiastically supports this measure. Second, we are told the bill would “encourage wrongful conduct” because it abolishes joint liability. But that deduction stretches credibility; moreover, joint and several liability remains for economic damages. Third, the letter accuses the bill of “ grievously misusing the concept of res judicata in the egregious misconduct of knowingly manufacturing and selling defective products—a charge that makes no sense—and then goes on to say that the additur provision the White House itself asked for does not take care of this alleged problem.

None of these three statements accurately represents what this balanced, bipartisan conference report would do. None of them genuinely or fairly portrays the compromises made. None of them fairly represents the overall product liability reform that will go a long way toward ensuring that freely made, products are liable only if they do not meet a reasonable standard of acceptability. Let me quickly outline its key provisions.

Under this bill, those who sell, not make, products are liable only if they did not exercise reasonable care; if they offered their own warranty and it was not met; or if the defendant was negligent in intentional wrongdoing. In other words, they cannot be caught up in a liability suit if they did not do anything wrong. That concept should sound familiar to most Americans.

Also under this bill, if the injured person was under the influence of drugs or alcohol, and that condition was more than 50 percent responsible for the event that led to their injury, the defendant cannot be held liable. Likewise, if the plaintiff misused or altered the product—in violation of instructions or warnings to the contrary, or in violation of just plain common sense—damages must be reduced accordingly. Of all the provisions in the bill, it seems to me these are the ones that are the most obvious. Why on earth should we blame the manufacturer for behavior that everyone knows would place the product user at risk? Is that fair? No. Does that not contradict our notion of the individual’s personal responsibility? Yes. This provision goes a long way toward ensuring that freely undertaken behavioral choices are taken into account in liability actions.

Regarding time limits, the bill allows injured persons to file an action up to 2 years after the date they discovered, or should have discovered, the harm and its cause. For durable goods, actions may be filed up to 15 years after the initial delivery of the product. These provisions do not provide some certainty with regard to liability exposure while at the same time protecting consumers who have been harmed.

Either party may offer to proceed to voluntary nonbinding alternative dispute resolution. Simple, but again, it makes sense.

Now the most controversial element of the bill: punitive damages. Let me remind my colleagues that these damages are separate and apart from compensatory damages. Compensatory damages are meant to make the injured party whole, by compensating him or her for economic and non-economic losses; punitives are meant to deter and punish. Under the bill, punitives may be awarded if a “conscious and convincing evidence” standard proving “conscientious, flagrant indifference to the right of safety of others” is met. A defendant need only be shown to have exceeded more than three times the amount awarded for compensatory loss, or $250,000—whatever is greater—for small business, whichever is less. At the suggestion of the White House, a further provision was included. If the court finds the award to be insufficient, it may order additional damages.

Again, this compromise seems to make sense. It sets a framework for punitive damage awards in which the level of punitives is tied to the harm actually suffered by the plaintiff, with the ability to go beyond the cap in truly egregious cases. This compromise cap helps resolve the problem of arbitrary and inconsistent awards, while at the same time ensuring that punitive awards will not be meaningless in proportion to the injury suffered. The Washington Post calls this approach an important first step that creates some order and boundaries.

Each of the provisions I have outlined make eminent sense. Each helps provide certainty in an area where there now, notoriously, is none. That is why Senator ROCKEFELLER says the conference report “delivers fair and reasonable legal reform” that “would make American industry and American workers more competitive.” He is absolutely right.

I pay my compliments to Senators ROCKEFELLER, GORE, PRESSLER, and LIEBERMAN. They have worked tirelessly for years and years to enact meaningful and fair product liability reform. They have done this Nation a great service. And their work should not be for naught.

Thus, I urge the President to reconsider his position, and join the bipartisan coalition supporting this critically important legislation. I urge him to disregard the powerful political consequences aligned against the bill. I urge him to sign this bill into law.

Mr. President, I hope that this laborious marathon that we have been engaged in to see product liability reform passed here will finally succeed.

I thank the Chair.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. HATFIELD. I thank the Senator from Rhode Island for yielding the floor at this time.

Mr. President, we are about ready to wind this up. I yield the floor.

Mr. MCCAIN addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3554 TO AMENDMENT NO. 3553

Mr. MCCAIN. Mr. President, I have an amendment in the form of a second-degree amendment at the desk. I call it up at this time.
The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3544.

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

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

The amendment is as follows:

On page 13, line 5 of Amdt. No. 3553, strike "shall" and insert "may."

Mr. MCCAIN. Mr. President, this is not earmarked, and I oppose it. I urge action on the amendment.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 3554.

The amendment (No. 3554) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3553

The PRESIDING OFFICER. The question now occurs on the underlying managers' amendment.

The amendment (No. 3553) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the managers' package was adopted.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3553

Mr. WARNER. Mr. President, last week I offered an amendment to prohibit funding under the District of Columbia provisions of H.R. 3019 which would directly or indirectly serve to implement or enforce the lifting of taxicab reciprocity agreements—which have served well for 50 years—in the Washington, DC, Metropolitan area.

I am pleased to report that that legislative action, at this time, is no longer necessary, and that my Amendment No. 3553 therefore has been withdrawn.

As a result of direct negotiations which have been taking place between myself and officials of the District government, I today received an assurance that hopefully will be in the best interests of northern Virginia consumers and businesses. The longstanding taxi cab reciprocity agreements between the District, Virginia, and Maryland have been preserved for a period of 90 days, during which time there will be an opportunity for continued negotiations.

It had been my grave concern, and that of my constituents, that the February 6 decision of the D.C. Taxicab Commission to unilaterally terminate reciprocity agreements of nearly 50 years standing would have been highly disruptive to local commerce and transportation services in Metropolitan Washington. We must approach all forms of transportation among Virginia, the District, and Maryland as regional. Metrorail is a prime example.

Working with my northern Virginia colleague, Congressman TOM DAVIS, and our valued constituents, Charles King of Arlington Red Top Cab, Robert Werth of Alexandria Yellow Cab, and Bob Woods of Alexandria Diamond Cab, we have secured from the District government a firm commitment that the status-quo in taxicab reciprocity will be preserved for 90 days.

Furthermore, during this time period, the District has pledged to work with its partners in the Metropolitan Washington Council of Governments (COG) to pursue an equitable and fair new reciprocity agreement to replace the one of 50 years.

Assuming this can be done, this is a far more preferable and reasonable process that either unilateral action by one party—the District, or by Congressional action at this time.

The possibility of taxicab reciprocity termination has been a serious issue for my constituents in northern Virginia. Taxicab services in Arlington and Alexandria estimate that at least 10 percent of their business is conducted under the nearly 50-year-old taxicab reciprocity agreement.

On the other side of the issue, I understand that District taxi services have complaints that suburban companies may be profiting at their own disadvantage with the letter of the reciprocity agreement. Those issues also need to be addressed.

We should not, “however, throw the baby out with the bath water.”

In closing, I would just like to add a few words about the countless visitors we have each year coming to the Metropolitan Washington region. They expect and deserve public transportation services of the highest quality and safety.

Furthermore, I believe the District is taking the correct steps in modernizing their fare systems with meters, as in other major American cities. As a part of modernization, however, it is essential that reciprocal taxicab agreements be maintained.

I welcome the news that the District government will preserve the current taxicab reciprocity agreement for 3 months while this matter is considered among the members of the Metropolitan Washington Council of Governments.

I thank all of my colleagues for their kind cooperation in this matter.

AMENDMENT NO. 3494

Mr. MCCAIN. Mr. President, I rise to express my concern with Amendment No. 3494 which was accepted on March 14 after it was offered by my friend from Idaho, Senator CRAIG. Amendment No. 3494 earmarks, from Legal Services Corporation funds, a payment of $250,000 to an Idaho family, Leeland Swenson, to maintain a substantial cattle and crop operation.

I do not seek to debate or examine the facts of the Indian child welfare case that gave rise to this amendment. That case took 6 years to resolve. My point is that the earmark in this amendment appears to be without sound basis in fact. The earmark is actually a private relief bill in

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the nature of an appropriations amendment, but it has escaped even the mini-
mal scrutiny the Senate gives to pri-
vate relief bills. There are more than 45
private relief bills pending before the
Senate today. No private relief bills
have been passed in the 104th Congress.
So I want to ask Senator Craig, Mr.
President, why this matter has been
leapfrogged in front of all the others?
And with neither a committee re-
ferral nor review to ensure against
undue enrichment, Mr. President, I do
not think this earmark for lawyers fees
can or should survive careful scrutiny.
I understand from discussions with Senator Craig
that in his view the language of the
amendment does not provide for an
automatic payment of $250,000 but in-
stead would pay up to $250,000 of actual
legal fees and expenses related to this
case.
If our colleagues on the conference
defend this bill pertaining to the House
and Senate agreement, then, Mr. Presi-
dent, at the very least I would hope
that they clarify the bill language
so that it only pays "up to" $250,000 for
actual legal fees and expenses. Even
then I am unclear who will decide what is
appropriate and thus I am concerned
that a copy of an article from the
Idaho Press-Tribune dated February 23,
1996 as well as a copy of an Associated
Press article dated March 15, 1996 be
printed in the RECORD.

With no objection, the mate-
rial was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Mar. 15, 1996]

WAUSAU.—A six-year-old child, who was
never to be adopted, is finally going home.

The Oglala Sioux Tribe of South Dakota.

The tribe was eligible for our services. We
were doing what we thought we were supposed to be doing.

But her adoption went smoothly and has
become a short attention span and hyperactiv-
ity. The children are at or above average intelligence levels,
but they sometimes suffer from poor mem-
ory, a short attention span and hyperactiv-
ity. The children are diagnosed with Attention Deficit Disorder
two years ago.

Adoption advocates complain that tribes
are now using the law to seize children with
Indian ancestry or connections to a reserva-
tion.

The Swensons are parents to Casey and 15-
year-old Anna Lee, whom they also adopt-
ed. The court required one final hearing
to take place. Casey's birth mother
had to appear today before a judge and voice
her wishes to allow the Swensons to adopt
Casey. The Oglala Sioux Tribe did not appeal the
Supreme Court ruling. The deadline passed in late * * *

The last of countless court hearings was
held at 11 a.m., finalizing Leland and Karla
Swenson's adoption of Casey.

The biological son of an Oglala Sioux
Indian father and white mother, Casey has
lived with adoptive parents Leland and Karla
Swenson since the day after he was born.

The Oglala Sioux tribe fought for six years
to move Casey to the Pine Ridge, S.D., res-
ervation where they live.

But the Idaho Supreme Court ruled in Sep-
tember that Casey's birth parents should have
his adoptive parents. The court required one final
hearing to take place. Casey's birth mother
had to appear today before a judge and voice
her wishes to allow the Swensons to adopt
Casey. The Oglala Sioux Tribe did not appeal the
Supreme Court ruling. The deadline passed in late * * *

"The worth of Casey's life is infinite to
us," Leland said. "We'd do it again in a second. I wouldn't even hesitate.

The Swensons were there for Casey and 15-
month-old Anna Lee, whom they also adopt-
ed.

It was from Casey that the Swensons said
they mustered the courage to adopt again.

"We had prayed about it a lot," Karla said.
"We believed Casey would stay with us no
matter what.

"He's always talked about a little sister," Leland said. "We decided he shouldn't suffer
because of the circumstances. Now he talks
about a little brother, and it scares me to
death."

Before Anna Lee's adoption when the Swensons were still searching for a daughter
to adopt, they were notified that a little girl
had been found for them.

"It was very, very scary with Anna Lee," Karla said.
But her adoption went smoothly and has
been finalized.

Adoption rules generally only allow a fami-
ly to adopt two children. But occasionally
some families have more than two children.

The Swensons said they'd adopt again if
given the chance.

Third, with Casey's ordeal behind them, the
Swensons plan to continue to tell their story
and work for reform of the Indian Child Wel-
fare Act at the national level.

"We want use our adoption laws to protect the child and not the birth parents," Karla said.
amendment, the bill still leaves critical programs underfunded and unable to meet current needs. Superfund cleanup grants, Safe Drinking Water revolving fund, EPA enforcement budget, Clean Water revolving fund, national and community programs—will all receive less than they need, and most will receive less in real terms in fiscal year 1996 than in 1995, even though needs are greater.

For education, again, even though funds were restored to the bill by the Specter-Harkin amendment, the bill still underfunds critical elementary and secondary education programs, including Title I for disadvantaged children, Goals 2000, School-to-Work, Safe and Drug-Free Schools, and Summer Jobs for Youth.

The bill proposes to dismantle one of the most effective crimefighting programs Congress has ever passed—the Community Policing Services (COPS) Program established in the 1994 Violent Crime Control Act. This program was intended to give local police forces 100,000 more cops on the beat. Thirty-three thousand has already been dispersed in local communities across the nation, with the crime rate in many cities rising. H.R. 3019 would replace COPS with a block grant program that force police officers on the beat to compete with other law enforcement programs for limited funds.

In general, Mr. President, I have been deeply concerned about the way this Congress has handled the fiscal year 1996 appropriations process. We have seen too many riders, too many cuts poorly thought out, and too much revisionism. But whether or not the five bills have been done last September. This hasn’t been the case with every bill to be sure. But the remaining five bills have been the unfortunate victims of too much politicizing. I sincerely hope we can come together in conference, smooth out the remaining rough edges, and finish the people’s business.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the omnibus appropriations bill. I particularly want to thank Senators HATFIELD and Gorton for their leadership and assistance in meeting the critical needs of Idaho as a result of the floods. I have always voted on the Senate floor to provide disaster aid to other regions of the country in times of need. Now it’s my turn to support the Northwest victims with the same compassion. This is not a partisan issue, quite the contrary. This is an American issue of restoring hope to families who, in some cases, have lost everything they own.

I was in my home State of Idaho during this disaster and I saw first hand its devastation. I witnessed flood-damaged homes and churches which had to be destroyed before they were swept downstream and knocked off bridges. I watched entire communities leaving their heart and soul taken from them. I know other communities in the Northwest suffered through the same anguish that Idaho towns did.

In fact, for some communities the pain and suffering continues. The town of St. Maries, home to 2,500, still has portions of the city under more than 2 feet of water. The Federal Emergency Management Agency estimates that the Idaho clean up costs will exceed $13 million but completion cannot be done until the water recedes. These folks need help, and they need it now. That is why we must pass this appropriation bill as quickly as possible. I want to thank Senator Hatfield for including my language in this bill that will provide funding to rebuild damaged levees in towns like St. Maries.

We must repair and strengthen these levees now so we can avoid similar flood events when the spring run-off occurs.

Mr. President, I rise today to announce my support for the Senate version of H.R. 3019. I do not do this lightly, nor do I make it with great comfort. Rather, I support this bill grudgingly, because it is in the interest of my constituents that Congress act to complete the fiscal year 1996 budget process. I am voting in favor of H.R. 3019 for three reasons. First, this bill contains critical Federal relief for flood victims throughout the Northwest; the Government has made promises to help people recover from the damage, and this bill delivers on that promise. Second, the Senate took the high road on funding for several critical programs emphasizing education and the Environmental Protection Agency; I’m pleased we were able to add back $2.7 billion in funding for the Fiscal Year 1996 federal budget. Third, and finally, this Congress has an obligation to complete the people’s business. We are now 6 months into fiscal year 1996, and five appropriations bills remain unsigned. By passing this bill today, we are finally able to move the process forward and see a light at the end of the tunnel on this year’s budget.

I want to be very clear about the merits of this bill: while it was improved in some respects during the floor debate, it still has many serious problems. The salvage timber provisions are inadequate. The restrictive language on reproductive freedom is a serious problem for women everywhere. The Title IV levels in general do not even meet fiscal year 1995 levels for critical programs in education and other important children’s services. There are riders on fisheries management, tribal appropriations, and endangered species protection that need serious revisions. And, the Columbia Basin ecosystem assessment language, while favorably revised since the original Interior appropriations bill, still must be strengthened.

In the conference, there are still a lot of problems with this bill, and I will continue to attempt to address them as we move in a conference committee. And I want to make one thing very clear right now: I cannot support a conference report that moves significantly toward the House bill. That version of H.R. 3019 is laden with riders that I believe are not remotely in the public interest. In addition, the funding levels on education and other programs are simply unacceptable. If the conference committee substantially reflect the Senate numbers on education, it will be very difficult for me to support it.
that investment has been compromised by the floods we should be informed of it at the earliest opportunity.

While streams remain swollen and snowpack continues on the ground, we may not have had sufficient opportu-
nity to assess the true impact of the environmental damage of the flood. The several Federal agencies charged with assessing the damage need our support. That’s why I have asked to have included in this emergency supplemental appropriations bill the inclusion of $1,600,000 for the Fish and Wildlife Service to implement fish and wildlife restoration activities and provide technical assistance to FEMA, NCRS, the Corps of Engineers and the States.

I want to thank Senators HATFIELD and GORTON for agreeing with me that wise stewardship of the land is our responsibility. Although the majority of the funds available under this bill are for human needs as a result of the flood the environmental needs are not being ignored.

SAFE DRINKING WATER ACT—REVOLVING LOAN FUND

This budget bill contains the second critical element of our effort to reauthorize and improve the Safe Drinking Water Act.

Last November, the Senate unanimously passed legislation to overhaul the Federal Safe Drinking Water Act. That legislation included authorization, for the first time, of a State revolving loan fund for drinking water infrastructure. Today, by voting to support this budget, we will effectively set aside up to $900 million in 1996 to make that State revolving loan fund a reality. If the Safe Drinking Water Act is reauthorized before June 1 of this year, these funds will be available to States and local drinking water systems to construct or upgrade their treatment and water distribution systems.

States and local governments have a significant responsibility under the Safe Drinking Water Act to provide safe and affordable drinking water every day. This revolving loan fund will help communities, particularly small and rural communities, across the country meet this responsibility.

HORNOCKER INSTITUTE

Among other things, this omnibus budget bill includes approximately $500 million for the Fish and Wildlife Service for fiscal year 1996. Of this amount, almost $35 million has been appropriated for recovery activities under the Endangered Species Act. In conducting these very important activities, legislation included authorization for two ongoing research projects on gray wolves that are being conducted by the Hornocker Wildlife Research Institute at the University of Idaho.

As part of its recovery effort for the endangered gray wolf, the Fish and Wildlife Service has been artificially introducing gray wolves into Yellowstone National Park in Montana, Wyo-

ming, and portions of central Idaho. Early studies, however, have shown that introducing the gray wolves is having an impact on the existing mountain lion population. The studies indicate that the wolf and the moun-
tain lion are direct competitors, with the wolf emerging as the dominant predator, jeopardizing the mountain lion young and forcing the mountain lion into areas occupied by humans. This is obviously an issue of significant concern for the citizens of Idaho, Montana and Wyoming, and wildlife and livelihoods may be threatened by displaced mountain lions.

The Hornocker Institute has been doing research on the interaction between the gray wolf and the mountain lion for the past several years and has been cited as the world authority on mountain lions. The Institute’s early research on mountain lions played a critical role in shaping the policy on how mountain lions should be managed in that State. To continue its important research that will guide future policy on the management of the gray wolf and mountain lion populations, the Hornocker Institute needs $300,000 annually over the next 5 years. The Senate Appropriations Committee recognized the value of the institute’s efforts and urged the Fish and Wildlife Service to support the institute’s research.

I am disappointed that the bill does not earmark funds specifically for this important research, but it is my strong hope that the Fish and Wildlife Service will be guided by the Appropriations Committee’s recommendations and provide much-needed funds for the Hornocker Institute to continue its research efforts.

TIMBER SALVAGE

I also joined my colleagues in support of wise, balanced management of our national forests. The issue at stake—managing for healthy, productive forests—amendment would have eliminated the one tool that is working: the one tool that is helping Idaho’s economy and Idaho’s environment recover from devastating fires which burned nearly 89,000 acres—919 square miles—of forest land in Idaho 2 years ago. That’s a charred area that would cover three-fourths of the entire State of Rhode Island.

This amendment would leave that dead and dying timber to rot, adding fuel to future devastating fires and denying Idaho’s struggling rural communities from accessing those resources.

Have we come to a point where it is no longer politically correct to harvest a tree? Gifford Pinchot, the father of the Forest Service and advisor to the creator of our National Park and Forest System, Teddy Roosevelt, was ada-
mant that our Federal forests not be “preserves”, but “reserves” managed for the best good of the public. He spe-
cifically opposed timber harvest as a central part of forest management.

A century of fire suppression activities has left our Nation’s forests primed for massive, catastrophic fires. It is not a question of if, but when, our forests will burn again. And unsalvaged, unthinned burned areas are one of the tinderboxes we can point to. We have so many tall, dry, matching trees in place that we are waiting for another lightning strike. Without restoration, those trees will burn again, and without replanted cover, these watersheds are vulnerable to massive soil erosion.

This amendment would have been a huge setback in this Congress’ attempt, and the need to correct Federal timber policy. At some point we have to decide if we are going to let the folks we hired to manage our forests do their job. I supported the salvage provi-

sion last year because it did exactly that—it brought management decisions back to the local level, and gave local managers the flexibility to meet federal and state needs within the timeframe dictated by emergency salvage conditions.

ENDANGERED SPECIES ACT

As chairman of the Drinking Water, Fisheries and Wildlife subcommittee I have held a number of hearings as well as hearings here in the Nation’s Capital to look at the current Endan-
gered Species Act and to identify ways to improve the act.

It is clear, from the testimony we gathered, that the Endangered Species Act has not accomplished what Congress intended when it was written more than 20 years ago. And, it’s clear that it is possible to achieve better results for species by improving the ESA.

The Endangered Species Act needs to be carefully reviewed, debated, and rewritten so that it accomplishes its fundamental purpose—to conserve species. We can’t wait any longer.

The original reasons for the moratorium remain valid. Until the Endan-
gered Species Act is reformed to ac-

complish what it was intended to do, there is no reason to add more species to it.

Last month, the President was in Idaho addressing the needs of flood vic-
tims in the northern part of my State. And during the course of his visit we had a good discussion about the need to reform the Endangered Species Act. Working off of the cooperation between Federal, State and local governments who were working together to help flood victims, the President acknowledged that we need to establish the same sort of partnership to reform the Endangered Species Act.

I want to take this opportunity to complement Senator REID, the ranking member of our Subcommittee on Fish-

eries and Wildlife, who has not only acknowledged the need to reform the Endangered Species Act, but has committed the time to make that reform happen. Working together, we may find a solution to the problems of the act by restoring the balance of the law. But others will participate in true bipartisan discussions if they are serious about reform; they need to come to the table.
I want to move forward this year with the kind of a bipartisan bill that will incorporate the very real changes that everyone agrees are needed. Until then it only seems appropriate that the time-out represented by the moratorium is not going to rush through various listing packages or critical habitat designations during that time. Instead, he honored the intent of the moratorium. Why honor the intent of the moratorium when it did not apply, and now seek to overturn it during an emergency bill?

There is an emergency in America concerning the Endangered Species Act. And from the view of my State, that need must be addressed by reform, not just adding more species to the list. The emergency is with regards to a particular species as a result of this moratorium, let's address that, but let's not simply bring more species under the umbrella of this Act, which is not recovering species in the first place.

It is evident to me that if we are to move forward to a safer, cleaner, healthier future, we have to change the way Washington regulates laws like the Endangered Species Act. States and communities must be allowed even encouraged, to take a greater role in environmental regulations and oversight. After all, who knows better about what each community needs, a local leader or someone hundreds of miles away in Washington, DC?

There are national environmental standards that must be set in the Endangered Species Act, and the Federal Government must make that determination, but Federal resources must be targeted and allocated more effectively, and that's why we must have a greater involvement by State and local officials.

The improvements we need in Washington go beyond State and local involvement. We need to plan for the future of our children, not just for today. Science and technology are constantly changing and improving. In the case of the Endangered Species Act, the Federal Government hasn't kept up with these improvements, and old regulations have become outdated and don't do the best job they can. That is why I want to reform the Endangered Species Act.

In the meantime, Mr. President, I think the moratorium on listings is the best tool we have to ensure that we continue to work toward meaningful reform of the Endangered Species Act.

Mr. CHAFFEE. Mr. President, I would like to call your attention to one of the environmental provisions in the Hatfield Substitute to H.R. 3019, the Omnibus Appropriations and Rescissions Bill. I applaud the good work of Chairman Hatfield and Ranking Member Byrd and the other members of the Appropriations Committee in negotiating this comprehensive measure.

I am deeply troubled, however, by the committee's decision to maintain the Section 404(c) Program under the environmental protection agency, EPA. From using any of its fiscal year 1996 funds to implement Section 404(c) of the Clean Water Act.

Since its enactment in 1972, Section 404 of the Clean Water Act has played a key role in the progress we have made toward achieving the act's purpose, which is "to maintain the chemical, physical, and biological integrity of the nation's waters." Section 404(c) authorizes the EPA to prohibit the disposal of dredged or fill material into the nation's waters, including wetlands, if doing so would harm especially significant resources.

The proponents of this rider assert that it would eliminate the confusion caused by the "duplicitous roles" of EPA and the Army Corps of Engineers in administering the Federal Wetlands Program. The problem with this logic is that, every year, the Corps of Engineers itself sponsors water resource projects that involve the disposal of hundreds of millions of cubic yards of dredge and fill material. Without EPA oversight, the corps would have no check on the environmental impact of these activities. In other words if the rider barring EPA oversight is enacted into law, who oversees what the corps does?

Moreover, the Corps of Engineers supports EPA's role in the veto of its wetlands permit decisions. I would like to quote a statement made in a letter written March 13, 1996, by Secretary of the Army Togo West and EPA Administrator Carol Browner. The letter states: "We want to emphasize unequivocally that Section 404(c) provides the key to achieving closer coordination between our agencies in the implementation of the Section 404 program and contributes significantly to our effective protection of the nation's human health and environment." I could not have said it better myself. Mr. President, I ask unanimous consent that this letter written by Administrator Browner and Secretary West be printed in the Record following this statement.

THE PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CHAFFEE. Mr. President, EPA has used its 404(c) authority only 12 times in the history of the Clean Water Act. It is hardly a waste of government resources. Moreover, its approval actions, although infrequent, have protected almost 7,300 acres of wetlands, including some of the nation's most valuable wetlands in the Florida Everglades and near the lower Platte River.

Aside from the fact that this rider is unsound policy, the appropriations process simply is not the proper context to raise complex legislative issues such as EPA's role in the Federal Wetlands Program. Rather the appropriate forum for such issues is the ongoing Clean Water reauthorization process. The Committee on Environment and Public Works has held four hearings on section 404, and two additional hearings on Clean Water Act reauthorization. In fact, the committee conducted a hearing on wetlands mitigation banking just last week. I have been working closely with Senator Faircloth, who is chairman of the relevant subcommittee, and other members of the committee, to achieve meaningful reform of the Federal Wetland Program.

Although I do not intend to offer an amendment, I strongly urge the committee members to drop this controversial provision from the appropriations bill. The removal of this provision would increase the likelihood that Congress will bring closure to the precarious budgetary situation for fiscal year 1996.

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY.

March 13, 1996.

Mr. Robert G. Szabo,
The National Wetlands Coalition,
Washington, D.C.

Dear Mr. Szabo: We read with concern your January 22, 1996, letter to President Clinton regarding his veto of the Environmental Protection Agency's (EPA) appropriations bill, in part, because the bill would have eliminated EPA's authority under Clean Water Section 404(c). As the President's veto message stated, this provision "would preclude EPA "from exercising its authority under the Clean Water Act to prevent wetlands losses." As the national program managers of the agencies charged with the administration of Clean Water Act Section 404, we appreciate the opportunity to respond to your letter on behalf of the Clinton Administration.

We want to emphasize unequivocally that Section 404(c) provides an essential link between our agencies in the implementation of the Section 404 program and contributes significantly to our capacity to ensure effective protection for the nation's human health and environment. The decision of Congress in 1972 to establish joint administration of Section 404 explicitly recognized the advantages of integrating the Corps of Engineers' historical role in protecting the navigational integrity of the nation's waters with EPA's responsibilities for ensuring the broader environmental goals of the Clean Water Act. The value and logic in this decision remains valid today and we, therefore, cannot agree with the conclusion in your letter that EPA's authority under Section 404(c) is redundant. We strongly agree that implementation of Section 404(c), like the Section 404 program itself, requires a balance to ensure protection of the nation's waterways without encroaching on the property rights of private landowners. The President's Wetlands Plan, developed in 1993, reflects this commitment to make the Section 404 program more fair and flexible. Many of the constructive improvements identified in the President's Wetlands Plan have been implemented, and tangible benefits of these activities realized. Moreover, information collected as part of a recent Corps of Engineers survey of their field offices demonstrates that EPA's Section 404(c) authority is maintained in a threatening way, but constructively and with considerable discretion.

Repeal of

Mr. Robert G. Szabo,
The National Wetlands Coalition,
Washington, D.C.
EPA’s Section 404(c) authority is unnecessary to make the Section 404 program more fair and flexible but would invariably erode its ability to protect human health and the environment and support tourism.

The organizations which, with you, signed the letter to the President represent an important cross section of the nation, and we appreciate your interest in this issue. Our challenge is to identify improvements to the Section 404 program that address legitimate concerns without weakening its environmental protections. We look forward to working with you as we meet that challenge.

Sincerely,

CAROL M. BROWNER,
Administrator.

TOGO D. WEST, Jr.,
Secretary of the Army.

Ms. MOSELEY-BRAUN. Mr. President, I want to say at the outset that hostage taking and legislative black-mail is not the way to arrive at the kind of solution we need to solve our budget problems. While I support this bill’s goal to provide funding for Federal programs for the remainder of the fiscal year 1996, I have several reservations about the bill.

I am a firm believer in tightening our Government’s fiscal policies and will continue to work toward that end. I am convinced that restoring budget discipline at this level of Government is the only hope for the American children—and future generations—will be able to achieve the American Dream. We have an obligation to our children to protect their future opportunities, and not to leave them a legacy of debt. But this bill does not do enough to protect American priorities.

The President reviewed this bill and found that it was lacking $8 billion in funding for priorities important to Americans: efforts to protect the environment, efforts to help educate our children, and initiatives that will help keep our streets safe. Rather than working in a bipartisan manner toward a bill that the President could sign, however, this bill is designed to draw a President out of the White House. This is unfair to all students who want to pursue educational opportunities. It is unfair to all Americans who want to live in a clean and safe community. It is unfair to Government employees who want to work. And it is unfair to all others who depend upon the appropriations contained in these bills.

We made some strides to add funding for education by passing a bipartisan amendment last week, but we have not done enough to restore funding for other priorities such as environmental cleanup. The bill does contain a contingency fund of $4.8 billion in additional funding, but this is an illusory commitment because it is contingent on budget agreements not yet achieved. The contingency plan holds American priorities hostage.

The American people sent us a clear message after the last budget crisis—do not risk shutting the Federal Government by promoting an extreme set of budget priorities. This message has apparently gone unheared. The continuing resolution before us does not seek balance, or moderation, and it does not even pretend to resolve the important appropriation issues we should have resolved months ago.

Of the 13 appropriations bills Congress is supposed to pass every year, 5 are still undone even though the fiscal year is already nearly 6 months into it. Several Federal Cabinet departments have been without fully approved spending plans. Now, nearly 6 months into the fiscal year, we are considering a 10th extension.

The activities financed by these uncompleted appropriation bills, or what is also known as discretionary spending, is but a part of Federal spending that underlie our Government’s budget problems. Domestic discretionary spending has not grown as a percentage of the GDP since 1969, the last time we had a balanced budget. Domestic discretionary spending comprises only one-sixth of the $1.5 trillion Federal budget, and it is steadily declining.

Every dollar of Federal spending must be examined to see what can be done better, and what we no longer need to do. However, the budget cannot be balanced simply by whacking away at domestic discretionary spending. To do so would violate the promise that by focusing on cutting discretionary spending we will achieve budgetary integrity is to perpetuate a fraud.

The bill proposed by the majority party calls for $349 billion in savings from discretionary spending that comes from a portion of the budget that constitutes only 18 percent of the overall Federal budget—the part of spending that is not growing and the part of the budget that funds education and police and basic services we all count on. This part of the budget is not the major source of our deficit problem. We need to focus our savings on those areas of the budget that don’t conflict with our priorities and values.

Now, having hung fiscal discipline makes a real difference. If we care about our children, if we care about our future, if we care about our Nation and ensuring an opportunity for every American to achieve the American Dream, we cannot abandon our commitment to education, access to health care, and to creating economic opportunity.

Mr. President, we need to move to a balanced budget. And we need to do it in a way that does not sacrifice the long-term goals of the American people to achieve illusory short-term cuts. We need a budget that restores fiscal discipline to the Federal Government. We need a budget based on the realities facing Americans. Most importantly, we need a budget for our future.

As this bill makes disproportionate cuts in programs important to the American people, I will vote against this bill. I urge my colleagues to work together to develop the kind of overall permanent budget agreement that the American people want and deserve.

Mr. BIDEN. Mr. President, I am sorry that I cannot vote for this appropriation bill today. We must move quickly to resolve the issues that still remain from last year’s prolonged, confrontational, and, in the end, fruitless budget debates. But this bill will not advance that cause.

This bill, despite the best efforts of the distinguished leaders of the Appropriations Committee, still falls short. I am heartened that a majority of the Senate was moved to approve more adequate funding for our Nation’s educational system. They put a higher priority for us than preparing our country’s young people for the future.

But that is not the only priority our country has. Mr. President, nor is it our only responsibility here in Congress. And, I am sorry to say, I find that this bill does not fulfill those responsibilities.

Our attempts to provide more support for infrastructure investments we need for cleaner air and water were an inadequate step in the right direction. And we failed to meet our responsibility to maintain our country’s hard-won superiority in high-technology research and development.

It is surely a false economy if we claim that we must sacrifice clean air and clean water, that we must roll back the progress we have made in advanced technologies, to balance the budget.

That is simply not the case. Amendments that provided more adequate support for those key national priorities at the same time specified the savings from other parts of the budget needed to neutralize their impact on the deficit.

Mr. President, could we have met those responsibilities and still kept within the tight spending limits set by this bill? But we chose not to, Mr. President. And if the Senate bill falls short, Mr. President, the version of this legislation passed by the House, I fear is even worse.

Mr. President, I must oppose this omnibus appropriations bill for one overriding reason—this bill slashes the effort to add 100,000 more police to our Nation’s streets. This is the single-most-important crime-fighting initiative the Federal Government has undertaken in decades and I will not be party to any effort to go back on our word to add 100,000 police officers to the streets and neighborhoods all across America.

I have spoken with the White House and the President agrees that the only course to take on the 100,000 cops program is unequivocal and unwavering support for adding 100,000 cops to our streets—all dedicated to community policing.

This program is working—more than 33,000 police have already been funded.

What is more, the results of community policing speak for themselves—more cops mean less crime. Just one specific example—look what has happened in New York City. More police devoted to community policing has proven to mean less.
crime—in the first 6 months of 1995 compared to the first 6 months of 1994: murder is down by 30 percent; robbery is down by 22 percent; burglary is down by 18 percent; and car theft is down by 25 percent.

In the face of that success in fighting America's crime epidemic, it would be folly to go back on our commitment to adding 100,000 cops. "If it ain't broke, don't fix it"—as a former President used to say.

That, unfortunately, is exactly what the latest continuing resolution proposes to do—instead of fully funding the President's request for the 100,000 cops program, this latest proposal would slash the 1996 request for the cops program to $975 million—about one-half the $1.9 billion request.

Not only is the 100,000 cops program subject to extreme cuts—but the latest continuing resolution also takes nearly $813 million that was supposed to go to the 100,000 cops program to fund a so-called law enforcement block grant program.

What is wrong with this approach?

First, this so-called law enforcement block grant is written so broadly that the money can be spent on anything from prosecutors to probation officers to traffic lights or parking meters—and not a single new cop.

Second, this block grant has never been authorized by the Senate. So, let's be clear on what is being done here. What this continuing resolution does is take a crime bill that has been passed only by the House, whose funds have been authorized only by the House, whose block grant idea has already been rejected by the Senate, and incorporate it into an appropriations bill so it is passed and funded—all in one fell swoop.

Mr. President, if we are going to legislate by fiat like this, then we might as well do away with committees, with hearings, with subcommittee markups, with full committee markups, and with careful consideration of authorizing legislation. We could simply do all the Senate's business on appropriations bills or continuing resolutions.

I, for one, happen to believe that's a terrible way to proceed and I believe that's reason enough to oppose this bill.

If the Republicans want to change the crime bill, they have the right to try—but let's do it the right way and then let's vote on it. Wiping out major pieces of the most significant anti-crime legislation ever passed by the Congress on an appropriations bill makes a mockery of our Senate process. The importance of the programs we are considering, not to mention the perception of our institution, demands better.

Thank you, Mr. President.

VOTE ON AMENDMENT NO. 3466, AS AMENDED

"That the amendment be INDIAN OFFICERS"

The amendment (No. 3466), as amended, was agreed to.

So the bill (H.R. 3019), as amended, was passed.
I am frequently visited by small business people and groups from my own State of New Mexico and am very much pleased by their attention to the debates that occur in Washington about legislation that might impact them and their companies. But I typically don’t have a staff section designed to study the tax implications of everything we do here in this Chamber; nor do they have the time and personnel to devote to close monitoring of legislation. For still, tens of thousands of small business people in the Nation do invest time and become personally involved with the legislative process and have committed themselves to improving the interaction between Government and the small business sector.

I would like to mention one example from New Mexico, a person who demonstrates well a combination of entrepreneurial excellence, community concern and strong civic involvement. Ioana McNamara, founder of an Albuquerque-based small business called Wall-Write, was one of those who participated from New Mexico in the White House Conference on Small Business. I want to publicly commend her for getting involved and working on these issues. She and others from the New Mexico small business delegation, including another small business person—Diane Denish—who served as the delegation chair for the White House Conference—have done a great deal to make sure that small firms in New Mexico do their part to achieve a more productive relationship between Government and business.

Clearly, people like Ioana McNamara and Diane Denish have more than enough to do in growing their businesses without paying attention to whether this Chamber is about to do something that harms or helps their businesses. But they decided to do what they can to help implement the measures decided on at the White House Conference. I think our Nation should express its gratitude to these people and the thousands of others who participate in the making of good policy.

Mr. KERRY. Mr. President, the Small Business Regulatory Enforcement Fairness Act, represents an opportunity to change not only the regulatory environment for small businesses but more importantly, to begin to change the way all Federal agencies, including the Internal Revenue Service [IRS], deal with small business. I am pleased to be a cosponsor of the bill.

In far too many cases, the Federal Government has acted as the judge, jury, and executioner for small businesses. Testimony before the Small Business Committee indicated many small businesses fear agencies like the IRS will levy huge fines on them for failure to understand the myriad rules and regulations—of which they may be entirely ignorant. The Federal Government must become a partner in the growth and development of small businesses, not an adversary.

While not perfect, this legislation includes a number of provisions which will ease regulatory burdens and give small businesses some recourse when Federal bureaucrats are over zealous in the exercise of their authority.

The bill requires agencies to publish in plain English a guide to assist small businesses in complying with regulations. Federal regulations are often too difficult for anyone to understand, let alone a small businessperson who is trying to run his or her business. It will also allow Small Business Development Centers to offer assistance to small businesses in complying with Federal regulations.

The bill would also establish an ombudsman to help small businesses get fair and legal treatment from the Government if they have been treated unfairly. The ombudsman would also assist small businesses in recovering legal fees as a result of unfair Government actions.

Under the bill, Federal agencies would be required to waive civil penalties for first violations by small businesses that do not constitute a serious threat to public health, safety, or the environment.

The bill provides that small business representatives are to be consulted in Federal agency rulemaking decisions that would have a significant impact on small businesses so that small business interests would be considered at the outset in the development of regulations.

While these reforms will not end the difficulties many small businesses face in complying with Federal regulations, they should help ease the burden. I hope this legislation will mark the beginning of a new era of better relations between Government and small business. The Federal Government should be working in partnership with small businesses—not at cross-purposes with them.

I am proud to support this legislation and would like to thank the chairman of the Small Business Committee, Senator Bond, and the ranking member Senator Bumpers along with their staffs for their effort in producing this legislation.

Mr. MURRAY. Mr. President, I would like to take this opportunity to commend Senator Bond for his leadership on small business issues, and lend my support to the Small Business Regulatory Fairness Act, which will lessen regulatory burdens imposed on small businesses by Federal agencies.

Mr. President, I have talked with many small business owners in my home State and one thing they all tell me is how difficult and costly it has become to comply with many of the Federal regulations imposed upon them. Another thing they say is that the legislation will require agencies to publish materials in plain language to help small businesses comply with regulations.
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The bill will also enhance the small business communities' voice with the Small Business Administration by providing them a role in determining future regulations.

When I was growing up, my father ran a small business in Bothell, WA. I know the time and energy small business people put into their companies. And, throughout my term, I have worked to reform a Government that continues to hamper small business owners.

I was a cosponsor of the S-Corporation Reform Act of 1993, and returned as a cosponsor of S. 758 last year, which would remove obsolete provisions from the tax code, making it easier for small businesses to raise capital. I cosponsored the Family Health Insurance Protection Act which would provide health insurance market reform for small businesses and families. And, on the first full day of this Congress, I introduced the American Family Business Preservation Act which would reduce the rate of estate tax imposed on a family owned business, encouraging family members to stay in the business intact. And, as many of my colleagues will remember, last Congress, we fixed a problem that has been plaguing small businesses that wanted to refinance their SBA 503 loans. Now, many small businesses in Washington State, and across the country will be able to refinance their 503 loans.

Mr. President, I strongly believe Government cannot solve every problem in this country, but it can foster a healthy environment in which all businesses may prosper. I encourage each of my colleagues to support S. 942. The Small Business Regulatory Fairness Act continues our work by reducing redtape and making it easier for our small businesses to comply with often burdensome Federal regulations. I believe this is the type of reform our small businesses want and deserve.

Mr. GLENN. Mr. President, I support the managers' amendment to S. 942, the Small Business Regulatory Enforcement Fairness Act. I have been a long supporter of regulatory reform, and I believe this legislation provides significant regulatory relief to small businesses, small governments, and other small entities.

I congratulate the managers of this bill—Senator Bond, chairman of the Small Business Committee, and Senator Bumpers, the ranking Democrat on the committee—for their efforts to craft a workable bill. I know they have consulted frequently with other members, the small business community, and the administration to address concerns raised by the legislation in the midst of contentious debate about other regulatory reform issues. Senator Bond and Senator Bumpers have put together a regulatory reform bill that has a significant impact on small business.

The purposes of this legislation are important and I support them. Some of the details, however, still concern me. For example, the bill provides for judicial review of Regulatory Flexibility Act decisions. This will put needed teeth into the Small Business Regulatory Fairness Act, and ensure that agencies prepare required regulatory impact analyses and pay more attention to the special impact of their rules on small business and other small entities, such as local governments. I am concerned, however, that judicial review provisions may be overly broad and will lead to unnecessary litigation. Only time will tell whether my concern is well founded. At this point, I am prepared to give the new provisions the benefit of some doubt.

The bill also establishes a small business ombudsman process to help improve cooperation between regulatory agencies and regulated businesses. I support this idea. But, I am concerned that the managers' amendment, with its Small Business Fairness Boards, will end up creating a one-sided record of complaints that will distort the broad public mission of our agencies. Our agencies should not be viewed as the enforcers of the laws passed by the people's representatives in Congress. I am happy, at least, that in the final version of the bill before us, the Ombudsman will focus on general agency enforcement activity and not attempt to evaluate or rate the performance of individual agency personnel.

Finally, the legislation creates small business review panels to ensure that small business perspectives are fully considered by agencies during rulemaking. Again, I support the important purpose of ensuring that agencies hear the voices of the little guys who do not always get through the maze of agency process and the larger more organized commenters. It is, however, not as good as the opportunity for comment does not create a precedent of giving special leverage to one segment of the public. I am, at least, heartened by the fact that review panel comments on an agency proposed rule will go into the public record, and that other interested parties will have an opportunity to respond to those comments before the agency makes its rulemaking decision. The fact that these review panels, as well as the Federal Advisory Committee Act [FACA] and the Government in the Sunshine Act will also help ensure that the new process will be open to the public.

On balance, I believe the managers' amendment should be supported. Again, I commend Senator Bond and Senator Bumpers for their openness to concerns about the bill. Since we first saw drafts a week or so ago, significant changes and improvements have been made. Given these changes, I will vote for the managers' amendment. But given my concerns, let me also say that these provisions should not be modified by the House. If they are made more onerous, then they should not be supported. If House action leads to changes in conference, then the Senate should say no to the conference report.

Let me clear up one fact about this legislation. A week and a half ago, on Thursday, March 7, 1996, Senator Bond stood here on the floor and described his hopes for a bipartisan agreement on this legislation. Our Minority Leader, Senator Daschle, agreed, saying that the Democrats hoped to provide broad, if not unanimous, support for the final bill. Unfortunately, several of our colleagues on the other side of the aisle then went on to accuse Democrats of delaying the bill and even of engaging in a filibuster. That could not be further from the truth.

When the Small Business Committee considered the legislation on Wednesday, March 6, there was general agreement that a managers' amendment to S. 942 was prepared for the 7th, as we waited to see the proposed amendment, we were surprised to hear our Republican colleagues accusing Democrats of holding up the bill. As it turned out, I did not see the final proposed managers' amendment for another whole week—March 14, an entire week after Thursday the 7th. Far from Democrats holding up this legislation, the fact is that the managers of this bill were not ready to bring the bill to the floor until at least a full week after we were being accused of delay. I am definitely not criticizing the managers. Their careful deliberations are to be commended. But certainly, other Senators should not be falsely accused of delaying the bill, when they were only waiting to see the results of those deliberations.

I hope I have set the record straight. There was never a filibuster on this legislation. We are happy there is finally agreement on the managers' amendment. We are pleased that we now have it and can move forward and quickly pass the legislation.

I must say though, that once again, I am very disappointed in the rhetorical excesses of my colleagues on the other side of the aisle. Rather than even admit to working cooperatively, which is the case with the bipartisan bill before us, they tried to mislead the public about the status of this legislation. They certainly are enough instances where we are honestly disagreeing, but here where we are working together, there is nothing to disagree about.

We need more of the bipartisan cooperation seen in the work of Senators Bond and Bumpers and the other members of the Small Business Committee on this legislation. We need much less of partisan sniping.

The Nickles-Reid Congressional Review Amendment

S. 942 comes to the floor with an amendment to consider one other provision. This is the Nickles-Reid Congressional Review legislation and I urge my colleagues to support this
amendment. We passed this legislation last year, as a substitute to the Regulatory Moratorium. Congressional Review will create more work for us, but its expedited legislative veto process will ensure congressional accountability for Federal agency rules. I believe we need this process so that we can do our part for regulatory reform.

I have always been struck when in hearings, agency officials—under successive administrations—have pointed out that regulatory changes are strictly required by laws passed by Congress. The Nickles-Reid Congressional Review process will close the loop, so that when an agency issues a rule that some may oppose, we will have an opportunity to consider it in the context of the law and determine its reasonableness. This will not only help with accountability for individual rules, but will also help us identify specific statutory provisions that need revision. For these reasons, I am happy to support the Nickles-Reid Amendment, and urge my colleagues to do so, as well.

**CONCLUSION**

With the combination of Small Business Regulatory Fairness and Congressional Review, we have significant bipartisan regulatory reform legislation. It should be passed by the House and be signed into law by the President.

Our job as legislators is to create laws that can work and can improve conditions in our country. Some have wanted to bull through and legislate now on a larger regulatory reform package. The truth is that there is simply too much there that is unsettled and about which too many do not agree. Now is the time to move legislation that can work and that will improve the regulatory process.

If in the quiet of committee we can return to the other regulatory reform issues of cost-benefit analysis and risk assessment, I think we should. But for now, let us work together on bills such as the legislation before us today that can pass and should pass.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 942, the Small Business Regulatory Enforcement Fairness Act.

Mr. President, America's small businesses badly need relief from excessive and unnecessary regulations. For years, those of us on the Small Business Committee have heard first-hand from men and women in small businesses about the disproportionate regulatory burden they face. This burden was confirmed late last year in a report by the Small Business Administration's Office of Advocacy. Among other things, the report found that while small businesses employ 53 percent of the workforce, they bear 63 percent of total business regulatory costs. The annual average cost of regulation, paperwork, and tax compliance for small businesses is about $5,000 per employee. By contrast, the comparable burden for businesses with over 500 workers is $3,400 per employee. This difference is significant. Big businesses already enjoy a competitive advantage over their smaller counterparts because of economies of scale. The Federal Government should not further disadvantage small businesses by imposing uniform regulations where certain economic conditions make the account for business size would be just as effective.

Mr. President, the bill before us will give teeth to the Regulatory Flexibility Act Congress passed in 1980. That Act requires agencies to assess the economic impact of proposed regulations, and to provide small businesses with information on how to comply with too much paperwork, and spend too much time trying to understand regulations. In addition, the bill permits agencies to offer regulatory compliance assistance and onsite assessments for small businesses.

**Finally, Mr. President, S. 942 makes it easier, in certain instances, for small businesses to obtain attorneys fees from the government for claims upon which they prevail. I had serious concerns about the language we considered in the Small Business Committee mark up, which modified the so-called Equal Access to Justice Act. I did, however, have the assurance of the Senator from Missouri that our offices would work together so that we should not be rewarding companies with attorneys fees when they violated the law, because, for example, they prevailed on one of 10 claims. I believe the new language contained in sections 301 and 302 accomplishes the goal of aiding firms that had to fight the Government on meritorious suits, while protecting taxpayers from paying the attorneys fees for companies that have broken the law.**

Mr. President, I want to commend Senator Bond and his staff for their willingness to adopt recommended changes suggested by myself and other members of the Small Business Committee. Most Members of this body expressed their desire that their colleagues across the aisle, but those expressions often prove hollow. In this case, however, I am happy to say that S. 942 is truly a bipartisan bill and I hope we will have many more such bills before the end of the 104th Congress.

I also want to acknowledge the work of the Clinton Administration's "Reinventing Government" initiative and last year's White House Conference on Small Business. Their efforts laid the groundwork for the legislation we are considering today.

Again, I want to thank Senator Bond and Small Business Committee staffers Keith Cole and John Ball for their assistance on this legislation, and I hope that if the House will join me in supporting S. 942.

Mr. MURKOWSKI. Mr. President, no one more strongly supports the goals sought by the statutes and regulations of our country than I do.

I come from a beautiful State blessed with resources that I have worked to see used productively and conserved wisely, I myself enjoy the great outdoors in Alaska, along with my family, and intend to have these same kinds of experiences enjoyed by my children and grandchildren; I have been a banker, where it has been my privilege to see individuals succeed in small business; I have seen first hand how issues like safety and worker protection go hand in hand with success, but there is no doubt that achieving better protection of human health and the environment can only happen if we regulate smarter.

Individuals and businesses, big and small, spend too much time trying to comply with too much paperwork, and too much regulation from too many Washington bureaucrats. For example: above-ground storage tanks must comply with five different regulations that each require a separate spill prevention plan; this means that a business with tank files five different sets of plans— one to the State, and two each to the EPA and the Coast Guard.

If you buy a business that was once registered to produce pesticides, even if you don't produce pesticides, or never have, the EPA will still want you to send in annual production reports with zeros filled in. If you don't, you can be sued and potentially fined. For just one example, the Superfund Amendments and Reauthorization Act, EPA has issued 17,000 pages of regulations and proposed regulations. The volume I'm holding has over 1,000 pages, and on any one of
them is a place where a small business can get tripped up. By the way, this is
one volume of title 40 of the Code of Federal Regulations. Title 40 deals
with environmental protection. Title 40 has 20 more volumes like this one. And
its only Title 40.

The Code of Federal Regulations oc-
cupies an entire 4 foot by 8 foot book-
case in the Senate library. A copy of
the code costs almost $1,000, and is
updated four times a year. Even if a small
business should have to consult it, it
would be impossible to read it all. Why
do we want to force every business in
America to have to keep a battery of
lawyers around just to advise about the
overwhelming details in the Code of
Federal Regulations?

Now, usually when I describe these
examples, I talk about Anchorage, AK.
There, fish guts were added to the
waste water to comply with regula-
tions that require a certain amount of
organic waste removed during sewage
treatment. The added material had to be
added just to comply with the require-
ment to get a mini-
mum amount out. But I am happy to
say that today I am no longer using
that example. It seems that in response
to the announcement, the Federal
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Common sense must be returned to
regulating. I applaud Senators Bond
and Bumpers, and all those who
worked to bring this bill to the floor. It
is an important first step toward a
safer, cleaner, healthier future.

Mr. WELLSTONE. Mr. President, I
am very pleased to vote for this bill,
reported out of the Small Business
Committee 2 weeks ago. I commend
Chairman Bond for moving the bill
through. As ranking member Senator
Bumpers, I appreciate the cooperation of both in
working with me and my staff to help
ensure that the easing of regulatory
burden accomplished in this bill, which
is needed to lift some of the restric-
tions on sewage treatment plants such as the
one in Anchorage.

EPA states, 'This change would pro-
vide the affected municipalities with
additional flexibility and, in some
cases, cost savings without compromis-
ing environmental quality.'

If we are to move forward to a safer,
cleaner, healthier future, we have to
change the way Washington regulates.
This bill is a positive and helpful step
in that direction. S. 942 will ensure
small business participates in rule-
making. This in turn will mean that
rules will take small business needs
into consideration before a rule is en-
acted. The bill also allows judicial re-
view of regulations for compliance
with the 16-year-old Regulatory Flexi-
bility Act. A court can now examine
whether agencies considered adverse
impacts to Small Business when it
writes regulations, and determine if an
agency acted in an arbitrary manner.

Penalty waivers and reductions when
agency acted in an arbitrary manner.

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agency acted in an arbitrary manner.
Mr. BOND. That is correct.
Mr. GLENN. Good. Now, let me ask about the second review panel stage: I trust that it is the managers' intention that should an agency decide to significantly modify a proposed final rule on the basis of the panel's report, the agency will reopen the rulemaking proceeding and allow public comment on the newly revised proposal. I believe that not to do so would be to overturn longstanding regulatory precedents on ex parte communications. Again, securing meaningful input from small entities should not be at the price of undercutting the openness and fairness of the Government decisionmaking process.
Mr. BOEHNER. I agree. Again, our purpose is to ensure that the concerns of small business and other small entities be fully and carefully considered by rulemaking agencies. If those concerns lead to a significant change in the regulatory proposal, I firmly believe that the process should not be at the expense of putting small entities in aCatch up to the price of undercutting the openness and fairness of the Government decisionmaking process.
Mr. GLENN. I thank the Senator very much. I am glad that we agree on how to put a full work.
Mr. LEVIN. Mr. President, one of the proposals we have before us, in S. 942, would establish an ombudsman in the Small Business Administration. That ombudsman would solicit information from small businesses on Federal regulatory enforcement practices and develop ratings of how well Federal agencies perform their enforcement duties. The ombudsman would have the ability to refer serious cases of abuse to an agency's inspector general. This provision seeks to make regulatory agencies more responsive to the concerns of small businesses by giving small businesses a means to respond to excessive regulatory enforcement practices. While I believe that we need to fight for fundamental change in the culture of small business regulation, I question whether this proposal, although well-intentioned, is the best catalyst for bringing about that change.
I am concerned that the Small Business Committee did not fully consider other options that could provide a better mechanism for giving small businesses a stronger voice within agencies that regulate them. In particular, I think the committee should have taken more time to look at the pros and cons of placing an ombudsman in each regulatory agency, rather than relying on a lone ombudsman in the Small Business Administration to cover all agencies.
I have been working for the past several months on a proposal that would create an office of ombudsman in each major regulatory agency. My proposal would give the ombudsman sufficient authority within the agency to solve problems and sufficient independence from the regulatory structure to act fairly. The ombudsman would be the mediator and help the parties that their inquiries will not be used against them.
Mr. LEVIN. I am concerned that the Small Business Administration rather than a Small Business Ombudsman office operating throughout the Federal Government that address disputes between agencies and regulated parties that their inquiries will not be used against them. We have also participated in Small Business Committee field hearings throughout my State. Indeed, I was privileged to have had the chairman of the Small Business Committee, Senator Bond, come out to New Mexico and hear from those New Mexico businesses firsthand at a Small Business Committee field hearing in Albuquerque.
Mr. DOMENICI. Mr. President, I know I do not have to tell you that small businesses create most of the jobs in America. Small businesses are the engine that keep the American economy running. I know that in my State small businesses make up 85 to 90 percent of private employers. In that regard, I have created a New Mexico small business office is one of approximately half a million businesses that the Federal Government and agencies that regulate them achieve better results.
Mr. LEVIN. I commend the chairman and ranking Democrat on the Small Business Committee for their hard work on this bill and look forward to working with them as no ombudsman proposal is developed.

THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996
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Mr. LEVIN. I commend the chairman and ranking Democrat on the Small Business Committee for their hard work on this bill and look forward to working with them as no ombudsman proposal is developed.
Mr. President, the structure and process of these advocacy panels is as follows:

First, prior to publication of an initial regulatory flexibility—reg flex—analysis, an agency would notify the Chief Counsel for Advocacy of the Small Business Administration of potential impacts of a proposed rule on small business.

Second, the Chief Counsel would identify and conduct a representative of small business for advice and recommendations about the proposed rule.

Third, the agency would convene a review panel consisting of representatives of the agency, the Office of Information and Regulatory Affairs, and the Chief Counsel, to review the information collected on the impact of the proposed rule on small business.

Pursuant to the information obtained at these review panels, and where appropriate, the agency shall modify its proposed rule.

Finally, the findings and comments of the review panel shall be included as part of the rulemaking record.

This process shall be repeated prior to the final publication of a reg flex analysis.

Remember, Mr. President, the agencies themselves have recognized that small businesses are underrepresented during rulemakings. I believe that these review panels, convened before the initial and the final reg flex analyses, will ensure that small businesses finally have an adequate voice in the regulatory process.

The panels, working together so all viewpoints are represented, will be the crux of reasonable, consistent, and understandable rulemaking. Finally, Mr. President, and perhaps most important, these panels will help reduce counterproductive, unreasonable Federal regulations at the same time they are helping to foster the nonadversarial, cooperative relationships that most agree are long overdue between small businesses and Federal agencies.

Mr. HELMS. Mr. President, the pending bill, S. 942, the Small Business Regulatory Enforcement Fairness Act of 1996, deserves the support of all Senators—and the able chairman of the Small Business Committee, our good friend from Missouri, Mr. BOND, is to be commended for his persistence.

This legislation is badly needed. In North Carolina literally hundreds of small businesses are being.gobbled up under the heavy regulatory burdens imposed by the Washington bureaucracy. These businesses are seeing their profit margins gobbled up by oppressive Federal regulations.

Mr. President, S. 942, will go a long way toward leveling the playing field and giving small businesses some long overdue relief from a portion of existing burdensome regulations. Small businesses now will be better able to challenge burdensome regulations in the courts.

Federal agencies hereafter will be required to obtain the views and opinions of small businesses before regulations are drafted, making small businesses players before regulations are drafted and imposed.

Mr. President, Mary McCarthy in the October 18, 1938, New Yorker Magazine observed, “Bureaucracy, the rule of no one, has become the modern form of despotism.”

How true, and I hope that both the Senate and the House will pass this legislation, and that the President will sign it, because no bureaucracy or bureaucrat should be permitted to be a despot over the people they are supposed to be serving.

DUTIES AND FUNCTIONS OF THE OMBUDSMAN

The language of the bill before us

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agency personnel are [provided with a means to comment on the enforcement activity conducted by such personnel], and

based on substantiated comments received from small business concerns, the Boards, annually report to Congress and affected agencies [evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency].

While the current language still allows for comment on the enforcement activity of agency personnel in general, it does not specifically identify potential abuses of the regulatory process, it appears to remove the mandate for the boards and the ombudsman to create a public performance rating of individual agency employees. Senator Boxo, is this interpretation correct and, if so, was the change in language made in order to focus the reports of the boards and the ombudsman on rating overall agency performance rather than on rating individual regulators?

Mr. BOND. The Senator's interpretation of the change in language is correct. My goal is to reduce the instances of excessive and abusive enforcement actions. Those actions obviously originate in the performance of individual enforcement personnel. Sometimes the problem is with the policies of an agency, and we are very definitely trying to change the culture and policies of Federal regulatory agencies. At other times, it is really the people doing the job. Sometimes there are some bad apples at these agencies. It is for that reason that we specifically included a provision to allow the ombudsman, where appropriate, to refer serious problems with individuals to the agency's inspector general for proper action. The ombudsman's report to Congress should not single out individual agency employees by name or assign an individual evaluation or rating that might interfere with agency management and personnel policies. The purpose of this bill is to give small businesses a voice in evaluating the overall performances of agencies and agency offices in their dealings with the small business community.

Mr. LEVIN. I thank the chairman of the Small Business Committee. This is an important change and clarifies that the purpose of the ombudsman's report is not to rate individual agency personnel, but to assess each program's or agency as a whole.

Mr. DASCHLE. Mr. President, passage of the Small Business Regulatory Fairness Act will mark an important milestone in our efforts to provide American business with reasonable, common sense regulatory relief. It is a bill that should be passed by Congress and sent to the President with dispatch.

This legislation, which was approved unanimously by the Senate Small Business Committee, and which I expect will pass the Senate with overwhelming bipartisan support, will provide much needed change in the way Federal agencies deal with American small business. It acknowledges that the Federal bureaucracy often chooses small business in red tape, and institutes a number of reforms that will unleash their productive energy without diminishing the Federal responsibility to protect the public health and safety. The objective of this bill will be to send an important message to small business owners across the country that their voice is being heard in Washington, D.C.

Small businesses already face a daunting array of challenges, from the uncertain economic climate to the myriad daily paperwork burdens of accounting, bookkeeping, and bill paying. The further burden of keeping up with, and complying with, Federal regulations can discourage even the most stalwart business men and women from striving to achieve their dream of entrepreneurship.

The Federal Government has a responsibility to protect worker health and safety, and the environment. In that effort, agencies issue regulations, but experience shows that many of those regulations look good on paper, but don't work in the real world. This bill acknowledges that fact and provides a means to demonstrate to both confront and correct mistakes.

Federal agencies should be as sensitive as possible to the challenges faced by small businesses in America, and expect this bill will help achieve that goal. Many of this bill's provisions were developed by small business owners from South Dakota and across the country during the White House Conference on Small Business last summer. No one knows more about the risks and pitfalls associated with owning a small business than businesspeople themselves. The White House conference gave them a forum in which to discuss how the regulatory process could be improved, and I am glad that Congress has given them a chance to tell what they had to say on this subject.

One of the most frequent criticisms I hear from small business owners is that Federal agencies bring harsh enforcement actions against businesses for relatively insignificant and unintentional violations of Federal rules. This legislation responds to that concern by requiring agencies to develop policies to waive fines for first-time, nonserious violations.

The legislation also requires Federal agencies to publish easy-to-read guidance for small business to comply with Federal rules and creates a small business and agricultural ombudsman at the Small Business Administration to provide a means to comment on agency enforcement personnel and to develop a customer satisfaction rating of Federal agencies. It assists small businesses in recovering attorneys' fees if they have been subject to excessive and unjustified enforcement actions, and subjects final agency actions under the Regulatory Flexibility Act to judicial review. Small businesses will now be able to hold the feet of Federal agencies to the fire and ensure that they comply with the letter and spirit of the Regulatory Flexibility Act.

Finally, I am very pleased that the congressional veto legislation developed by Senators Reid and Nickles and passed by the Senate last year has been added to the Small Business Regulatory Fairness Act. The Reid/Nickles provision establishes a process through which Congress can review major regulations before they are issued, thereby ensuring that the agencies developing those rules adhere to the intent of Congress and develop reasonable requirements for American business.

Mr. President, the Small Business Regulatory Fairness Act was written with advice from the small business community and will pass the Senate with strong bipartisan support. It reaffirms Congress' belief in the essential role that small business plays in the American economy and sends a clear signal that the public and private sectors are ready to work together in promoting America's economic growth and expansion. We will need to compete in the 21st century. I urge all my colleagues to support this important bill.

[The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?]
SEC. 1. SHORT TITLE. This Act may be cited as the "Small Business Regulatory Enforcement Fairness Act of 1996." 

SEC. 2. FINDINGS. Congress finds that—

(1) a vibrant and growing small business sector is critical to creating jobs in a dynamic economy;

(2) small businesses bear a disproportionate share of regulatory costs and burdens;

(3) fundamental changes that are needed in the regulatory enforcement culture of Federal agencies to make agencies more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) three of the top recommendations of the White House Conference on Small Business involve reforms to the way Government regulations are developed and enforced, and reductions in Government paperwork requirements;

(5) the requirements of the Regulatory Flexibility Act have too often been ignored by Government agencies, resulting in greater regulatory burdens on small entities than necessitated by statute; and

(6) small entities should be given the opportunity to seek judicial review of agency actions required by the Regulatory Flexibility Act.

SEC. 3. PURPOSES. The purposes of this Act are—

(1) to implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations;

(2) to provide for judicial review of the Regulatory Flexibility Act;

(3) to encourage the effective participation of small businesses in the Federal regulatory process;

(4) to simplify the language of Federal regulations affecting small businesses;

(5) to develop more accessible sources of information on regulatory and reporting requirements for small businesses;

(6) to create a more cooperative regulatory environment among agencies and small businesses that is less punitive and more solution-oriented; and

(7) to make Federal regulators more accountable for their enforcement actions by providing small entities with a meaningful opportunity for redress of excessive enforcement actions.

SEC. 4. EFFECTIVE DATE. This Act shall become effective on the date 90 days after enactment, except that the amendments made by title IV of this Act shall not apply to interpretive rules for which a notice of proposed rulemaking was published prior to the date of enactment.

TITLE I—REGULATORY COMPLIANCE GUIDANCE

SEC. 101. DEFINITIONS. For purposes of this Act—

(1) the terms "rule" and "small entity" have the same meanings as in section 601 of title 5, United States Code;

(2) the term "agency" has the same meaning as in section 551 of title 5, United States Code; and

(3) the term "small entity compliance guide" means a document designated as such by an agency.

SEC. 102. COMPLIANCE GUIDES. (a) COMPLIANCE GUIDE.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604 of title 5, United States Code, the agency shall publish one or more small entity compliance guides in complying with the rule, and shall designate such publications as "small entity compliance guides". The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules. The agency shall, in its sole discretion, take into account the nature of the rule and the language of relevant statutes, ensure that the guidance is written using sufficiently plain language and distributed to affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with other small entities to develop and distribute such guides.

(b) COMPREHENSIVE SOURCE OF INFORMATION.—Agencies shall cooperate to make regulations available through comprehensive sources if information, the small entity compliance guides and all other available information on statutory and regulatory requirements affecting small entities.

(c) LIMITATION ON JUDICIAL REVIEW.—An agency's small entity compliance guide shall not be subject to judicial review, except that in any civil or administrative action against a small entity for a violation occurring after the effective date of this section, the content of the small entity compliance guide may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages sought against such small entity.

SEC. 103. INFORMAL SMALL ENTITY GUIDANCE. (a) GENERAL.—Whenever appropriate in the interest of administering statutes and regulations, the Secretary shall issue guidance to help small entities understand and apply the law to facts supplied by the small entity. In any civil or administrative action against a small entity, guidance given by an agency applying the law to facts provided by the small entity may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages sought against such small entity.

(b) PROGRAM.—Each agency regulating the activities of small entities shall establish a program for responding to such inquiries no later than 1 year after enactment of this section, utilizing existing functions and personnel of the agency to the extent practicable.

SEC. 104. SERVICES OF SMALL BUSINESS DEVELOPMENT CENTERS. Section 2(9) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (O), by striking and adding the following new subparagraph:

"(P) assistance to small business concerns regarding regulatory requirements, including providing training with respect to cost-effective compliance;"

(2) in subparagraph (P), by striking the period at the end and adding a semicolon and

(3) by inserting after subparagraph (P) the following new subparagraphs:

"(Q) providing assistance to small business concerns regarding regulatory requirements, including providing training with respect to cost-effective compliance;

(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guidance as provided in section 302(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 to small business concerns; and

(S) developing programs to provide confidential onsite assessments and recommendations regarding regulatory compliance to small business concerns and assisting small businesses in analyzing the business development issues associated with regulatory implementation and compliance measures."

SEC. 105. MANUFACTURING TECHNOLOGY CENTERS AND PROGRAMS ESTABLISHED UNDER SECTION 507 OF THE CLEAN AIR ACT. Section 507 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) by redesignating section 507 as section 507a;

(2) by inserting after section 507a the following new sections:

"SEC. 508. OVERSIGHT OF REGULATORY ENFORCEMENT REFORMS. (a) DEFINITIONS.—For purposes of this section, the term—

"(1) "Board" means a Regional Small Business Regulatory Fairness Ombudsman Board established under subsection (c); and

"(2) "Ombudsman" means the Small Business and Agriculture Enforcement Ombudsman designated under subsection (b).

(b) SBA ENFORCEMENT OMBUDSMAN.—(1) The Administrator shall designate a Small Business and Agriculture Enforcement Ombudsman utilizing personnel of the Small Business Administration to the extent practicable. Other agencies shall assist the Ombudsman and take actions as necessary to ensure compliance with the requirements of this section. Nothing in this section is intended to replace or diminish the activities of any Ombudsman or similar office in any other agency.

(2) The Ombudsman shall—

"(A) work with each agency with regulatory authority over small businesses to ensure that small businesses that receive or are subject to an audit, onsite inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel;

"(B) establish means to receive comments from small busineses and to ensure that such comments are transmitted to the General of the affected agency in the appropriate circumstances, and otherwise seek to maintain the identity of the person and small business making such comments with a confidential basis to the same extent as employee identities are protected under section..."
(C) based on substantiated comments received from small business concerns and the Board of Directors of the National Council of the Small Business Administration and to the heads of affected agencies; and
(E) provide the affected agency with an opportunity to comment on draft reports prepared under paragraph (C) and include a section of the final report in which the affected agency may make such comments as are added by the Ombudsman in revisions to the draft.

(c) Regional Small Business Regulatory Fairness Boards.
(1) Not later than 180 days after the date of enactment of this section, the Administration shall establish a Small Business Regulatory Fairness Board in each regional office of the Small Business Administration.
(2) Each Board established under paragraph (1) shall:
(A) be composed of five members appointed by the Administrator, who are owners or operators of small businesses, after receiving the recommendations of the chair and ranking minority member of the Committees on Small Business of the House of Representatives and the Senate.
(B) Members of the Board shall serve for terms of three years or less.
(5) The Administration shall ensure that the Board shall include representatives of the affected small business community, including small businesses; small businesses; and small businesses; and small businesses.

(d) Powers of the Boards.
(1) The Board may hold such hearings and collect such information as appropriate for carrying out this section.
(2) The Board may use the United States mails in the same manner and under the same conditions on other departments and agencies of the Federal Government.
(3) The Board may adopt regulations as necessary to conduct its business.
(5) Members of the Board shall serve without compensation.
(6) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies of the United States, as published in subchapter I of chapter 57 of title 5, United States Code, within and without the United States, except as provided in section 6 of the Act for the Board to which this section refers.

SEC. 202. RECOMMENDATIONS IN ENFORCEMENT ACTIONS.
(a) In General.—Each agency regulating the activities of small entities shall establish an office responsible for ensuring that the enforcement actions of the agency are in accordance with the requirements of section 106(d) of the Small Business Regulatory Fairness Act of 1996.
(b) Enforcement of Effective Penalty.—In carrying out this section, the Administrator shall give effect to the findings and recommendations of the Board as to agency enforcement activities, findings, and recommendations of the Small Business Regulatory Fairness Board in each regional office of the Small Business Administration.
(c) Conditions and Exclusions.—Subject to the requirements or limitations of other statutes, policies or programs established under this section, the Administrator may, in the interest of public health, safety or environmental protection, require a good faith effort to comply with the law; and
(2) a description of the projected report and an estimate of the number of reports that will be submitted for each one of the other significant alternatives considered by the agency.

Title IV—Regulatory Flexibility Act Amendments

SEC. 401. Regulatory Flexibility Analyses.
(a) Initial Regulatory Flexibility Analyses. Section 603(a) of title 5, United States Code, is amended—
(1) by inserting "proposed rule", the phrase "or other significant alternative", and the phrase "and effective date" after the words "in the rule" in the third sentence of paragraph (a) of section 603.
(b) Final Regulatory Flexibility Analyses. Section 604 of title 5, United States Code, is amended—
(1) in subsection (a) to read as follows:
(2) in subsection (b), by striking "$75" in subparagraph (b)(1) and inserting "$125".

Title V—Judicial Proceedings

SEC. 504. CIVIL ACTIONS.
(a) When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or is otherwise required to publish an initial regulatory flexibility analysis, the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain—
(1) a description of the number of small entities to which the rule will apply and an explanation of why each such entity is affected.
(b) A description of the type of professional services necessary for preparation of the report or record and of the time and cost of preparing such report or record.
(c) A statement that the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes and the rulemaking process.
(d) A statement that the agency is providing for the agency.

Title VI—Miscellaneous

(a)(1) For any rule subject to this chapter, a small entity that is adversely affected or aggrieved by final agency action is entitled...
to judicial review of agency compliance with the requirements of this chapter, except the requirements of sections 602, 603, 609 and 612.

"(2) Each court having jurisdiction to review a final rule shall have jurisdiction to review any claims of noncompliance with this chapter, except the requirements of sections 602, 603, 609 and 612.

"(3)(A) A small entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to a petition for judicial review under this section.

"(B) In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b) of this chapter, a petition for judicial review under this section shall be filed not later than—

"(1) one year after the date the analysis is made available to the public, or

"(2) where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

"(4) If the court determines, on the basis of the rulemaking record, that the final agency action is not supported by substantial evidence, and in the event of an abuse of discretion or otherwise not in accordance with law, the court shall order the agency to take corrective action consistent with this chapter, which may include—

"(A) remanding the rule to the agency, and

"(B) deferring the enforcement of the rule against small entities, unless the court finds good cause for continuing the enforcement of the rule pending the completion of the corrective action.

"(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

"(b) In an action for judicial review of a rule, a flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

"(c) Except as otherwise required by this chapter, the court shall apply the same standards of judicial review that govern the review of agency findings under the statute granting the agency authority to conduct a rulemaking.

"(d) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

"(e) Section 503(a)(2) of this title bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

SEC. 403. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 605(b) of title 5, United States Code, is amended to read—

"Sec. 605. General provisions for preparing notices of new rulemaking.

"(b) Sections 603 and 604 of this title shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, when implemented, have a significant economic impact on a substantial number of small entities, if the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register, at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual and legal reasons for such certification. The agency shall make such certification a part of the entire record of agency action and shall make a certification under the preceding sentence, if the certification is based on the initial regulatory flexibility analysis or the decision on whether an initial regulatory flexibility analysis is required. An agency is required to conduct by this chapter to conduct—

"(1) an agency shall reconvene the review panel established pursuant to paragraph (b)(3), or if no initial regulatory flexibility analysis was published, undertake the actions described in paragraphs (b)(1) through (3);

"(2) the panel shall review any material that the agency has prepared in connection with this chapter, including any draft rule, collect the advice and recommendations of the small entity representatives identified by the agency after consultation with the Chief Counsel, on issues related to subsection 604(a), paragraphs (3), (4) and (5);

"(3) not later than 15 days after the date a covered agency convenes a review panel pursuant to paragraph (1), the review panel shall report on the comments of the small entity representatives and its findings as to issues related to subsection 604(a), paragraphs (3), (4) and (5): Provided, That such report shall be made public as part of the rulemaking record; and

"(4) where appropriate, the agency shall modify the final rule, the final regulatory flexibility analysis or the decision on whether a final regulatory flexibility analysis is required.

"(d) An agency may in its discretion apply subsections (b) and (c) to rules that the agency is required to certify under 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities.

"For purposes of this subsection, the term "covered agency" means the Environmental Protection Agency and the Occupational Health and Safety Administration of the Department of Labor.

"(f) The Chief Counsel for Advocacy, in consultation with the individuals identified in paragraph (b)(2) and with the Administrators of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of paragraphs (b)(3), (b)(4), and (b)(5), and subsection (c) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of small entities in the rulemaking process.

"(g) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected small entities with respect to the potential impacts of the proposed rule; and

"(h) Whether the requirements of subsection (b) or (c) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other small entities.

(b) SMALL BUSINESS ADVOCACY CHAIRPERSONS.—Not later than 30 days after the date of enactment of this Act, the head of each agency that has conducted a final regulatory flexibility analysis shall designate a small business advocacy chairperson using existing personnel to the extent possible, to be responsible for interaction with small entities and to act as permanent chair of the agency's review panels established pursuant to this section.

TITLE V—CONGRESSIONAL REVIEW

SEC. 501. SHORT TITLE.

This title may be cited as the "Congressional Review Act of 1996".
SEC. 502. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if the rules are not for purposes of Congress an opportunity for review.

SEC. 503. MAJORITY ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) Reporting and Review of Regulations.—

(1) Reporting to Congress and the Comptroller General.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report of the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of the Congress and the Comptroller General, upon request—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the management sections relevant to section 609 of Public Law 96–354; and

(iii) the Federal agency's actions relevant to the Comptroller General by providing information relevant to the Comptroller General under subparagraph (B) (i) as a final rule, the latest of—

(A) a copy of the rule;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(2) Waiver Not to Affect Congressional Disapproval.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 504(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subparagraph (B) (i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under paragraph (2)(A) of this section.

(3) Effective Date of Significant Rules.—

A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 504 relating to the rule, and the President signs a veto of the joint resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect for the purposes of this section if not for the effectiveness of a joint resolution of disapproval under section 504 is enacted.

(E) Effective Date for Other Rules.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(S) Failure of Joint Resolution of Disapproval.—Notwithstanding the provisions of paragraph (3), the effective date of a rule shall not be delayed by operation of this title beyond the date on which the Congress votes to reject a joint resolution of disapproval under section 504.

(b) Termination of Disapproved Rule-making Procedure.—

(A) If the Congress passes a joint resolution of disapproval described under section 504, the President shall terminate the rule-making procedures, if any, relating to such rule, and the rule shall become effective as a final rule, if not made of no force or effect under section 504.

(B) The Federal agency promulgating the rule shall take effect as a final rule, the latest of—

(A) a copy of the rule;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(C) Waiver Not to Affect Congressional Disapproval.—

(A) A presidential waiver authority, if any, necessary for national security.

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(D) Treatment of Rules Issued at End of Congress.—

(1) Additional Opportunity for Review.—In addition to any waiver authority for review otherwise provided under this title, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress convenes, section 504 shall apply to such rule in the succeeding Congress.

(2) Treatment Under Section 504.—

(A) In applying section 504 for purposes of such additional opportunity described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(E) Actual Effective Date Not Affected.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(F) Treatment of Rules Issued Before This Title.—

(1) Opportunity for Congressional Review.—The provisions of section 504 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on March 1, 1996, through the date on which this title takes effect.

(2) Treatment Under Section 504.—In applying section 504 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(3) on such date.

(3) Actual Effective Date Not Affected.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law (including other subsections of this title) if not for this section (unless a rule made of no force or effect under section 504.

(F) Nullification of Rules Disapproved by Congress.—Any rule made by the Congress to which a joint resolution of disapproval under section 504, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 504. CONGRESSIONAL DISAPPROVAL PROCESS.

(a) Joint Resolution Defined.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced during the period beginning on the date on which the report referred to in section 503(a) is received by Congress and ending 45 days thereafter, the matter after the period of 12 calendar days after the joint resolution is agreed to, the resolution shall remain on the calendar of the House involved.

(b) Referral.—

(I) In General.—A joint resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) Submittal Date.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 503(a)(1); or

(B) the rule is published in the Federal Register.

(c) Discharge.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may further consider the resolution and refer it to both committees in the succeeding Congress for further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) Floor Consideration.—

(I) In General.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is not subject to amendment. A motion to proceed to a motion to the consideration of the other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to has no force or effect. A motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain
the unfinished business of the respective House until disposed of.

(2) Debate.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution, is out of order.

(3) Final Passage.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) Nonreferral.—The resolution of the other House shall not be referred to a committee.

(2) Final Passage.—With respect to a resolution described in subsection (a) of the House receiving the resolution:

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) Constitutional Authority.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules.

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 505. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) In General.—In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 504, that deadline is extended until the date 12 months after the date of the joint resolution. Notwithstanding this subsection, a deadline that is the result of a legislative action to affect a deadline merely by reason of the postponement of a rule's effective date under section 503(a)(1), shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 503(a).

(b) Certain Rules.—In the case of any deadline described in section 503(a)(1), the term 'deadlines' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, by any court order implementing any Federal statute or regulation.

SEC. 506. DEFINITIONS.

For purposes of this title—

(1) FEDERAL AGENCY.—The term 'Federal agency' means any 'agency' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative proceedings).

(2) SIGNIFICANT RULE.—The term 'significant rule' means any final rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has a significant effect on the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866; and

(B) shall not include any rule promulgated under the Telecommunications Act of 1996 and the amendments such Act.

(3) Final Rule.—The term 'final rule' means any final rule or interim final rule. As used in this paragraph, 'rule' has the meaning given it in section 551 of title 5.

(4) Appeals. —Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a), shall be decided without debate.

(f) Constitutional Authority.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

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Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business for 8 minutes.

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

THE VOID IN MORAL LEADERSHIP

Mr. GRASSLEY. Mr. President, last week, a new book hit the stands titled "Blood Sport." It is written by Mr. James B. Stewart.

The book is an account of the Whitewater issue. Many of us have had trouble understanding the issue. Reading this book helps. It makes a complicated financial scandal read more like a story.

Mr. Stewart was given access to sources by the White House. In part, it was because he is ideologically compatible with the Clintons. Those are Mr. Stewart's bona fides for the book he writes about the President and the First Lady.

In his own words, Mr. Stewart paints the character of the first couple this way:

I feel obliged to share these observations, Mr. President. Having long been a student of politics and history, I adopted a view held by another Roosevelt—Teddy Roosevelt. He commented on how important it is to criticize the President when warranted:

It is absolutely necessary that there should be full liberty to tell the truth about his acts * * * Any other attitude in an American citizen is servile. To announce that there must be no criticism of the President * * * is not only unpatriotic and servile, but is morally treasonable to the American people. It is even more important to tell the truth, pleasant or unpleasant, about him than about any one else.

Mr. President, I feel the same obligation felt by Teddy Roosevelt—to tell the truth about the President. Pleasant or unpleasant. And the crucial issue is the same one proclaimed by Franklin Roosevelt—moral leadership.

In my view, there is a void in this White House of moral leadership. As we approach a new era, a new millennium, and a new world, this is not desirable. How can we be leaders of the free world without strong leadership at home?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

A BOOK THAT BRINGS NEW UNDERSTANDING TO A TRAGIC ILLNESS

Mr. HOLLINGS. Mr. President, I would like to take a moment to talk about a book I recently read, and to recommend it to anyone who seeks to learn more about Alzheimer's Disease. The book is called "Used To Be Somebody" and it is a poignant, soul-searching account of one couple's struggle with the disease as told through the eyes of the wife and caregiver. The author is an extraordinary woman, Beverly Bigtree Murphy.

What made this story particularly moving for me is that I knew the man about whom the book is written. Tom Murphy was a good friend of mine. Even if you did not know Tom personally, however, you come to know him over the course of the book. And it is by watching the loss of his great spirit and personality little by little to this disease that the reader comes closer to understanding the reality of Alzheimer's.

The book is made up of episodes that illustrate the process by which Alzheimer's disease takes away a loved one through her personal anecdotes and history, Beverly Bigtree Murphy conveys a larger picture of what life with an Alzheimer's sufferer is like in a way that no clinical account can. She manages to incorporate in the book her own ordeal, the problems caused by lack of understanding from family and loved ones, discouragement from doctors, legal battles and the financial strain.

What other people would describe as a nightmare scenario—what is in fact a nightmare, the author accepts as real and shows how she has worked through it. In order to fight the fear, anger and sadness, she uses her strong resolve and her love for her husband.

The book is a lot to be learned in this book about the effects of grief and the emotional toll of the disease. In addition to being a love story and a very personal account, "He Used To Be Somebody" also addresses the larger social issue of Alzheimer's disease. It seeks to dispense the public of the misconceptions and distortions in the media and in society that stem from a fundamental lack of understanding. In this way, Beverly Bigtree Murphy acts as an advocate for Alzheimer patients and their families.

She asserts the power of positive thinking, and describes her realization that even in the face of a hopeless, unchangeable situation, people still have choices. They can choose how to respond. In "He Used To Be Somebody," we see Beverly Murphy choose love over anger. Through her description of isolation, loneliness and feelings of being trapped, she achieves what she described as: "a mission to increase awareness of caregiver needs, and to work as an activist to improve the care of and attitudes towards the frail elderly in this country."
Mr. President, I urge my colleagues to read this book. Whether or not you have a friend or loved one who suffers from Alzheimer's, this book is an excellent tool for understanding the nature of the disease. It is an informative guide and it is an inspirational story.

SHELBY AUSTIN

Mr. BAUCUS. Mr. President, I am proud to bring to the attention of the Senate, the courage and patriotism of a brave young Montanan, Shelby Austin, a Billings-born 21-year-old, was shot in the left shoulder while patrolling his base in Northern Bosnia. Shawn spotted an intruder trying to break in through his camp's perimeter. When Shawn challenged him, the intruder opened fire. Shawn was hit, but he was able to return fire and the intruder fled.

Fortunately, the bullet did not hit any bone and caused little damage. God willing, Shawn will be back on his feet very soon. He is the second soldier of and concerned about their son. I spoke with Shawn's parents, Terry and Doreen, last week. They are proud to bring to the attention of the defense McNamara reorganize the defense Department's management and command staffs. His intelligence, resourcefulness, and easygoing manner made him a man who could be depended on to handle great responsibility with grace, dignity, and diplomacy. His entire life was an example of that.

Roswell Gilpatrick, a native of New York, attended Yale University. He graduated with honors as a member of Phi Beta Kappa and went on to Yale Law School where he became an editor of the school's law review. In 1926 he joined the law firm of Cravath, Swain & Moore where he rose to become a partner, and later president, partner, from 1966 until his retirement in 1977. During these years he also made time for public service, first, as Undersecretary of the Air Force from 1951 to 1953, and then as a member of the New Frontier, assisting President Kennedy. After his public service in Washington, he returned to New York and became a director of the Federal Reserve Bank of New York and eventually its chairman.

From the beginning of his service as Deputy Secretary of Defense, Ros Gilpatrick was a valued advisor to my brother. As the years passed, he provided warm friendship and loyal support to all of us in the Kennedy family, and especially to Jack after the loss of President Kennedy. They shared an interest in the arts and worked together on many causes in his capacity as a trustee of NYU's Institute of Fine Arts, the New York Public Library, and the Metropolitan Museum.

Vicki joins me in expressing our deepest sympathy to his wife Mimi and all grandchildren. I know that they take comfort and pride in his outstanding contributions to the Nation and New York. Roswell Gilpatrick served his community and his country with great caring, commitment, and distinction. President Kennedy paid him his highest compliment when said of him what we all say now—Roswell Gilpatrick made a difference.

PASSING OF TRIBAL ELDER

Mr. CAMPBELL. Mr. President, I was greatly saddened to hear of the passing of Roswell Gilpatrick this past Friday. As Deputy Secretary of Defense during President Kennedy's administration, he provided wise counsel throughout those thousand days—and especially during times of great crisis.

At the height of the Cuban missile crisis, when the crucial decision had to be made on what course of action to take—an air strike or a blockade—Roswell Gilpatrick spoke up. His experience and wisdom led him to say to President Kennedy that, “Essentially, this is a choice between limited action and unlimited action, and most of us think that the latter must be to the limited action.” At a very difficult moment, President Kennedy's respect for Ros Gilpatrick's good judgment helped to reinforce his own instincts that it would be best to start with a course of limited action. We now know what officials did not know then—that the consequences of an air strike could have triggered a nuclear exchange, the results being too terrible to imagine.

Ted Sorensen said that Roswell Gilpatrick was an “indispensable” man in the administration of President Kennedy, as his impact in the Cuban missile crisis illustrates. He was also valuable in his effort to help Secretary of Defense McNamara reorganize the Defense Department’s management and command staffs. His intelligence, resourcefulness, and easygoing manner made him a man who could be depended on to handle great responsibility with grace, dignity, and diplomacy. His entire life was an example of that.

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his own personal character—one that should be a model for mankind.

All South Dakotans know Harvey for his great service in our State legislature. He has served in the legislature for 11 years. He has been the Speaker of the State House of Representatives for six years, a year. Recently, Harvey announced he will not seek reelection. This is unfortunate. His shoes will be hard to fill. But I rise today to pay tribute to Harvey's contributions not as an elected official, which are many, but in his singular contribution as a loving, caring husband.

Recently, Gov. Bill Jankowski declared Saturday, February 24, Harvey C. Krautschun Day in South Dakota. This honor was given for the life he saved—the life of his wife, Joy. He stood by Joy's hospital bed as she lay comatose for a month, fighting for her life. Because of his constancy and commitment to his wife's life, even as doctors began discussing terminating life-support, his unwavering devotion remained unswayed. He would see his wife awake again.

Harvey demonstrated bravery, courage, and faith in protecting his wife's life. Joy fainted herself in this condition also, temporarily paralyzing her. On July 15, 1995, when a newborn colt jumped into an 8-foot-deep pond, Joy jumped in to save the colt. While trying to save the colt, Joy's heart suddenly failed. Harvey rushed to her side, and began administering mouth-to-mouth resuscitation. Their son, Bart, rushed to find additional help, calling an ambulance. Bart returned to his mother's side and performed cardiopulmonary resuscitation on her. Father and son together fought to save Joy's life. The massive heart failure pushed her into a coma. Miraculously, Joy awoke from her coma. Her recovery from the massive heart arrhythmia would entail months of hospitalizations and therapy. Joy did recover, she did awaken from the coma, and today she is living with her family. Doctors had believed she would not live. But Harvey and his family made a commitment to Joy's life, and, thereby, saved her.

To speak of saving a life, to speak of heroism measures a man's values and ideals. To take courageous, loving actions measures a man's valor and commitments. Considering the turbulence surrounding all of us on a daily basis, at times finding simple answers to our problems is difficult, if not humanly impossible. Some mornings while reading the South Dakota newspapers, I wonder, "What keeps people so strong?" In the wake of unforeseen events—I have found strength in faith and prayer. So when I heard of the sudden accident of Joy Krautschun and her husband, Harvey, I knew faith in the human spirit and prayer are the strongest, most powerful agents we have to combat the turbulence in our lives.

I have personally known Harvey for many years. As fellow runners, we jogged together through Spearfish Canyon. As a South Dakota statesman, Harvey has dutifully represented and protected his community, State, and all human life. Harvey has always been there for his constituents. In cases where the problem stretched to the Federal government, he was always the initiative to seek out help. It has been my pleasure to have worked with Harvey on such cases in the past. Harvey truly believes in fighting the good fight.

I have a great deal of respect and admiration for Harvey's leadership in the South Dakota Legislature. I trust and appreciate his views and advice on State and national issues. Harvey and his entire family are good, exemplary people and patriots of their Spearfish community.

Harriet and I wish Harvey and his family many more years of health and happiness. Harvey, Joy and their family continue to be in our thoughts and prayers. Knowing a man who is so committed in faith and deed to community, State, country, family, and the very essence of life is an honor. Harvey is true to his rock-solid beliefs in both word and deed.

February 24 may have been Harvey Krautschun Day for South Dakota, but it's safe to say that for Joy Krautschun, every day is Harvey Krautschun day.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny on television that keeps moving and moving and moving—precisely in the same manner, and to the same extent, that President Clinton is allowing the Federal debt to keep going up and up into the stratosphere.

Politicians like to talk good games—"talk" is the operative word—about cutting the Federal spending and thereby bringing the Federal debt under control. But watch how they vote on the big-spending bills.

Mr. President, at the close of business yesterday, March 18, the Federal debt stood at $5,055,609,537,686.31, an average per capita debt of $19,116.82 for every man, woman, and child in America.

DEFENSE AUTHORIZATION REQUEST FOR THE FISCAL YEAR 1997 AND THE FUTURE YEARS DEFENSE PROGRAM

Mr. THURMOND. Mr. President, today the administration officially sent its budget requests to the Congress. Although much of the detailed budget information is still not available for review, I want to provide my initial views of the material we have received in the Armed Services Committee. On the positive side of the ledger, I was very pleased that the military pay raise was fully funded in this budget request. The young men and women who serve our Nation in uniform continue to be the most important asset of our Nation's defense. This year, I intend that the Armed Services Committee will continue to provide increased funding for the quality-of-life initiatives and programs we began in last year's authorization bill.

Mr. President, I am troubled over several decisions made in the proposed budget. First is the Defense Department's decision to again reduce funding for critical ballistic missile defenses. We should be seeking ways to accelerate the development and deployment of both theater and national missile defense systems, not delay them. Under the Department's new proposal, we would not deploy a theater high altitude area defense system, commonly known as THAAD, or Navy upper tier, until 2006 or 2007. I find it hard to believe that the administration would continue to place the lives of our service men and women at risk, by delaying this critical capability.

Additionally, the levels of spending for modernization are perilously dangerous. Gains made in last year's bill, as a result of funds added by Congress, to revitalize modernization, may be lost due to inadequate levels of funding in this budget. The procurement accounts have been reduced by 44 percent since fiscal year 1992. This year's budget request decreases procurement spending even further.

General Shaik Elbadawi recently stated we should provide $60 billion a year for defense modernization by fiscal year 1998. This is 2 years earlier than the administration previously indicated in last year's budget, and now will not be acceptable. I find it hard to believe that the administration would continue to place the lives of our service men and women at risk, by delaying this critical capability.

While the Department's planning documents reflect increased spending for procurement in the outyears, I am not confident that we will ever get there. The administration's budget for this year reflects another decline in procurement spending. It appears that each year, modernization is used as a bargaining chip to fix other near term problems. This concerns me. I fail to see how this budget provides for adequate modernization. I believe that the Congress will be required to add funds to the defense budget again this year, to provide for minimal levels of modernization.

The Armed Services Committee will continue to look for opportunities to work with the military services, as we did last year, to add funds where they will have the most beneficial effects. We intend to invest money where these investments will save money in the future.
March 19, 1996

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As an example, last year we provided authority for multiyear procurement and an additional $82 million for the Longbow Apache Helicopter Program in the fiscal year 1996 Defense bill. As a result, we may save up to $1 billion over the life of this program. We want to continue to look at other innovative ways to achieve savings, which can then be applied toward other vital defense needs.

Finally, I remain concerned about the increasing frequency of deployment of our service members and their families. Ongoing and contingency operations, such as Haiti and Bosnia, not only drain resources away from current and future readiness, but place undue strain on our service members and their families.

Over the course of the next couple of months, the Armed Services Committee will continue to conduct an extensive evaluation of the budget request. Readiness, both current and long term, must be maintained and in some cases, revitalized. Modernization must be restored. Missile defense must become a reality.

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 1494. An act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

H. J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore [Mr. Thurmond].


The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of February 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

To the Congress of the United States:

The 1997 Budget, which I am transmitting to you with this message, builds on our strong economic record by balancing the budget in seven years while continuing to invest in the American people.

The budget cuts unnecessary and lower priority spending while protecting senior citizens, working families, and children. It reforms welfare to make work pay and provides tax relief to middle-income Americans and small businesses.

Three years ago, we inherited an economy that was suffering from short- and long-term problems—problems that were created or exacerbated by the economic and budgetary policies of the previous 12 years.

In the short term, economic growth was slow and job creation was weak. The budget deficit, which had first exploded in size in the early 1980s, was rising to unsustainable levels. Over the longer term, the growth in productivity had slowed since the early 1970s and, as a result, living standards had stagnated or fallen for most Americans. At the same time, the gap between rich and poor had widened.

Over the last three years, we have put in place budgetary and other economic policies that have fundamentally changed the direction of the economy—for the better. We have produced stronger growth, lower interest rates, stable prices, millions of new jobs, record exports, lower personal and corporate debt burdens, and higher living standards.

Working with the last Congress in 1993, we enacted an economic program that has worked better than even we projected in spurring growth and reducing the deficit. That has cut the deficit in half, from $260 billion in 1992 to $164 billion in 1995. As a share of the Gross Domestic Product, we have cut the deficit by more than half in three years, bringing the deficit to its lowest level since 1979.

While cutting overall discretionary spending, we also shifted resources to investments in our future. With wages increasingly linked to skills, we invested wisely in education and training to help Americans acquire the tools they need for the high-wage jobs of tomorrow. We also invested heavily in science and technology, which has been a strong engine of economic growth throughout the Nation’s history.

For Americans struggling to raise their children and make ends meet, we have sought to make work pay. We expanded the Earned Income Tax Credit, providing tax relief for 15 million working families, children, and other vulnerable Americans; and providing tax relief for middle-income Americans and small businesses.

My budget does that. It strengthens Medicare and Medicaid, on which millions of senior citizens, people with disabilities, and low-income Americans rely. It reforms welfare. It cuts other entitlements. And it cuts deeply into discretionary spending.

But while cutting overall discretionary spending, my budget invests in education and training, the environment, science and technology, law enforcement, and other priorities to help build a brighter future for all Americans. We should spend more on what we need, less on what we don’t.

PROJECTING AMERICAN LEADERSHIP

Across the globe, we live in a time of great opportunity and great challenge. With the end of the Cold War, the world looks to the United States for leadership. Providing it is clearly in our best interest. We must not turn away.

My budget provides the necessary resources to advance America’s strategic interests, carry out our foreign policy, open markets abroad, and support U.S. exports. It also provides the resources to confront the emerging global threats that have replaced the Cold War as major concerns—regional, ethnic, and national conflicts; the proliferation of weapons of mass destruction; international terrorism and crime; narcotics trading; and environmental degradation.
CREATING OPPORTUNITY AND ENCOURAGING RESPONSIBILITY

The Federal Government cannot—by itself—solve most of the problems and address most of the challenges that we face. In some cases, it must play a lead role—whether to ensure the guarantee of health care for vulnerable Americans, expand access to education and training, invest in science and technology, protect the environment, or make the Tax Code fairer. In other cases, it must play more of a partnership role—working with States, localities, non-profit groups, churches and synagogues, families, and individuals to strengthen communities, make work pay, keep our streets safe, and improve the quality of education.

To restore the American community, the budget invests in national service, through which 25,000 Americans this year are helping to solve problems in communities while earning money for postsecondary education or to repay student loans. We want to create more Empowerment Zones and Enterprise Communities to spur economic development and opportunity for the residents of distressed urban and rural areas. We want to expand the Community Development Financial Institutions Fund to provide credit and other services to such communities. With strong incentives in mind, we want to transform the Department of Housing and Urban Development into an agency that better addresses local needs. And we want to maintain our relationship with, and the important services we provide to, Native Americans.

In health care, our challenge is to improve the existing and largely successful system, not to end the guarantees of coverage on which millions of vulnerable Americans rely. My budget strengthens Medicare and Medicaid, ensuring their continued vitality. For Medicare, it strengthens the Part A trust fund for seniors and people with disabilities, and makes the program more efficient and responsive to beneficiary needs. For Medicaid, it gives States more flexibility to manage their programs while preserving the guarantee of health coverage for the most vulnerable Americans, retains current nursing home quality standards, and continues to protect the spouses of nursing home residents from impoverishment. My budget proposes reforms to make private health care more accessible and affordable, and premium subsidies to help those who lose their jobs pay for private coverage for up to six months. It also invests more in various public health services, such as the Ryan White program to help people living with AIDS, and research and regulatory activities that promote public health.

Because America’s welfare system is broken, we have worked hard to fix those parts of it that we could without congressional action. For instance, we have given 37 States the freedom to test ways to move people from welfare to work while protecting children, and we are collecting record amounts of child support. But now, I need the help of Congress. Together, in 1993 we expanded the Earned Income Tax Credit for 15 million working families, rewarding work over welfare. Now, my budget overhauls welfare by setting a time limit on cash benefits and imposing tough work requirements, and I want us to enact bipartisan legislation that requires work, demands responsibility, protects children, and provides adequate resources to get the job done—child care, training, and aid to make recipients the tools they need.

More and more, education and training have become the keys to higher living standards. While Americans clearly want States and localities to play the lead role in education, the Federal Government has an important supporting role to play—from funding preschool services that prepare children to learn, to expanding access to college and worker retraining. My budget continues our improvements in that we have made to give Americans the skills they need to get good jobs. Along with my ongoing investments, my budget proposes a Technology Literacy Challenge Fund to bring the benefits of technology into the classroom, a $1,000 merit scholarship for the top five percent of graduates in every high school, and more Charter Schools to let parents, teachers, and communities create public schools to meet their own children’s needs.

As Americans, we can take pride in cleaning up the environment over the last 25 years, with leadership from Presidents of both parties. But our job is not done—not with so many Americans breathing dirty air or drinking unsafe water. My budget continues our efforts to find solutions to our environmental problems without burdening business or imposing unnecessary regulations. We are providing the necessary funding for the Environmental Protection Agency’s operating program, for our national parks and forests, for my plan to restore the Florida Everglades, and for my “brownfields” initiative to clean up abandoned, contaminated industrial sites in distressed urban and rural communities. And we are continuing to reinvent the regulatory process by working collaboratively with business, rather than treating it as an adversary.

With science and technology (S&T) so vital to our economic future, our national security, and the well-being of our people, my budget continues our investments in the critical science base. To maintain our investments, I am asking Congress to fulfill my request for basic research in health sciences at the National Institutes of Health, for basic research and education at the National Science Foundation, support at other agencies that depend on S&T for their missions, and for cooperative projects with universities and industry, such as the industry partnerships created under the Advanced Technology Program.

To attack crime, the Federal Government must work with States and communities on some problems and lead on others. To help communities, we continue to invest in the Community Oriented Policing Services (COPS) program, which is putting 100,000 more police on the street. We are helping States build more prisons and jails, and expanding our efforts to stop drugs from entering the country and servicing the problem of youth gangs. At the Federal level, we are leading the fight to stop drugs from entering the country and helping to stop the use of firearms that helps prevent criminals from buying handguns, and better address the problem of youth gangs. At the Federal level, we are leading the fight to stop drugs from entering the country and helping to stop the use of firearms.

For many families, of course, the first challenge often is just to pay the bills. My budget proposes tax relief for millions of low-income American businesses. It provides an income tax credit for each dependent child under 13; a deduction for college tuition and fees; and expanded individual retirement accounts to help families save for future needs and more easily pay for college, buy a first home, pay the bills during times of unemployment, or pay medical or nursing home costs. For small business, it offers more tax benefits to invest, provides estate tax relief, and makes it easier to set up pensions for employees. It also provides the tax deduction to make health insurance for the self-employed more affordable.
As we pursue these priorities, we will do so with a Government that is leaner, but not meaner, one that works efficiently, manages resources wisely, focuses on results rather than merely spending money, and provides better service to the American people.

Through the National Performance Review, led by Vice President Gore, we are making real progress in creating a Government that "works better and costs less."

We have cut the size of the Federal workforce by over 200,000 people, creating the smallest Federal workforce in 30 years, and the smallest as a share of the total workforce since before the New Deal. We are ahead of schedule to cut the workforce by 272,900 positions, as required by the 1994 Federal Workforce Restructuring Act that I signed into law.

Just as important, the Government is working better. Agencies such as the Social Security Administration, the Customs Service, and the Veterans Affairs Department are providing much better service to their customers. Across the Government, agencies are using information technology to deliver services more efficiently to more people.

We are continuing to reduce the burden of Federal regulation, ensuring that our rules serve a purpose and do not unduly burden businesses or taxpayers. We are eliminating 16,000 pages of regulations across Government, and agencies are improving their rulemaking processes.

In addition, we continue to overhaul Federal procurement so that the Government can buy better products at cheaper prices from the private sector. No longer does the Government pay outrageous prices for hammers, ashtrays, and other small items that it can buy cheaper at local stores.

As we lead, we plan to work more closely with States and localities, with businesses and individuals, and with Federal workers to focus our efforts on improving services for the American people. Under the Vice President’s leadership, agencies are setting higher and higher standards for delivering faster and better service.

CONCLUSION

Our agenda is working. We have significantly reduced the deficit, strengthened the economy, invested in our future, and cut the size of Government while making it work better for the American people.

Now, we have an opportunity to build on our success by balancing the budget the right way. It is an opportunity we should not miss.

March 1996.

WILLIAM J. CLINTON.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2151. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the Office’s Sequestration Avoidance Report for fiscal year 1997; pursuant to the order of August 4, 1997; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC-2152. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the 1996 Force Readiness Assessment; to the Committee on Armed Services.

EC-2153. A communication from the Chief (Programs and Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Davis-Monthan Air Force Base [AFB], Arizona; to the Committee on Armed Services.

EC-2154. A communication from the Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Lackland Air Force Base [AFB], Texas; to the Committee on Armed Services.

EC-2155. A communication from the Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Little Rock Air Force Base [AFB], Arkansas; to the Committee on Armed Services.

EC-2156. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration’s annual report for fiscal year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2157. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Rental Housing Assistance At A Crossroads"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2158. A communication from the president and chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Republic of the Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-2159. A communication from the chairman of the board of the National Credit Union Administration, transmitting, pursuant to law, a risk schedule; to the Committee on Banking, Housing, and Urban Affairs.

EC-2160. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorization of Federal Aviation Administration for fiscal years 1997-99, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2161. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Southeast Alaska Public Lands Information Center; to the Committee on Energy and Natural Resources.

EC-2162. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a notice concerning defense articles to Laos relative to Presidential Determination 93-45; to the Committee on Foreign Relations.

EC-2163. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-222 adopted by the council on February 6, 1996; to the Committee on Governmental Affairs.

EC-2164. A communication from the Director of the Office of Communications of the Department of Agriculture, transmitting, pursuant to law, the 1995 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2165. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the 1995 activities under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2166. A communication from the General Counsel of the Office of National Drug Control Policy, Executive Office of the President, the annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2167. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the 1995 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2168. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the National Archives and Records Administration during 1995; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. SIMON, Mr. SPECTER, Mr. SIMPSON, Mr. KENNEDY, Mr. GRASSLEY, Mr. KOHL, Mr. DEWINE, Mr. FEINSTEIN, Mr. McCONNELL, Mr. JOHNSON, Mr. D'AMATO, Mr. BINGBAMAN, Mr. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEES, Mr. COHEN, Mr. DODD, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, Mr. SARICH, Mr. WELLSTONE, Mr. HARKIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

S. 1625. A bill to provide for the fair consideration of professional sports franchise relocations, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1626. A bill to provide for the orderly disposal of Federal lands in Southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. SIMON, Mr. SPECTER, Mr. BIDEN, Mr. SIMPSON, Mr. KENNEDY, Mr. GRASSLEY, Mr. KOHL, Mr. DEWINE, Mr. FEINSTEIN, Mr. McCONNELL, Mr. JOHNSTON, Mr. D'AMATO, Mr. AKAKA, Mr. BINGBAMAN, Mr. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEES, Mr. COHEN, Mr. DODD, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, Mr. SARICH, Mr. WELLSTONE, Mr. HARKIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

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S. 1626. A bill to provide for the orderly disposal of Federal lands in Southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.
LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, Mr. HARKIN, Mr. WYDEN, and Mr. LAUTENBERG:

S. 1624. A bill to reauthorize the Hate Crimes Statistics Act and for other purposes; to the Committee on the Judiciary.

THEREHAT HCRAVESSTATISTICS ACT
REAUTHORIZATION ACT OF 1996

Mr. SARBAKES. Madam President, I am pleased to join today with Senator HATCH, Senator SIMON, and others as an original cosponsor of legislation to permanently authorize the Hate Crimes Statistics Act. The Hate Crimes Statistics Act, passed overwhelmingly by Congress in 1990 and signed into law by President Bush, directs the Department of Justice to compile and publish data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity. The 1994 Crime Law added the requirement that data also be collected on crimes based on disability. The categories of crimes for which data is collected under the act includes homicide, rape, assault, arson, vandalism, and intimidation. The law expired on December 31, 1995, and not only should be authorized, but should be given a permanent mandate.

Before enactment of this law, there existed no such national collection of data on hate crimes. At the time it was originally passed, this law was intended to fill the gap in information concerning the deplorable, and increasing, incidence of violent crimes based on bigotry and prejudice. Today, 6 years later, this statute remains vitally necessary.

Madam President, far too often, we hear reports of violent hate-related incidents which shock all decent people in this country. It seems inconceivable that in 1996 such crimes can still be so pervasive, but statistics collected under this law indicate that the number of hate crimes take place each year. Therefore, it is critically important that we continue to monitor the occurrence of these crimes, in order that we may more effectively respond to them.

This law has enabled a systematic collection of information about these crimes on a national basis allowing us to develop a clear picture of the problem and fashion appropriate governmental responses.

Some States, including my home State of Maryland, officially monitor the incidence of hate violence and law enforcement officials in those States have testified to the usefulness of this information. In addition, a number of private groups have done an outstanding job collecting information and pointing out the serious problem of bigotry-related crimes. In particular, I would like to recognize the work of the National Institute Against Prejudice and Violence; the University of Maryland, formed in 1984 through the efforts of former Governor of Maryland Harry Hughes and others. This fine organization has been a clearinghouse for information on hate crimes and has conducted original research and provided assistance to communities wishing to deal with the problems of hate crime violence.

However, these efforts are simply not enough. A national collection of information is vital. The 1990 act accomplished the establishment and implementation of a Federal data collection system which has proven useful and should continue.

Although the Federal Bureau of Investigation is required under the law to collect information on hate crimes, participation by State and local law enforcement agencies under the law is strictly voluntary. However, participation has increased over the time that the law has been in effect. There has been a significant effort on the local level to encourage participation in the effort and as participation increases, allowing Federal, State, and local law enforcement agencies to direct their resources in dealing with hate crimes.

An essential aspect of the effort to address the problem of hate crimes in this country is ensuring that the police have a greater awareness of hate crimes and how to report them. Such incidents, with more sensitivity and understanding. The presence of more supportive and helpful law enforcement makes it more likely that hate crime victims will report these crimes, which in turn allows law enforcement to better respond.

I want to congratulate Senators SIMON and HATCH for their leadership on this important legislation and urge my colleagues to support prompt enactment of this bill. Mr. D'AMATO. Madam President, I am pleased to join my colleagues in introducing this bill that will extend the authority of the Attorney General to collect data on crimes motivated by race, religion, or ethnic hatred. The Act was the first action taken by Congress as a direct response to hate-motivated crimes and has certainly merited its continued existence.

When the original act was passed in 1990, the Attorney General was directed to collect data on any crime that evidenced some type of prejudice. It was the first action taken by Congress to address the violence emanating from hate crimes. The data that have since been prepared by the Attorney General, based on the collected data, describe trends and patterns associated with hate crimes. Having this information is a great asset for Federal officials as well as State and local governments in formulating responses to the vicious behavior of perpetrators of bias crimes.

For New York, with its unique mix of people, the collection of hate crime statistics is too important to fall by the wayside. Communities in my State have begun to organize in order to respond to the incidents of hate crimes in the neighborhoods. Residents in the town of Oyster Bay on Long Island recently met with their councilman to discuss the escalating occurrences of hate crimes. The response by citizens of my State is laudable and I believe the information compiled in these reports. A permanent database will assist in composing effective initiatives that will fight hate crimes.

State and local law enforcement in New York have struggled against the rising tide of hate crimes. A uniform compilation of statistics can be an asset in determining strategy, even if the participation in the collection of data is voluntary. A better understanding of the implications and trends of hate crimes, our criminal justice system can target scarce resources to those mechanisms that work the best to combat bias crimes.

Several years ago, the Crown Heights section of Brooklyn saw a senseless violent murder of a young Rabbinical student, a crime that was seemingly motivated by religious hatred. The tension within the community mounted, culminating in days of riots and years of healing. Detecting patterns in the incidents of hate crimes may have forewarned New York City of the horrendous turmoil that was to follow the brutal murder of that young student, Yankel Rosenbaum.

If used in the right manner, statistics are a valuable tool. I hope that my colleagues recognize the need to maintain this database and urge the passage of this important legislation.

Mr. SIMON. Madam President, I rise today to join Senator HATCH in the introduction of a bill to reauthorize and provide a permanent mandate for the Hate Crimes Statistics Act. I would also like to thank my colleagues for their leadership on this important issue, and for scheduling today's Senate Judiciary Committee hearing on this bill. This bill's 28 original cosponsors show the strong bipartisan support for this measure. It also has the strong support of Attorney General Reno, as well as the endorsement of major law enforcement and advocacy groups.

The Hate Crimes Statistics Act, which passed the House in 1990 by a vote of 92-4 and was signed into law by then President Bush, requires the Justice Department to collect data on crimes that show evidence of prejudice based on race, religion, ethnicity, or gender orientation. Until this act was passed, no Federal records of such crimes were maintained. This lack of information made it difficult to determine whether a particular crime was an isolated incident, or part of a continuing series against a particular group.

The act has proven successful in its initial purpose—the creation of data
Mr. President, for the opportunity to address this important issue. If one needs a reminder as to why we must make the Hate Crimes Statistics Act a permanent mandate, one need look no further than today's headlines. Throughout the South, Federal and State authorities are investigating a rash of arson against African-American churches reminiscent of the violence perpetrated throughout the 1960's. In California, a native American was brutally stabbed by skinheads.

My home State of Colorado has not been immune from the scourge of hate violence. In Morrison, CO, a swastika was burned on a woman's lawn. While these events may seem isolated, they are symptomatic of a growing problem in the United States. Note the recent move of the Cleveland Indians to Arizona. In short, the time has come for Congress to make the Hate Crimes Statistics Act a permanent law.

The Justice Department recently launched a civil rights probe into a rash of arson which has destroyed at least 23 black churches in the South since 1993. The Justice Department has not yet acted on if trying to determine whether the crimes are racially motivated, and whether they are connected. In New York City, a man shot his Asian neighbor with a BB gun because of hatred for his Asian neighbor.

In 1995, the Southern Poverty Law Center's Klanwatch Project counted 267 active hate groups in the United States, including 6 in Colorado. And, in 1994, because of the passage of the Hate Crimes Statistics Act, law enforcement agencies in the United States were able to identify 5,852 hate crimes.

Hate crimes are a growing problem—one that cannot merely be measured by numbers alone. If we are going to be successful in our battle against the scourge of violent hate crime, one thing is certain—we must have hard, reliable, information about the nature and scope of the problem.

Mr. President, this bill calls for a permanent mandate for the collection of hate crime data by the Justice Department. This important piece of legislation received broad bipartisan support and was signed into law by President Bush in 1996.

Data collection is crucial to this effort for other reasons as well. According to an article in Stanford Law & Policy Review entitled "Bias Crime: A Theoretical and Practical Overview," data collection has proven to be a gateway for other important initiatives in the battle against crime. These other responses include enhanced investigative techniques, improved services for victims and the establishment of interagency coordination.

There is another important purpose to this legislation as well. It sends a strong, symbolic message that we, as a nation, will not tolerate this kind of behavior. Mr. President, I proudly co-sponsor this legislation which will make the Hate Crimes Statistics Act a significant and permanent addition to our framework of anti-crime laws.

By Mr. SPECTER:

S. 1625. A bill to provide for the fair consideration of professional sports franchise relocations, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, the purpose of my seeking recognition is to introduce legislation that would provide for an antitrust exemption for the National Football League on the subject of franchise moves, because that has become such a major problem in the United States. Note the recent move of the Cleveland
Browns to Baltimore, and previous moves of the Cardinals from St. Louis to Phoenix, of the Rams from Los Angeles to St. Louis, of the Colts from Baltimore to Indianapolis, and the tremendous dislocations that these moves have only to speak to cities like Baltimore who have a very close relationship with their team—really, America is in love with sports and it carries from the high school to the college and professional level—but to all Americans. We have recently seen the Pirates saved in the city of Pittsburgh because of the ability of professional baseball to control franchise moves, which is not possible for professional football, because baseball has a generalized exemption to the antitrust laws, whereas football does not.

This is a matter which has enormous financial implications for the cities involved. There are thousands of jobs involved in hotels, restaurants, commercial and retail trade, and there is a great deal of the financial matters and the status as a big-league city. As a Senator from Pennsylvania, with major sports teams in my State, it is a matter of very, very significant importance. It first came to my mind personally in the early years in the Senate, back in 1982, when Dan Rooney, the owner of the Steelers, approached me with then-Commissioner Pete Rozelle seeking hearings in the Judiciary Committee on the then-upcoming move of the Raiders from Oakland to Los Angeles. Senator THURMOND, then chairman of the Judiciary Committee, scheduled those hearings. They were very important hearings, which, regretfully, did not stop the move of the Raiders from Oakland to Los Angeles. Then we have seen the Raiders move back from Los Angeles to Oakland, and it led me to introduce a series of bills, as others have, on this very important subject. These are delineated in a fuller statement, which I will give a made a part of the Record at the conclusion of this brief presentation.

I believe, Mr. President, that legislation is necessary in this area to provide stability for professional football. It is my hope, as we move through this legislative process, that we will receive from football, as well as from baseball, for the preservation of their antitrust exemption, some consideration that will result in the avoidance of some cities like Baltimore, putting up some $200 million to bring the Browns to Baltimore from Cleveland, according to press reports. This antitrust exemption applies, as well, to basketball and hockey. Again, it is very important to have stability in those leagues, so they can avoid dislocations and having franchises moved because of the threat of judicial holdings that the antitrust laws are violated when the league attempts to block a team from relocating.

My legislation does contain a provision that where a team moves and it leaves the city at a loss because of infrastructure changes the city has made, or contractual obligations, the moving team has to reimburse the city for its share of that public debt. This is an idea brought to me by the distinguished mayor of Pittsburgh, Mayor Tom Murphy. It is based on a resolution on behalf of Mayors. My bill also has a provision that requires that when a team moves from a city, if the league expands, that city will have the first opportunity—in effect, the right of first refusal—to be considered for the expansion team. The bill does not impose an obligation on the league, because there are many complicating factors that the league has to consider in deciding where a team should be located.

But we have seen tremendous instability in professional sports with these franchise moves. My own concern arose a long time ago when the Dodgers moved from Brooklyn to Los Angeles. I thought Los Angeles ought to have a team, but not where the Dodgers were. They ought to have had an expansion team. At the same time there was the move of the Giants to San Francisco from New York.

This legislation builds upon previous bills of mine, which I have specified in my longer statement. It is a part of the process, and I believe we need to have a dialog with the commissioners on the whole variety of issues confronting sports, as I have with Commissioner Trager of the National Football League. My legislation is not the need for multipurpose stadiums—with objections now to using the Vet in Philadelphia or Three Rivers in Pittsburgh for multiple sports—using, for example a kidney-shaped design to accommodate both football and baseball. We must try to see to it that we have stability and we do not impose enormous burdens on the taxpayers for new stadiums, but that we retain the big-league-city status of current markets that support their teams and expand the leagues, which appropriate, and find some way to stabilize professional sports with revenue sharing and salary caps to protect small-market teams. These issues raise complex matters which are yet to be worked out, but this bill is a start to addressing some of the issues facing professional football, basketball, and hockey.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1625

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 “Professional Sports Franchise Relocation Act of 1996”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) professional sports teams foster a strong local identity with the people of the cities and regions in which they are located, providing a source of civic pride for their supporters;

(2) professional sports teams provide employment opportunities, revenues, and a valuable form of entertainment for the cities and regions in which they are located;

(3) in many communities, there are significant public investments associated with professional sports facilities;

(4) it is in the public interest to encourage professional sports leagues to operate under policies that promote stability among their member teams and to promote the equitable resolution of disputes arising from the proposed relocation of professional sports teams; and

(5) professional sports teams travel in interstate commerce to compete, and utilize materials shipped in interstate commerce, and professional sports games are broadcast nationally.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “antitrust laws” shall have the meaning given to such term in the first section of the Clayton Act (15 U.S.C. 12) and in the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(2) the term “home territory” means the geographic area within which a member team operates and plays the majority of its home games, as defined in the governing agreement or agreements of the relevant league on July 1, immediately preceding the commencement of operations of any league after such date;

(3) the term “interested party” includes—

(A) any local government that has provided financial assistance, including tax abatement, to the facilities in which the team plays;

(B) a representative of the local government for the locality in which a member team’s stadium or arena is located;

(C) an owner, controller, or member of the finance committee of the club for which the team plays;

(D) the owner or operator of a stadium or arena of a member team; and

(E) any other affected party, as designated by the relevant league;

(4) the term “local government” means a city, county, parish, town, township, village, or any other general governmental unit established under State law;

(5) the terms “member team” and “team” mean any team of professional athletes—

(A) organized to play major league football, basketball, or hockey; or

(B) that is a member of a professional sports league;

(6) the term “person” means any individual, partnership, corporation, or unincorporated association, any combination or association thereof, or any political subdivision; and

(7) the terms “professional sports league” and “league” mean an association that—

(A) is composed of 2 or more member teams;

(B) regulates the contests and exhibitions of its member teams; and

(C) has been engaged in competition in a professional sport for more than 7 years; and

(8) the terms “stadium” and “arena” mean the principal facility within which a member team plays the majority of its home games.

SEC. 4. ACTIONS AUTHORIZED.

(1) I N GENERAL.—Any person seeking to change the home territory of a member team shall furnish notice of such proposed change to the Commissioner of the league to decide whether or not a member team of such league may be relocated.

SEC. 5. PROCEDURAL REQUIREMENTS.

(a) NOTICE.

(1) I N GENERAL.—Any person seeking to change the home territory of a member team shall furnish notice of such proposed change to the Commissioner of the league not later than 210 days before the commencement of the season in which the member team is to play in such other location.
(2) REQUIREMENTS.—The notice shall—
(A) be in writing and delivered in person or by certified mail to all interested parties;
(B) be made available to the news media;
(C) be published in one or more newspapers of general circulation within the member team’s home territory; and
(D) contain—
(i) a description of the proposed new location of such member team;
(ii) a summary of the reasons for the change in home territory based on the criteria in subsection (b)(2); and
(iii) the date on which the proposed change would become effective.
(b) PROCEDURES.—
(1) ESTABLISHMENT.—Prior to making a decision to approve or disapprove the relocation of a member team, a professional sports league shall establish applicable rules and procedures, including criteria and factors to be considered by the league in making decisions, which shall be available upon request to any interested party.
(2) CRITERIA TO BE CONSIDERED.—The criteria and factors to be considered shall include—
(A) the extent to which fan loyalty to and support for the team has been demonstrated during the team’s tenure in the community;
(B) the degree to which the team has engaged in good faith negotiations with appropriately designated terms and conditions under which the team would continue to play its games in the community or elsewhere within its home territory;
(C) the degree to which the ownership or management of the team has contributed to any circumstance that might demonstrate the need for the relocation;
(D) the extent to which the team, directly or indirectly, received public financial support by means of any publicly financed playing facility, special tax treatment, or any other form of public financial support;
(E) the adequacy of the stadium or arena in which the team played its home games in the previous season, and the willingness of the stadium, arena authority, or local government to remedy any deficiencies in the facility;
(F) whether the team has incurred net operating losses, exclusive of depreciation or amortization, sufficient to threaten the continued financial viability of the team;
(G) whether any other team in the league is located in the community in which the team is located;
(H) whether the team proposes to relocate to a community in which no other team in the league is located;
(I) whether the stadium authority, if public, is opposed to the relocation; and
(J) any other criteria considered appropriate by the professional sports league.
(c) HEARINGS.—In making a determination with respect to the location of such member team’s home territory, the professional sports league shall conduct a hearing at which interested parties shall be afforded an opportunity to submit written testimony and evidence. The hearing shall include a record of all such proceedings.

SEC. 6. JUDICIAL REVIEW.
(a) IN GENERAL.—A decision by a professional sports league to approve or disapprove the relocation of a member team may be reviewed in a civil action brought by an interested party subject to the limitations set forth in this section.

(b) VALUE.—
(1) IN GENERAL.—Subject to paragraph (2), an action under this section may be brought only in the United States District Court for the District of Columbia.
(2) EXCEPTION.—If the home territory of the member club or the proposed new home territory of the member club is within 50 miles of the District of Columbia, an action under this section may be brought only in the United States District Court for the Southern District of New York.
(3) TIME.—An action under this section shall be brought not later than 14 days after the formal vote of the league approving or disapproving the decision.

(c) STANDARD OF REVIEW.—Judicial review of a decision by a professional sports league to permit or not to permit the relocation of a member team shall be conducted on an expedited basis, and shall be limited to—
(1) determining whether the league complied with the procedural requirements of section 5; and
(2) determining whether, in light of the criteria and factors to be considered, the league’s decision was arbitrary or capricious.

(d) REMAND.—If the reviewing court determines that the league failed to comply with the procedural requirements of section 5 or reached an arbitrary and capricious decision, it shall remand the matter for further consideration by the league. The reviewing court may grant no relief other than enjoining or approving enforcement of the league decision.

SEC. 7. MISCELLANEOUS.
(a) PAYMENT OF DEBTS.—
(1) IN GENERAL.—Any team permitted by a professional sports league to relocate its franchise to a different home territory from a publicly owned facility that remains subject to debt for construction or improvement, including capital obligations, shall pay to the facility owner, on a monthly or other periodic basis, the monthly or other periodic payment owed in respect of such debt for construction or improvement, including capital obligations, for the 12 months prior to the notice of the team’s intention to relocate, of the existing debt service on such debt, in an amount equal to the proportionate share, based upon the dates of facility usage during the 12 months prior to the notice of the team’s intention to relocate, of the existing debt service on such debt.

(b) CREDIT AGREEMENT.—A credit agreement entered into by a public authority or other public sector entity pursuant to section 5 shall obligate the public authority or other public sector entity to pay, on a monthly or other periodic basis, the payments owed in respect of such debt for construction or improvement, including capital obligations, for the 12 months prior to the notice of the team’s intention to relocate, of the existing debt service on such debt, in an amount equal to the proportionate share, based upon the dates of facility usage during the 12 months prior to the notice of the team’s intention to relocate, of the existing debt service on such debt.

(c) T I ME.—An action under this section shall be brought not later than 14 days after the formal vote of the league approving or disapproving the decision.

(d) IMPACT.—If the reviewing court determines that the league failed to comply with the procedural requirements of section 5 or reached an arbitrary and capricious decision, it shall remand the matter for further consideration by the league. The reviewing court may grant no relief other than enjoining or approving enforcement of the league decision.
Hutchison] were added as cosponsors of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

**SENATE CONCURRENT RESOLUTION 3**

At the request of Mr. McCain, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

**SENATE CONCURRENT RESOLUTION 43**

At the request of Mr. Thomas, the names of the Senator from Virginia [Mr. Santorum], the Senator from North Dakota [Mr. Dorgan], the Senator from Idaho [Mr. Craig], the Senator from West Virginia [Mr. Rockefeller], the Senator from Nevada [Mr. Reid], and the Senator from Washington [Mr. Gorton] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.

**AMENDMENT NO. 3512**

At the request of Mr. Chafee his name was added as a cosponsor of Amendment No. 3511 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

**AMENDMENT NO. 3513**

At the request of Mr. Coats the names of the Senator from Oklahoma [Mr. Nickles] and the Senator from Maine [Ms. Snowe] were added as cosponsors of Amendment No. 3513 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

**AMENDMENT NO. 3520**

At the request of Mr. Wellstone the names of the Senator from Connecticut [Mr. Dorgan], the Senator from New York [Mr. Feingold], the Senator from Pennsylvania [Mr. Santorum], the Senator from Illinois [Ms. Moseley-Braun], and the Senator from Nebraska [Mr. Kerrey] were added as cosponsors of Amendment No. 3520 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

At the request of Mr. Conrad his name was added as a cosponsor of Amendment No. 3520 proposed to H.R. 3019, supra.

**AMENDMENTS SUBMITTED**

THE 1996 BALANCED BUDGET DOWNPAYMENT ACT, II

**HATFIELD AMENDMENT NO. 3553**

Mr. Hatfield proposed an amendment to amendment No. 3466 proposed by him to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; as follows:

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<th>Page</th>
<th>Line</th>
<th>Text</th>
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<tbody>
<tr>
<td>412</td>
<td>23</td>
<td>strike “$497,670,001” and insert “$498,920,000.”</td>
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</table>

The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal year 1996 is repealed.

On page 754, before the heading on line 5, insert the following: (TRANSFER OF FUNDS)

<table>
<thead>
<tr>
<th>Section</th>
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<td>. . .</td>
<td>The funds appropriated or otherwise made available in title II of the Department of Defense Appropriations Act, 1996 (Public Law 104-66) under the paragraph “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, Air Force”, $44,900,000 are transferred to and merged with funds appropriated or otherwise made available in title II of that Act under the paragraph “OPERATION AND MAINTENANCE, Air Force” and shall be available for obligation and expenditure for the operation and maintenance of 94 B-52H bomber aircraft in active status or in attrition reserve.</td>
</tr>
</tbody>
</table>

On page 754, before the heading on line 5, insert: (TRANSFER OF FUNDS)

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>. . .</td>
<td>The funds made available in Public Law 104-61 under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE” are transferred to the Department of Energy for use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for project numbered 1473, provided that the current licensee, the Federal Power Commission, shall be the new holder of such license.</td>
</tr>
</tbody>
</table>

On page 770, after line 4 of the Committee substitute, insert the following new section:

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>. . .</td>
<td>The Secretary shall advance emergency relief funds to the State of Missouri for the replacement in kind of the Hannibal Bridge on the Mississippi River damaged by the 1993 floods notwithstanding the provision in section 122 of the State of Missouri Code: Provided, That this provision shall be subject to the Federal Share provisions of section 121 of title 12 of the Code.</td>
</tr>
</tbody>
</table>

On page 643, in line 3 of the Committee substitute, insert the following new paragraph:

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>. . .</td>
<td>The amount made available under this heading, notwithstanding any other provision of law, $13,000,000 shall be for a grant to Watertown, South Dakota for the construction of a wastewater treatment facility.</td>
</tr>
</tbody>
</table>

**SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE**

**SENSE OF THE SENATE.**—It is the Sense of the Senate that the Conference on S. 1594, making Omnibus Consolidated Rescissions & Appropriations for Fiscal Year 1996, is provided and developed a long-term funding plan for the budgetary treatment of any federal assistance, providing for such funds out
of existing budget allocation rather than taking the expenditures off budget and adding to the federal deficit.

SEC. None of the funds made available by this Act or any previous Act shall be expended if such expenditure would cause total fiscal year 1996 non-defense discretionary expenditures for Agriculture, rural development and related programs or activities contained in this or prior year Acts to exceed $13,581,000,000.

Appropriations within 30 days of the enactment shall report to the Committees on Appropriations for non-defense programs and activities contained in this or prior year Acts to exceed $9,272,000,000; Foreign operations programs or activities contained in this or prior year Acts to exceed $13,867,000,000; Interior and related programs or activities contained in this or prior year Acts to exceed $13,215,000,000; Labor, health and human services, education and related programs or activities contained in this or prior year Acts to exceed $68,565,000,000; Transportation and related programs or activities contained in this or prior year Acts to exceed $24,270,000,000; Veterans Affairs, Housing and independent agencies' programs or activities contained in this or prior year Acts to exceed $88,000,000,000; That the President shall report to the Committees on Appropriations within 30 days of the enactment into law of this Act on the implementation of this section: Provided, That no more than 50 percent of the funds appropriated or otherwise made available for obligation for non-defense programs and activities in this Act subject to emergency Appropriations of this Act and containing an emergency designation shall be expended until the report mentioned in the preceding proviso is transmitted to the Committees on Appropriations.

At the appropriate place in the bill insert the following:

SEC. 1. DESIGNATION.

The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known as designated as the "Jonathan M. Wainwright Memorial VA Medical Center."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document or any record of the United States to the Walla Walla Veterans Medical Center referred to in section 1 shall be deemed to be a reference to the "Jonathan M. Wainwright Memorial VA Medical Center."

On page 39, above the title on line 10, insert the following:

SEC. (a) STATE COMPATIBILITY WITH FEDERAL BUREAU OF INVESTIGATION SYSTEMS.—(1) The Attorney General shall make funds available to the chief executive officer of each State to carry out the activities described in paragraph (2).

(b) USES.—The executive officer of each State shall report to the Attorney General the funds made available under this subsection in conjunction with units of local government, other States, or combination thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(A) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(B) ballistics identification programs that are compatible and integrated with the Drugfire Program of the Federal Bureau of Investigation;

(C) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System of the Federal Bureau of Investigation; and

(D) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(b) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall require that each person convicted of a felony of a sexual nature shall provide a sample of blood, saliva, or other specimen necessary to conduct testing with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(c) INTERSTATE COMPACTS.—A State may enter into a compact or compacts with another State or States to carry out this section.

SEC. 3. ALLOCATION.

The Attorney General shall allocate the funds appropriated under subsection (e) to each State based on the following:

(1) $25 percent shall be allocated to each of the participating States.

(2) Of the total funds remaining after the allocation under paragraph (1), each State shall be allocated an amount that bears the same ratio to the amount of such funds as the population of such State bears to the population of all States.

SEC. 4. APPROPRIATION.

$11,800,000 is appropriated to carry out the provisions in this section and shall remain available until expended.

SEC. 5. PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department in order to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and improve health care quality.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

SEC. 6. SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 7. PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notify the appropriate Committees of Congress that the plan will not be implemented along with an explanation of why such plan will not be implemented.

On page 461, line 14, of the pending Hatfield amendment, insert the following, before the period:

"Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region."

On page 756, between lines 10 and 11, insert the following:

SEC. 1103. ALLOCATION OF FUNDS.

Notwithstanding any other provision of this title, funds made available under this title for emergency or disaster assistance programs of the Department of Agriculture, Department of Housing and Urban Development, Economic Development Administration, National Park Service, Small Business Administration, and United States Fish and Wildlife Service shall be allocated in accordance with the established prioritization process of the respective Department, Administration, or Service.

In the modification to amendment No. 3466, identified as section 3006, change the instructions to read, "On page 754, after line 19, insert:

"Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

In the modification to amendment No. 3466, identified as section 3007, insert the following instructions: "On page 754, before the heading on line 5, insert:

"Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

In amendment No. 3510, change the instructions to read, "On page 754, before the heading on line 5, insert:

"Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

At the appropriate place, insert the following new section:

SEC. 4. COMPOSITION OF NATIONAL COMMISSION ON RURAL REVENUE.

(a) IN GENERAL.—Section 637(d)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52, 109 Stat. 509) is amended—

(1) by striking "thirteen" and inserting "seventeen", and

(2) in subparagraphs (B) and (D)—

(A) by striking "Two" and inserting "Four", and

(B) by striking "one from private life" and inserting "three from private life.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.
Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, March 19, 1996, to receive testimony from the unified commanders on their military strategies, operational requirements, and the Defense authorization request for fiscal year 1997 and the future years defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, to conduct a nominations hearing of the following nominees: Stuart E. Eizenstat, of Maryland, to be under Secretary of Commerce for International Trade; and Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, session of the Senate for the purpose of conducting a hearing on oversight of the Federal Communications Commission.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, at 10 a.m. in SD-226 to hold a hearing on “Authorization of the Hate Crimes Statistics Act.”

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, at 10 a.m. to hold hearings.

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

ADDITIONAL STATEMENTS

APPROPRIATIONS FOR ADULT EDUCATION AND LITERACY

Mr. SIMON. Mr. President, last Thursday I offered an amendment to the omnibus appropriations bill to reauthorize funding for three Federal literacy programs. The Senate will vote on this amendment tomorrow.

Adult education and literacy programs are essential to reducing welfare dependency, crime, and unemployment. Yet all Federal, State, and local public and private nonprofit literacy programs combined serve only 10 percent of those in need.

Mr. SIMON. I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, at 9 a.m. in SH-216 to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.
March 19, 1996

THE GAMBLING LOBBY VERSUS FRANK WOLF

Mr. SIMON. Mr. President, I suppose you know I have joined with Senator LUGAR and others in proposing a bill to look at where the gambling lobby is so effective is the lack of limits on campaign contributions that are provided.

And, as we know from indictments and convictions across the land, the gambling gentry do not hesitate, from time to time, to get into illegal activity to promote their enterprises.

I am proud of my colleague, FRANK WOLF, for what he is doing, as I am proud of Senator RICHARD LUGAR and the other cosponsors in the Senate.

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There are many more adults like me who, after waiting 20 years and you're finished. It is a long process. I've been working on my education for all these years and you're finished. It is a long process. I've been working on my education for all these years and you're finished. It is a long process.

I've been working on my education for all these years and you're finished. It is a long process.

At least now I know what I'm dealing with. It was not my fault—I was smart enough to learn how to read, and with whom I agree more consistently, than Carl Rowan.

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them of harboring the racist and sexist views of the framers. Yet they peddle those views almost mindlessly.

We either treasure democracy or we don’t. If we do, the score of it is better. So I say of the Motor Voter law and mail ballot: “Welcome and hoory!”

SENATOR COHEN: WHY I AM LEAVING

Mr. SIMON. Mr. President, I received a note in the mail from Marion Plancan of Staten Island, NY, and she enclosed an op-ed piece written by our colleague, Senator WILLIAM COHEN, for the Los Angeles Times.

Somewhere I missed seeing the original publication of it.

But I have found through the years on the Senate floor and with my service with him in the House, that our colleague, BILL COHEN usually makes sense.

And his call for greater civility, less hostility, more reason, and less shouting is a call that should be heeded in this body, and also by the American public.

I wish that the extremes of partisanship and hostility were only in the House and Senate or only between the administration and Congress.

Unfortunately, we do reflect the American public sometimes more than we should.

We should be a reconciling force, and I fear that we are not.

I ask that the WILLIAM COHEN op-ed piece be printed in the RECORD.

The column follows:

[From the Los Angeles Times]

WHY I AM LEAVING

(By William S. Cohen)

Last week, I announced that I would not seek reelection to the Senate for a fourth term. I have been moved by the reaction of my constituents and colleagues. Many expressed sadness over my decision, and nearly all were perplexed. Why are so many leaving the Senate? How can the center hold? Won’t the system fall apart?

It is not a case, to continue with Yeats’s words, “that the best lack all conviction while the worst are full of passionate intensity.”

Such a poetic construct presumes too much and maligns the character and capabilities of those who have most recently arrived in Congress and those who have chosen to remain.

Those of us leaving the Senate do so for unique and deeply personal reasons. I suspect, however, that we share a common level of frustration over the absence of political accord and the increase in personal hostilities that now permeate our system and society.

Increasingly, public officials face: Too little time to reason and reflect; the hair-trigger presumption of guilt pulled at the slightest whisper of imperfection; the schizophrenia of a public that wants less government spending, more government services and lower taxes, and the unyielding demands of proliferating single-issue constituencies.

Too many hours are devoted to endless motion without movement, interminable debate without decision and rhetorical finger-pointing without any corresponding solutions.

Our republic, we know, was designed to be slow-moving and deliberative. Our Founding Fathers were convinced that power had to be entrusted to someone, but that no one could be entirely trusted with power. They devised a brilliant system of checks and balances to prevent the abuse of power by every party to the detriment of the few.

They constructed a perfect triangle of allocated and checked power, Euclidian in symmetry and balance. There could be no rash action, no legislative mob rule, no unrestrained chief executive.

The difficulty with this diffusion of power in today’s cyberspace age is that everyone is in check, but no one is in charge. But more than the constitutional separation of powers is leading to the unprecedented stalemate that exists today. There has been a breakdown that I can’t describe and discourse. Emptiness at times has become so intense that members of Congress have resorted to shouting matches outside the legislative chambers. The Russian Duma, it seems, is slouching its way toward the Potomac as debate gives way to diatribe.

We are witnessing a gravitational pull away from center-based politics to the extremes on both the right and left. Those who seek compromise and consensus are depicted with scorn as a “mushy middle” that is weak and unprincipled, those who plant their feet in the concrete of ideological absolutism are heralded as heroic defenders of truth, justice and the American way.

The departure of centrists from party ranks may be cheered by ideologues in the short term. But unless the American people are willing to embrace one party dominance and governance for extended periods (or turn to the British parliamentary model, which I don’t recommend), then elements within the liberal and conservative factions will necessarily move back to the center, toward compromise and, yes, consensus.

The American people are experiencing a great deal of anger and anxiety at this time. The economy and fiscal prudence have given way to the soft vices of mindless consumption and selfish gratification. We are now paying for the wages of our sins, and ironically, our citizens are angry with political leaders who have indulged their appetites, purchased their votes and passed the bills to the next generation. The road to fiscal solvency and sanity will not be easy, and it surely will not be paved with the bloated promises of blindshments of political evangelists.

I have devoted nearly a quarter of a century to public service and a search for common ground in a society that is growing in complexity and diversity. Although I have decided to enter the private sector to pursue new challenges and opportunities, I remain convinced that the American political system will pass through this transitional phase in our history and return to the center, the place where most people live and a democracy functions best.

JAMES THOMAS VALVANO

Mr. MOYNIHAN. Mr. President, March 10, 1996, marked what would have been James Thomas Valvano’s 50th birthday. It had been almost 3 years since the death of this tireless native son of the Queens, NY, natives since I have lost a rather public battle with cancer. The intent here, however, is not to eulogize. And any attempt to do so would pale in comparison to the impressed eloquence of that offered on this floor by my distinguished colleagues.

James Thomas Valvano was born on April 28, 1943. I did not know Jim Valvano—barely knew of him. But I am aware of the good work done by the foundation he founded in the final weeks of his life.

On March 4, 1993, Jim Valvano was awarded the inaugural ESPN Arthur Ashe Award for Courage at the American Sports Awards. In an acceptance speech, he was widely credited and shall long be remembered. He announced the creation of the V Foundation for Cancer Research. With a Churchillian stoutness of spirit, Valvano set forth the mission:

“...May it not save my life. It may save my children’s lives. It may save someone you love. ... It’s motto is, ‘Don’t give up, don’t ever give up.’ That’s what I’m going to do every minute that I have left, so that someone else might survive, might and might actually be cured of this dreaded disease. ... I’m going to work as hard as I can for cancer research and hopefully, maybe, we’ll have some cures and some breakthroughs.

Since that night the V Foundation has raised more than $2.3 million for that mission. Here are just some of the organizations and programs to which the V Foundation has contributed: $250,000 to fund a national public awareness campaign through the NCCR [National Coalition of Cancer Researchers]; $100,000 to fund Dr. Gerald Bepler at Duke Comprehensive Cancer Center; $100,000 to fund a 2-year grant for Dr. Phil Hochhauser at Memorial Sloan-Kettering Cancer Center in New York; $100,000 to the UNC Lineberger Cancer Center for construction of the James Valvano Cancer Research Lab; $100,000 to fund Dr. Leland Powell at the University of California, San Diego; $100,000 to fund the research of Dr. Thomas Gajewski at the University of Chicago Comprehensive Cancer Center; $29,000 to the Kosair Children’s Hospital in Louisville, KY, for the construction of the Angela Valvano Classroom.

Any basketball coach who carried a collection of Emily Dickinson poems in his gym bag and quoted Edna St. Vincent Millay and Ralph Waldo Emerson to his players would certainly remember the comment that Jim Valvano made about the missions of the basketball programs he coached. He said, “...The mission: ‘Don’t give up, don’t ever give up.’ That’s what I’m going to do every minute that I have left. So that someone else might survive, might and might actually be cured of this dreaded disease. ... I’m going to work as hard as I can for cancer research and hopefully, maybe, we’ll have some cures and some breakthroughs."

Mr. President, I ask that the entire text of Jim Valvano’s remarks at the 1993 ESPN Awards be printed in the RECORD.

The remarks follow:

Thank you. Thank you very much. Thank you. That’s the lowest I’ve ever seen Dick Vitale since the owner of the Detroit Pistons estates him in and told him he should go into broadcasting.

I can’t tell you what an honor it is, to even be mentioned in the same breath with Arthur Ashe. This is something I certainly will treasure forever. But, as it said on the tape, and I also don’t have one of those things going with the cue cards, so I’m going to work as hard as I can for cancer research and hopefully, maybe, we’ll have some cures and some breakthroughs. That’s the way it goes. Time is very precious to me. I don’t know how much I...
March 19, 1996

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have left and I have some things that I would like to say. Hopefully, at the end, I will have something that will be important to other people, too... .

But I can't help it. Now I'm fighting cancer. Everybody knows that. People ask me all the time about how you go through your life and how your day, and nothing is changed for me. I don't live like a man. I don't live like a man who has a lot of money. I don't live like a man who has a lot of money. I don't live like a man who has a lot of money. I don't live like a man who has a lot of money. I don't live like a man who has a lot of money. I don't live like a man who has a lot of money.

When people say to me how do you get through life or each day, it's the same thing. To me, I think those things we do every day we should do every day. We should do this every day of our lives. Number one is laugh. You should laugh every day. Number two is think. You should be in thought. Number three is, you should have your emotions moved to tears, could be happiness or joy. But think about it. If you laugh, you think and you cry, that's a full day. That's a heck of a day. You do that seven days a week, you're going to have something special.

I rode on the plane up today with Mike Krzyzewski and a wonderful coach. People don't realize he's 10 times a better person than he is a coach, and we know he's a great coach. He's meant a lot to me. We've been through months with bile. But when I look at Mike, I think we compete against each other as players. I coached against him for 15 years, and I always thought what's important in life to me are these three things. Where you started, where you are and where you're going to be. Those are the three things that I try to do every day. When I think about getting up and giving a speech, I can't help it. I have to remember the first speech I ever gave.

I was coaching at Rutgers University, that was my first job, oh, that's wonderful [reaction to applause], and I was the freshmen coach. That's when freshmen played on freshmen teams, and I was so fired up about my first job. I see Lou Holtz here. Coach Holtz, who doesn't like the very first job you had? The very first time you stood in the lockerroom to give a pep talk. That's a special place, the lockerroom, for a coach to give a talk.

So no real as a coach was Vince Lombardi, and I read this book called "Commitment to Excellence" by Vince Lombardi. And in the book, Lombardi talked about the first time he stepped up on the field to talk Bay Packers to the lockerroom, and they were perennial losers. I'm reading this and Lombardi said he was thinking should it be a long talk, a short talk? But he wanted to be emotional, so it would be brief. So here's what I did. Normally you get in the lockerroom, I don't know, 25 minutes, a half hour before the team. Then you would give them the W's and Q's, and then you give the great Knute Rockne talk.

We do, Speech No. 94. You pull them right out, you get ready. You get your squad ready. Well, this is the first one I ever gave and I read this thing, Lombardi, what he said was he didn't go in, he waited. His team was thinking should it be a long talk, a short talk? But think about it. If you laugh, you think and you cry, that's a full day. That's a heck of a day. You do that seven days a week, you're going to have something special.

In the Nixon years, it was said triumphantly that only a Republican could have opened China. Perhaps the Clinton administration believes that only a Democrat can open Wall Street. On February 17, The New York Times disclosed that a federal advisory panel will recommend an epochal change in Social Security policy; investing billions of dollars of payroll taxes in the stock market.

For now, of course, the Social Security Trust Fund holds only Treasury securities, $679 billion’s worth of last report. In fiscal 1994, $381 billion, in return, flowed back into Social Security (via payroll taxes, from employers and employees combined), and $233 billion was paid out. The Treasury issued special, non-negotiable, interest-bearing claims to the Social Security Trust Fund to acknowledge receipt of the difference. The difference, $65 billion, was "invested" only in the sense that it wasn’t actually stolen. It was spent. (A Mexican official once told the British journalist James Morgan, apropos of the money that was stolen that it wasn’t actually stolen. It was spent.)

In 1974, the Social Security System was consolidated for accounting purposes into the unified federal budget. In effect, a Social Security surplus (such as the nation currently, and temporarily, enjoys) works to reduce the reported federal deficit, a shortfall in the unified federal surplus.

I'm reading this in this book. I'm getting this picture of Lombardi before his first game. He's a little thoughtful. He's a little thoughtful. He's a little thoughtful. He's a little thoughtful. He's a little thoughtful. He's a little thoughtful.

I'm practicing outside of the lockerroom and the managers tell me you've got to go in. Not yet, not yet. Family, religion, Rutgers, basketball. Al says on me, I gotta go in. Then finally he said, 3 minutes, I said fine. True story. I go to knock the doors open just like Lombardi. Boom! They don't open. I almost broke my arm. Now I was down, the players were looking. Help the coach out, help me out. Now I did Lombardi, I walked in and I was going like this with my arm getting the feeling back in. Finally I said, "Gentlemen, all eyes on me." These kids wanted to play, they're 19. "Let's go," I said. "Gentlemen, we'll be successful this year if you can focus on three things, and three things only. Your family, your religion, and the Green Bay Packers." They knocked the walls down and the rest was history. I said, that's beautiful. I'm going to do that. Your family, your religion, and the Green Bay Packers. We need your help. I need your help. We need your help. We need your help. We need your help. We need your help. We need your help.
improve. A revitalized private sector might generate more tax revenue than even the government could spend, or investment returns might be far even of those of the past five years. Even much feared trillion unfunded Social Security liability (the difference between the present value of promised benefits and the present value of projected revenue) swayed like a weather vane during the boom.

Yet, to us, the heart of the Social Security problem was contained in the Times story’s perceptive third paragraph: “Such discussions have been unthinkable just a few years ago,” and in a quotation from the chairman of the Clinton study group, Edward M. Gramlich, professor of economics and dean of the School of Public Policy at the University of Michigan, a few paragraphs below that: “Stocks have outperformed bonds by a significant margin over long periods of time.”

Did anyone in public life remember to put in a good word for stocks at the bottom of the 1969–74 bear market, or on the Tuesday following, August 18, 1987, when the Dow Jones Industrial Average, according to the Times, the draft of the report by the Advisory Council on Social Security puts on a brave, bull-market face: “While stock returns need not entail an increase in risk for Social Security,” the paper relates, “the risk would be manageable.” And another panel member boldly estimated that “Beyond the floor of protection provided by Social Security, we should let people participate fully in this economic miracle that we call America.” Will the panelist’s optimistic scenario be just as unthinkably during the next cyclical downturn, we wonder, or will it be subject to revision?

It is almost certainly no accident that the Social Security Act was passed at the same time the Dow 5,500. According to James A. Bianco, Arbor Trading Group, Barrington, Ill., the capitalization of the U.S. stock market at year-end 1995 stood at 87.5% of GDP, the highest such percentage in history. “Likewise,” Bianco went on, “the size of available cash, or M-2, to the size of the stock market is the lowest in history at 57.1%. What this suggests is that the stock market is grossly overvalued.” Enthusiasts for wealth creation to the tune of a bond-for-stock swap in the history of the public have thought of everything except what the stocks would be worth.

**ADULT EDUCATION FOR FAMILY LITERACY**

Mr. SIMON. Mr. President, a former valued staff member of mine who is now working with the National Institute for Literacy, Alice Johnson, sent to me a book after it appeared in a magazine, Adult Learning. It is titled, Adult Education for Family Literacy by Thomas G. Sticht, President of the Applied Behavioral and Cognitive Sciences Company in El Cajon, CA. In the midst of budget cutting I hope we will not be short-sighted on this matter of literacy.

There has been a great deal of talk about the growing disparity between the top one-fifth of our population and the bottom one-fifth of our population in terms of income.

One of the most effective ways of lifting the bottom one-fifth is to make sure that they have the basic skills that are needed in our society, and that certainly includes reading. There is no single magic bullet for solving this problem. It is a mosaic with many pieces. But literacy is one of the pieces.

The article points out that when we educate adults better, they then feel comfortable in schools and demand and get better education for their children.

Two years ago, I visited 38 schools in the impoverished areas of Chicago and the restaurant I heard from teachers over and over was that they wished they had more parental involvement, but frequently the parents do not feel comfortable coming into a school situation because they cannot read and write.

If we diminish our future by cutting back on literacy funding everyone loses.

I urge my colleagues to read the article by Thomas Sticht which I ask to be printed in the RECORD.

*ADULT EDUCATION FOR FAMILY LITERACY* *(By Thomas G. Sticht)*

For nearly a half century, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) has led a worldwide movement to promote the development of literacy programs for adults and primary education for children. Many successes have been documented in both of these programs. Over the last quarter century, the rate of literacy among the earth's adults has declined, but because of population growth, the absolute numbers of illiterate adults continued to grow. However, at the outset of International Literacy Year in 1990, both the rate and the absolute numbers of adult illiterates had declined. Still, there were an estimated 921 million adult illiterates in the underdeveloped nations of the world, and some 42 million low literates in developed nations.

Paralleling the growth of adult literacy education in the world, there has been an increase in the numbers of children enrolled in primary education. The last four decades' enrollments in underdeveloped nations' primary schools rose from about one-third to over seventy percent of primary age children.

Yet, at the beginning of International Literacy Year in 1990, UNESCO estimated that in developing countries as a whole, some 386 million children and young adults aged from six to seventeen years would not be attending school. They are in a trajectory toward beginning the next generation of illiterate adults.

**FAMILY LITERACY**

In 1994, the International Year of the Family signaled a new direction for adult and childhood literacy programs worldwide, one that unites adults’ literacy and children’s education. This research and experience over the last half century, the United Nations noted that:

The family constitutes a context of informal education from which members seek formal education, and should provide a supportive environment for learning. Literacy has a dramatic effect on the dissemination of ideas and values. Literacy teaches families to adopt new approaches, technologies and forms of organization conducive to positive social change. Often affected by early school dropout, literacy is a prime conditioner of the ability of families to adapt, survive and even thrive in rapidly changing circumstances. Attention should also be given to promoting equal opportunities for girls and young women.

Where in the past, there has been tacit recognition of the importance of the literacy education of adults as a key factor in promoting the attendance of children in primary education, the statement makes clear that, rather than being regarded as a secondary institution to the schools as educational agents, the family is society’s first and most basic educational institution.

There is evidence to suggest that as development increases that in underdeveloped regions and those of industrialized nations, the family will play a greater role in the educational achievement of children. Some twenty-two million underdeveloped nations examined the relative contributions of social quality (e.g., number and quality of textbooks, teacher educational preparation) versus family background factors (e.g., parents' education levels) to children's achievement in science education. The research revealed that, as nations moved from being less to more developed, the quality of schools diminished as the primary determinant of science achievement, and the influence of background factors increased. For instance, in India, school quality accounted for ninety percent and home factors ten percent of the children's variation in science achievement. In Australia, on the other hand, school quality accounted for only twenty percent and home factors eighty percent of the variability in science achievement.

**FAMILY LITERACY PROGRAMS**

The family literacy concept makes explicit what has generally been implicitly understood, the recognition that the institution for education and learning, and the role of parents as their children's first teachers. The starting point for the development of human resources within the culture is the family. Families provide an intergenerational transfer of language, thought, and values to the minds of their newborn infants and throughout the formative years of their children’s lives. Families provide initial guidance in learning to use the cultural tools that will be valued and rewarded within the culture. Families interpret the culture for their children and they mediate the understanding, use, and value of the cultural tools. A family literacy education, of which the capstone tools are language and literacy.

This recognition of the intergenerational role that parents play as family educators places a much higher premium on the importance of adult education than has traditionally been accorded. Up to now adult literacy education programs have generally aimed at making adults literate while the business of making the adults' children literate has been left to the formal school system. However, the family literacy concept, however, is now recognized that, due to the intergenerational transmission of cognitive and linguistic language and literacy, an investment in the literacy education of adults provides “double dollar” benefits. It improves the educational level of generation, improves the educability and school success of the adults' children.

The family literacy programs differ from traditional adult literacy programs in that they are designed to maximize the probability that adults who receive literacy education will successfully succeed in changing aspects of their new beliefs, attitudes, knowledge, and skills intergenerationally to their children.

**THE CENTRALITY OF ADULT EDUCATION TO NATIONAL DEVELOPMENT GOALS**

In most nations, adult education occupies a tertiary position to the formal schooling of...
children. However, as noted above, evidence now exists to suggest that adult education, and particularly literacy education for present and potential parents, should occupy a central position in all governments' educational planning. Four interrelated reasons for nations to support greater investments in adult education are summarized below.

1. Better Educated Adults Are More Productive for Society. Supervisors in six manufacturing companies near Chicago reported that adult literacy programs made improvements in job training, job performance, promotability of participants, and productivity, such as scrap reduction, reduced paperwork, and less wastage. Other research found that mothers who actually use their literacy skills at work may increase their productivity as much as ten to fifteen percent. Adult literacy education improves work today, reforming schools for children takes decades.

2. Better Educated Adults Provide Better Literacy Tools Needed for School and Learn More. A tabulation of research on parenting activities before the ARC initiated research orchestrated around the theme, “make every adult basic education class a family literacy class.”

With sound evaluation of these programs, it should be possible to demonstrate that “double duty dollars” can be obtained through the intergenerational transfer of literacy skills that takes place in adult basic education programs. Governments and other sponsors of education programs should know that they can obtain multiplier effects for their investments in adult basic education programs. They should know that by investing in the education of adults, they can improve the education of children.

3. Better Educated Adults Demand and Get Better Schooling for Children. Wider Opportunities in Washington, DC, found that mothers in women's literacy programs spent more time with their children talking about school, helping them with their homework, taking them to the library, and reading to them. They also said they spent more time going to and helping with school activities, they talked more with teachers about the children's education, their children attended school more, showed improvements in their school grades, test scores, and reading.

4. Better Educated Adults Produce Better Educated Children. Better educated parents send children to school better prepared to learn, with higher levels of language skills, and knowledge about books, pencils, and other literacy tools needed for school and life. Better educated mothers have healthier babies, smaller families, children better prepared for school, and less wastage. Other research found that mothers who actually use their literacy skills at work may increase their productivity as much as ten to fifteen percent. Adult literacy education improves work today, reforming schools for children takes decades.

A R A F A T M U S T S T I F L E E X T R E M I S T S

Mr. SIMON. Mr. President, all of us have been struck by the suicidal missions of extremists in Israel. And it is the hope of most people around the world, as well as in the Middle East, that the extremists should not prevail and scuttle the peace process.

I was particularly pleased to read in the Chicago Tribune as well as the New York Times, the letter of Ray Hanania, President of the Palestinian American Congress, which I ask to be printed in the Record. He is calling on Yasser Arafat to crack down on the extremists.

People of good will of every persuasion should join in this endeavor.

The article follows:

ARAFAT MUST STIFLE EXTREMISTS

(By Ray Hanania)

CHICAGO.—The Israelis are right about one thing: It is the responsibility of Yasser Arafat, President of the Palestinian Authority, to crack down on extremists who are based in the territories that he controls. It is not an easy decision to make, but it is one that Arafat must make if the Middle East peace process is to succeed and Palestinians are to have their own state.

Arafat must come to grips with the responsibility of Democratic leadership. This is no longer a revolution in which internal criticism is hushed for the sake of survival. While he must learn to tolerate criticism and not just jail extremists who attack his policies, so too must he learn to be more forceful with those who challenge the foundation of Palestinian democracy. Palestine is democratic. And Arafat's election is founded on democracy. Democracy requires that leaders no longer need to seek unanimity to justify their actions. Quite the contrary, democracy allows leaders to do what they could not do before—make decisions with the slimmest of majorities.

Realizing that he can never make everyone, especially the extremists, happy with any decision he makes is a necessity if he and the Palestinian people are to survive as a nation.

It is a realization he has yet to come grips with. And when he does, he will discover that the vast majority of Palestinians support a crackdown but fear public expression of this view. The extremists have and will use violence against their own people to justify their means and achieve their goals. Our leaders need courage to change this.

In the United States, the Palestinian-American community has spoken loudly, favoring the peace process. What we need, as a community, may not totally agree with every detail, the principle of pursuing a peaceful resolution of the Israeli-Palestine question is now a majority view. Arafat cannot make the mistake of believing that he can walk between the moderates and those who advocate violence. The extremists that he must silence are the very same people who, if given the chance, would silence Palestinian democracy and destroy any hopes of establishing a democratic Palestinian state.

V A L L E Y H A V E N S C H O O L 2 0 T H A N N I V E R S A R Y H I K E / B I K E / R U N

Mr. SHELBY. Mr. President, I wish to take a moment and bring to my colleagues' attention the 20th anniversary of the Valley Haven School Hike/Bike/Run. The Valley Haven School, located in Valley, AL, is a school for mentally and physically handicapped citizens of all ages. Started 37 years ago by volunteers, the school is now professionally staffed and currently offers skilled training to 95 students ranging in age from 3 months to 60 years.

Mr. President, local moneys of $100,000 must be raised each year to meet operating expenses and match State and Federal grants. The primary source of these funds is the annual Hike/Bike/Run, which consists of a 5 or 10 mile walk or a 1, 1.3, 6.2 mile run, a 5 mile bike ride for children, and the Trike Trek for preschoolers.

Each participant in the Hike/Bike/Run obtains pledges for their participation, and all proceeds go directly to Valley Haven to support the education and training for handicapped students. In 1995, this 1 day fundraiser involved over 1,000 participants and 8,000 pledging sponsors. The event generated over $100,000 in pledges to support the work of the school.

Mr. President, I would like to congratulate and commend Valley Haven and the entire Valley community for displaying such strong support and concern for these special students. This job training program will be held on Saturday, May 4, and I know that the community will once again unite to support this wonderful program and help Valley Haven School help its students.

L I T H U A N I A N I N D E P E N D E N C E

Mr. LEVIN. Mr. President, I rise to honor the 78th anniversary of Lithuania's independence in 1918. This should be a time for remembrance and renewed support for the Lithuanian people, it is time to hear the world to see that Lithuania's story and vibrant culture has survived the many years of Soviet control.

Lithuania showed its commitment to joining the free world when it was the first country from the former Soviet Union to formally join the Partnership for Peace in 1994. The faith and courage of the Lithuanian people and the unyielding efforts and support for Lithuanian independence of Lithuanian-Americans has the respect and admiration of
peace-loving people throughout the world. I know that my Senate colleagues join me in honoring Lithuania's independence.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President, pursuant to 22 U.S.C. section 276 through 276k, appoints the Senator from Texas [Mrs. Hutchison] as the chairman of the Senate delegation to the Interparliamentary Union during the second session of the 104th Congress.

UNANIMOUS-CONSENT AGREEMENT—CLOTURE VOTES

Mr. GRAMS. Mr. President, I ask unanimous consent that the two cloture votes scheduled for today be postponed to occur on Thursday, at a time to be set by the majority leader, after consultation with the Democratic leader.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 956

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m., Wednesday, March 20, 1996, and, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders to receive any other provisions of law, and subject to subsection (b), in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of such date, such claims have not been disallowed by such date), the Secretary shall:

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, continue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reduction effectuated;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

(b) LIMITATION ON RESCISSION OR REIMBURSEMENT OF CLAIMS.—The total amount of payment reductions rescinded or reimbursement of claims allowed under subsection (a) shall not exceed $54,000,000.

(c) OFFSET OF FUNDS.—Notwithstanding any other provision of this Act, the amounts on lines 5 and 8 of page 570 (relating to the Social Services Block Grant) shall each be reduced by $40,000,000.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Wednesday, March 20, 1996, at 10 a.m.
CITIZEN OF THE YEAR

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1996

Mr. GOODLING. Mr. Speaker, today I am pleased to join the Carlisle Exchange Club in honoring Dr. Webb S. Hersperger as “Citizen of the Year 1995.”

I have known Dr. Hersperger for many years and have valued his friendship. While his professional and community service affiliations are extensive, he is most distinguished for his important contributions to the practice of medicine and the medical community. Having served as president of the Cumberland County Medical Society, he was instrumental in the development of the emergency 911 service.

Webb’s commitment to public service by no means ends in the hospital. For many years, he served his country in the U.S. Army Medical Corps. He has also worked to preserve the health and welfare of many Pennsylvanians through the American Red Cross, the Salvation Army, the United Way, and the YMCA, just to list a few. Be it through his medical practice, the church, or service with educational and charitable organizations, he has touched the life of each Cumberland County resident in some way.

It has been said that the health of a democratic society is measured by the quality of functions performed by private citizens. Throughout his career Dr. Hersperger has been dedicated to improving and enriching the lives of others. Through his example, he has set this standard and embodied the values of true citizenship which are vital to the well-being of our community and to the future of our Nation.

Mr. Speaker, as the representative of Pennsylvania’s 19th Congressional District, I congratulate Dr. Hersperger for receiving this prestigious award. He has made Cumberland County a better place to live and raise a family. I am proud to call him a constituent and a friend.

SALUTING CUYAHOGA COUNTY BAR FOUNDATION PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1996

Mr. STOKES. Mr. Speaker, I arise today to salute eight individuals who are being honored as outstanding public servants. On March 22, 1996, the Cuyahoga County Bar Foundation and Cuyahoga County Bar Association will host the 50th Public Servants Merit Awards Luncheon. At that time, the eight honorees will be presented with the Franklin A. Poll Public Servants Merit Award. The individual recipients are:

Valina M. Aicone; William D. Fromwiller; Sylvia E. Harrison; Patrick P. McGinty; Donald Peak; Francis A. Rutowski; Rita M. Sobolewski; and J. Carol Wolf. The Public Servants Merit Award is named in honor of Franklin A. Poll, a distinguished lawyer who chaired the annual honor committee for the Cuyahoga County Bar Association and the county bar association celebration a historic 50th awards luncheon. Frank will be remembered for his commitment in recognizing the contributions of public servants.

I take special pride in saluting the 1996 Public Servants Merit Award recipients. I want to share with my colleagues some information regarding these outstanding individuals. They are each more than deserving of special recognition.

Mr. Speaker, Virginia M. Aicone is a resident of Brook Park, OH. She is a graduate of West High School and has enjoyed a distinguished career with the court which spans 28 years. She began her career with the court in 1968 when she was employed as deputy clerk for the clerk of courts. She went on to serve as an editor in the court.

In her current position, Ms. Aicone is responsible for supervising and training employ- ees in the data input journal entries division. She and her staff work closely with the clerk’s office, sheriff’s department, and others to ensure the accurate information is reflected on the court journals.

Ms. Aicone is the proud mother of three children: Michael, Anthony, and Madeline. Her hobbies include bowling, bingo, and coin collecting. In addition, she is active in her community as a member of the Ladies Auxiliary, Fraternal Order of Eagles, where she was named Mother of the year. In addition, she is a member of the American Legion Auxiliary and Women of the Moose.

Mr. Speaker, the next honoree, William D. Fromwiller, is a resident of Claridon, OH. He is a graduate of Richmond Height High School and attended Cleveland State University. Mr. Fromwiller began his career in 1969, following an honorable discharge from the U.S. Army. He currently serves as chief deputy for the county clerk of courts.

In his position, Mr. Fromwiller, oversees the clerk’s budget, including contracts and purchasing. He also responds to procedural questions which arise concerning court rules. Throughout his career, Mr. Fromwiller has excelled in the highest level of concern and compassion for those he has encountered on the job. He prides himself on being an effective communicator and problem solver.

Mr. Fromwiller is an avid fisherman, and he enjoys an annual visit to Canada for the sport. He also enjoys hunting and walking. He and his wife, Jean, are the proud parents of two children, Keith and Craig.

Mr. Speaker, our third Public Servants Merit Award recipient has worked in the criminal division of the clerk of courts office for more than 29 years. Currently, Sylvia E. Harrison is employed as assistant supervisor for the clerk of court. In this position, she assists in the preparation of judges’ personal dockets for court, issues summons and warrants for defendants who fail to appear in court, and maintains and verifies computerized criminal history checks for the court.

Ms. Harrison is a native of West Virginia and graduated from Wheeling High School. She and her husband, Willie C. Harrison, are the proud parents of Marcia, Felicia, April, and Willie, Jr. They are residents of Cleveland, OH.

In her spare time, Ms. Harrison is active in the Cleveland community. Her memberships include the Urban League of Greater Cleveland, the NAACP, and the Democratic Club. In addition, she is a member of Faith Tabernacle where she serves as financial secretary. Her hobbies include camping, reading, cooking, and playing video games.

Mr. Speaker, the fourth honoree, Patrick P. McGinty, is a resident of Lakewood, OH. He is a veteran of the Korean war, and notes with pride that he is one of eight members of his family to have served in the Armed Forces at various times. Mr. McGinty began his court career in 1968. He currently serves as deputy filing clerk for the probate court. In his position, Mr. McGinty is responsible for filing and distributing probate cases to the public. He also maintains that magistrates of the court have their daily hearings, and he assists the public in viewing microfilms. Mr. McGinty takes pride in his career in public service and his commitment to helping others.

In sharing her life with Mr. McGinty is his wife of 29 years, Margaret. They are the proud parents of three children: Christopher, Kathleen, and James. In his spare time, Mr. McGinty has volunteered his time at the Lakewood Charitable Assistance Corp., where he delivered food to needy families. He also did volunteer work with St. Augustine’s Church. In addition, he has coached youngsters in basketball and boxing. His hobbies also include gardening.

The fifth recipient of the Public Servants Merit Award, Donald E. Peak, is a resident of Parma, OH. Mr. Peak began his career with the Cuyahoga County court system in 1965. He has been employed as a probation officer, case supervisor, and supervisor of placement and manager of residential services for the Cuyahoga County juvenile court.

Currently, Mr. Peak holds the position of deputy director for the department of probation and community services. In this position, he takes responsibility for ensuring that children receive proper assessment and the highest quality of support services and programs designed to curtail unlawful behavior on the part of youth.

Mr. Peak is a veteran who was honorably discharged from the U.S. Army. He is an avid sports fan and also enjoys reading, walking, and coin collecting. In addition, Mr. Peak maintains a close association with and assists individuals who are mentally and physically disadvantaged. He advises that it has given him a greater appreciation of life’s true priorities. Mr. Peak and his wife, Virginia Bonnie Peak, are the parents of three children: Jim, Joe, and Jack.
Mr. Speaker, the next individual selected to be recognized by the Cuyahoga County Bar Association is Francis A. Rutkowski. Mr. Rutkowski is supervisor for the Cleveland municipal court. In this post, he supervises eight probation officers who prepare pre-sentence reports for court judges.

A resident of Westlake, OH, Mr. Rutkowski developed his keen sense of public service while watching his late father, Judge Anthony Rutkowski, tackle the challenges in the courtroom. Mr. Rutkowski’s career has included service as a deputy sheriff and probation officer. He has also held a position as president of the Polish Roman Catholic Union of America and served as lecturer at Cleveland State University.

Mr. Rutkowski is a graduate of John Carroll University and Alliance College. He received his law degree from the Cleveland-Marshall College of Law. His professional associations include the American Correctional Association, Ohio Correctional and Court Services Association, National Sheriff’s Association, National Association of Chiefs of Police, and the American Bar Association, just to name a few. He and his wife, Suk, are the proud parents of four children; Christine, Joseph, Anne, and Michael.

The next honoree, Ria Moredock Sobolewski, is a former free lance court reporter. For the past 19 years, she has served as the chief court reporter for the domestic relations court. She is responsible for the creation of a verbatim record of all court proceedings.

A graduate of West Virginia University and the Academy of Court Reporting, Ms. Sobolewski holds memberships in the National Court Reporters Association and the Ohio Court Reporters Association. She is also the recipient of numerous awards and certificates of merit for outstanding work. Ms. Sobolewski is the wife of John Sobolewski. The couple resides in North Olmsted, OH, and have enjoyed 20 years of marriage. They are the proud parents of Amy and Johnny.

Mr. Speaker, the final recipient of the Franklin Polk Public Servant Merit Award, Jetta C. Wolf, has enjoyed a career as a legal and judicial secretary which has spanned 39 years. A graduate of Holston High School in Blountville, TN, she began her career with the court system in 1977.

Currently, Ms. Wolf serves as a judicial secretary for Judge John T. Patton. In her post, she is responsible for correspondence, stenographic, and file maintenance for the judge. In addition, Ms. Wolf is responsible for circulating and releasing opinions and entering the same records into the court data system.

In her free time, Ms. Wolf enjoys tailoring, doll making, and cake decorating. She also enjoys antiquing and attending Cleveland Indian games. She and her husband, Richard, a retired Cleveland policeman, are the proud parents ofRUNA, LETTIE, BRIAN, TRACY, and ANGELA. The Wolf family resides in North Ridgeville, OH, where they attend Shepherd of the Ridge Lutheran Church.

Mr. Speaker, I take pride in saluting the eight individuals who have been selected to receive the Public Servants Merit Awards from the Cuyahoga County Bar Foundation and Bar Association. We will be recognizing the highest level of commitment to public service and personal excellence. I also applaud these distinguished organizations for recognizing the importance of honoring employees who strive to make the court system work more effectively.

THE 125TH ANNIVERSARY OF THE SAN FRANCISCO ART INSTITUTE

HON. NANCY PELOSI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the San Francisco Art Institute as it celebrates its 125th year of contributing to the enrichment of the artistic and cultural community of the San Francisco Bay Area and the United States. The San Francisco Art Institute has excelled in training, guiding and nurturing budding artistic talent, and these talented students and artists have shared their many gifts with the Nation and the world.

Founded in 1871 by a group of artists, writers and civic leaders, the San Francisco Art Institute has become an integral part of the heritage that has made San Francisco a thriving creative arts community. First named the San Francisco Art Association, it was then and continues to be a pioneering institution with a distinct cultural vision for the West.

After World War II, the city of San Francisco became the west coast center of abstract expressionism, involving an impressive group of artists, including Clyfford Still, Mark Rothko and Ad Reinhardt. In 1946, renowned photographer Ansel Adams created the Nation’s first fine art photography department at the Institute, which later enticed such notable instructors as Dorothea Lange, Imogen Cunningham and Edward Weston. In the 1950s, the Institute was a center for the Nation’s leading figurative artists, including Richard Diebenkorn, Elmer Bischoff, David Park and James Weeks. In the 1960s, the Art Institute established the country’s first fine art film program. And in 1995, keeping up with ever changing technology and new tools for creative expression, the Art Institute launched the New Imaging Center, an important new computer resource center for the visual arts.

The Art Institute offers innovative academic programs in painting, photography, printmaking, filmmaking and sculpture. One of the keys to its exceptional success as an educational institution is the Institute’s emphasis on personal exploration, growth and total immersion in one’s work. The roster of stellar creative talent associated with the Art Institute throughout its last century is stunning in its breadth. The sculptor of Mount Rushmore, Gutzon Borglum, was a student. Diego Rivera created a mural at the school. Enrique Chagoya, Annie Liebowitz and the Grateful Dead’s Jerry Garcia are just a few more of the notable artists who have left their mark on the Art Institute and our Nation.

Mr. Speaker, on March 16, 1996, the San Francisco Art Institute held a gala celebration of its 125 years. A city-wide arts celebration will occur this month and next, as other San Francisco museums, galleries and art spaces pay tribute to the Institute on this landmark anniversary. On behalf of the United States Congress, I salute Art Institute President Ellia Vazzano and the Institute’s distinguished faculty and student body and I ask that it be placed in the RECORD.

The Washington Post in an excellent editorial last week commented on the Serbian decision to close the Soros Foundation and the measures taken by the government against the independent information media. I commend this excellent editorial to my colleagues, and I ask that it be placed in the RECORD.

WASHINGTON POST EDITORIAL CRITICIZES SERBIAN RESTRICTIONS ON THE INFORMATION MEDIA AND GOVERNMENT CLOSING OF THE SOROS FOUNDATION

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. LANTOS. Mr. Speaker, just a few days ago, with my colleague from Nebraska, Mr. BEREUTER, in introduced House Resolution 378 deploring the recent actions by the government of Serbia restricting freedom of the press and freedom of expression and ending the legal authority of the Soros Foundation to continue its democracy-building and humanitarian activities in Serbia.

The Washington Post in an excellent editorial last week commented on the Serbian decision to close the Soros Foundation and the measures taken by the government against the independent information media. I commend this excellent editorial to my colleagues, and I ask that it be placed in the RECORD.

[From the Washington Post, Sunday, Mar. 7, 1996]

SHUTTERING UP SERBIA

No task is more important in the former Yugoslavia than building a nongovernmental civil society to open up the ingrown local regimes. The market is far more vital than Serbia, the dominant and pace-setting part of the broken-up country. Finally, in this activity no one plays a larger individual role than George Soros, who, as U.S. Information Agency chief Joseph Duffey puts it, does what the U.S. government would do if it had the money. In a score of formerly Communist countries, the billionaire speculator runs private foundations "to enable people to do things which are not centrally determined but autonomous and spontaneous." Except not in Serbia. Not anymore.

"Even as he offered himself internationally as a man who could bring peace to Bosnia, George Soros and his patron, Radovan Milosevic was further consolidating his power at home. He has made a special target of the local Soros Foundation, which does scholarships, summer camps and toys for children, relief for Serb refugees, medical institutions, nongovernmental organizations, the independent works. The foundation has supported Serbia’s only independent media, including the newspaper Nasa Borba and television’s Studio B. But after a campaign (40 articles and broadcasts) in the official media, Serb authorities hoked up a technicality to close the foundation down. Evidently Mr. Milosevic, heading toward elections, wants no opposition, democratic or otherwise—least of all the independent media."

The other day, a week after Belgrade closed out the Soros project, the State Department called on President Milosevic to "reverse the trend of anti-democratic repressive measures." The question arises, however, whether Mr. Milosevic had not taken a contrary clue from the Secretary of State’s failure to receive the independent sector when he buzzed through Belgrade last month.

"The Serb leader seems to be carefully weighing what his—undeniably considerable—contributions to ending the war will..."
buy him in international acceptance of his
tightening at home. Others must be careful
not to let him conclude he has no further
need to allow space for independent local ac-
tors at any cost. He needs a sidekick like the
American president is riding high in the polls
now, but the
POLITICS VERSUS GROWTH?
HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996
Mr. GINGRICH. Mr. Speaker, I commend
to my colleagues the attached article from Inves-
tor's Business Daily. With economic growth of
only 1.4 percent last year, the possibility of a
recession still casting a shadow and the mid-
dle-class being squeezed on all sides, the sit-
uation cries out for serious action. Unfortu-
nately, the President vetoed the Balanced
Budget Act of 1995 and so far has offered
nothing to address the issue of economic
growth.

As the Daily points out, there is room
for agreement on a capital gains tax. The Presi-
dent has long supported a targeted one. Ac-
cording to one study, such a cut would have
created 1.4 million new jobs, added 1 percent a
year to the stock market and brought in $9±$
1999, added an additional 1 percent a

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HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. HAMILTON. I would like to bring to
my colleagues' attention a letter I received from
the administration concerning a commitment
by Ukraine to restructure the power sector in
return for United States assistance in the form of
a USAID/Eximbank credit facility. In a series of
communications with Mr. Richard Morningstar,
special adviser to the President and Secretary
of State for United States Assistance to the
NIS, I expressed my concern that United
States provision of a USAID/Eximbank facility
be conditioned upon Ukrainian agreement to
specific reforms.

In return for a $175 million credit facility,
Ukraine Deputy Prime Minister Shepek
committed to restructure the power market. He
specifically agreed to break up the power mar-
tet by taking four distinct steps, as itemized in
the following letter from the Department of
State. The reforms agreed to by Mr. Shepek
involve the IMF or World Bank conditionality.
In my judgment, the conditions attached to this credit facility
will enhance reform in the Ukraine.

The text of the letter follows:


DEAR MR. HAMILTON:

During your meeting last fall with Mr. Richard Morningstar, Special
 ADVISOR TO THE PASTORALITY
OF UNITED STATES FOR U.S. ASSISTANCE TO THE NIS, you
expressed interest in the Administration's program of encouraging reform in
Ukraine's power sector and the USAID/Eximbank facility. We wanted to take the opportunity to
describe the energy sector reforms to which the Government of Ukraine has committed and the addition of appropriate
cap-gains tax cuts.

In two face-to-face official meetings, Mr. Morningstar has made clear to Ukrainian
Deputy Prime Minister Shepek that commitment to economic stimulus
restoration of the power market is an
essential condition under which we could implement the $175 million facility. Deputy
Prime Minister Shepek understood and
accepted that condition and has committed to
break up the state-owned power monopoly into the following parts:

- Four already established, competing electric
ity generating companies that will be privatized
- A new national electricity transmission company: twenty-seven independent,
joint stock local electric companies; and
- A competitive market for power by the end of March 1996 in which the
power market will become part of the
collaborative efforts of this program. The AI
D/Eximbank facility will guarantee the
Government of Ukraine short-term funding flexi-
ibility to implement the energy market
structure and will help to leverage the World
Bank financing.

The AID/Eximbank facility is a special ex-
port credit insurance facility for U.S. exports
of agricultural-related goods and services
to Ukraine. The purchase of refined fuel agri-
cultural inputs—up to $100 million of the $175
million facility and of critical importance to
the Government of Ukraine—would qualify for
coverage under the program; however, the
facility may not be used for broader, un-
tied fuel purchases. We strongly believe that
the commitment to the reforms outlined above will justify the inclusion of refined fuel
products in the agriculture credit facility.

The facility will operate according to Exim's
regulations and Eximbank will recommend
the selection of eligible projects on a
case-by-case basis. We assure you that any
agricultural fuel inputs will be closely mon-
itored and traced to agricultural use. As we
proceed with the negotiations, we will be sure
that it remains consistent with our broader
efforts to promoting reform in Ukraine.
Please let me know if we can be of further assistance on this or any other issue. 

Sincerely,

WENDY R. SHERMAN
Assistant Secretary, Legislative Affairs.

PERSONAL EXPLANATION

HON. ILEANA ROSLEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Ms. ROSLEHTINEN. Mr. Speaker, it was necessary for me to return to my district on Thursday, March 14, before the final vote of the day was taken. I would have voted “yes” on H.R. 2854 on instructing the conferees to extend the reserve conservation program.

IN CELEBRATION OF THE GOLDEN ANNIVERSARY OF TROOP 232 OF THE BOY SCOUTS OF AMERICA

HON. LARRY COMBEST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. COMBEST. Mr. Speaker, I rise this afternoon with great pride to acknowledge an outstanding organization in Midland, TX—Troop 232 of the Boy Scouts of America is celebrating its golden anniversary and I would like to take this opportunity to congratulate them on this distinguished milestone.

Scout master Cliff Hogue started Troop 232 in 1946, and thanks to his efforts and the efforts of so many fine young men and their families, Troop 232 has reached this impressive record of a half-century of achievement. In the last 12 years, nearly 40 young men of Troop 232 have been awarded the prestigious Eagle Scout Award. In celebrating its golden anniversary, Troop 232 is not only paying tribute to its longevity, but it is recognizing a commitment to leadership and excellence.

As a former Boy Scout myself, I am well aware of the valuable role this organization plays in providing our youth with the necessary tools to become outstanding leaders. Today I am introducing the Veterans Reemployment Benefits Protection Act to allow veterans to receive the benefits Congress intended to give them when it enacted USERRA. This legislation makes technical amendments to the IRC to allow returning veterans and their employers to make up contributions as authorized by USERRA.

Language similar to this legislation was included in the Balanced Budget Act of 1995, H.R. 2491, as passed by the House. I have added minor technical changes to the language in H.R. 2491 at the suggestion of the Treasury Department.

Mr. Speaker, I hope my colleagues will agree that this much-needed technical correction to the IRC should be passed expeditiously, either as part of a larger bill or even on its own. The dedicated young men and women who leave their jobs and families to serve in the U.S. military deserve nothing less.

ALCOHOL LABELING ACT

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mrs. SCHROEDER. Mr. Speaker, today I and my colleagues are reintroducing the Alcohol Labeling Act, which would require makers of alcoholic beverages to label each beverage container with a list of the ingredients and calories, as well as the alcohol, it contains.

This low-cost proposal establishes the unit of serving size called the drink. One drink contains 0.6 ounces of alcohol—the amount usually found in one beer, one shot of distilled spirits, or one glass of wine.

The only cost to U.S. taxpayers will be $500,000 for a toll-free number, which would provide referral help for those with a drinking problem. This number and the required information would be legibly printed on each container.

Labeling for alcoholic beverages was not part of the nutrition labeling requirements mandated for food products in 1990. As a result, we are still burdened with an alcohol labeling law that dates from the Prohibition era.

It is inconsistent that the alcohol contents of wine and distilled spirits must be disclosed, while producers of beer and malt liquor have his or her pension, profit-sharing and other related benefits restored. These are the benefits that would have accrued, but for the employee’s absence due to qualified military service.

The problem is, under the Internal Revenue Code [IRC], overall limits are placed on contributions and benefits under certain retirement plans. Thus the employer-sponsored pension and savings plans rights given to returning veterans by USERRA are taken away by existing rules in the IRC. If the conflicts between USERRA and the IRC are not corrected, aggrieved veterans will have to bring suit against employers to enforce their rights under USERRA.

Relying on litigation to resolve this situation would benefit no one—not the courts, not employers, and certainly not veterans.

This bill would correct that inconsistency, while providing young consumers, diabetics, and others with diet-sensitive conditions with information on what they are consuming.

I am especially concerned about the increasing problem of teenage binge drinking. This bill would give young, inexperienced drinkers user-friendly information on beverage potency and a standard gauge of the impairment caused by an alcoholic beverage. Informed teens are more likely to avoid death from overdose.

In the 103rd Congress, this legislation received the support of groups ranging from the Academy of Pediatrics, to the General Conference of Seventh-Day Adventists, to the National Parent Teacher Association, to the Latino Council on Alcohol and Tobacco.

Providing consumers with the information they need to make informed decisions about drinking is a sound first step in reforming our national alcohol policy.

I urge my colleagues to join me in supporting ingredient labeling on alcoholic beverages. As individuals, we need this information to be more responsible in our use of alcohol. As a nation, we must end marketing practices that mislead and target our youth.

AMERICA MUST STAND BY TAIWAN

HON. BILL BAKER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. BAKER of California. Mr. Speaker, on March 23, the people of Taiwan will hold an event we in this country much too often take for granted: a free election. As Americans, we share in their pride and hopeful anticipation of this great celebration of liberty.

At the same time, we must condemn the actions of the Mainland Chinese in attempting to intimidate the Taiwanese people. The efforts of the dictators in Beijing to somehow frighten the people of Taiwan into postponing their election have failed, and the world again reminded the world of what the raw and sordid face of Marxist totalitarianism looks like.

Recently I met on Capitol Hill with Mr. Chen Rong-jye, Deputy Representative of the government of Taiwan. Mr. Chen holds the second-ranking position in the Taipei Economic and Cultural Representative Office in the United States, the equivalent of the Taiwanese Embassy—since formal American recognition of the Communist government in Beijing, Taiwan has had no formal embassy in the United States. We discussed China’s military actions in the vicinity of Taiwan’s coastline, and Mr. Chen showed me on a map how close the Communist Chinese had come in their missile exercises to two major Taiwanese ports.

I was honored that Mr. Chen came to the Hill to meet with me and discuss the Taiwanese situation. Communist China’s crude bullying of Taiwan has failed to sway the commitment of the Taiwanese people to democratic elections later this month, and I fully endorse their brave determination to stand for liberty, and also am strongly supportive of the recent placement of U.S. naval ships in the waters near Taiwan.

In addition, I am proud to be an original co-sponsor of the nonbinding House Concurrent Resolution that would recognize the brave determination of the people of Taiwan to have a democratic election. This would be a further tribute to the people of Taiwan for their brave determination to stand for liberty.
Resolution 148, a resolution that states, in part, that "the United States, in accordance with the Taiwan Relations Act and the constitutional process of the United States, and consistent with its friendship with and commitment to the democratic government and people of Taiwan, should assist in defending them against any attack, or blockade by the People's Republic of China."

Other key supporters of this resolution include House Speaker NEWT GINGRICH, International Relations Committee Chairman BENJAMIN GILMAN (R-NY), House Majority Leader DICK GORE, and House Majority Whip TOM DELAY.

Ronald Reagan once reminded us that "we are a people with a government, not the other way around." The people of Taiwan understand this fundamental truth in a way that the aging tyrants in Beijing perhaps never will, which is all the more reason for the United States to uphold our longtime friends on Tai-

INTRODUCTION OF LEGISLATION
TO CLARIFY THAT FREQUENT FLIER MILEAGE IS NOT TAXABLE

HON. BARBARA B. KENNELLY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mrs. KENNELLY. Mr. Speaker, today I am introducing a resolution to clarify that frequent flier mileage is not taxable. I believe that frequent flier miles are not taxable under current law. However, in light of the Internal Revenue Service's recent advice in technical advice memorandum 9547001 and despite the fact that "fliers" in Beijing perhaps never will, which is all the more reason for the United States to uphold our longtime friends on Tai-

CONFERENCE REPORT ON H.R. 1561, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997

SPEECH OF
HON. THOMAS J. BlyLE, JR.
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 12, 1996

Mr. BLYLE. Mr. Speaker, I rise in support of the conference report for H.R. 1561, the Foreign Relations Authorization Act, fiscal years 1996 and 1997. This measure disman-
ties the United States Information Agency [USIA] and, in doing so, amends the Tele-
vision Broadcasting to Cuba Act and the Radio Broadcasting to Cuba Act. Additionally, the conference report establishes as an urgent priority the development of an appropriate na-
tional strategy to respond to emerging infec-
tious diseases. I am interested in these provi-
sions as a general matter, and also as chair-
man of the Committee on Commerce.

Regarding the Television Broadcasting to Cuba Act, the Committee on Commerce ex-
changed letters with the Committee on For-
eign Affairs when that committee sought to amend the Television Broadcasting to Cuba Act of the Foreign Relations Authorization Act for fiscal years 1990 and 1991 (Pub. L. 101–246). Furthermore, the Commerce Committee reported its own version of the Radio Broad-
casting to Cuba Act (Pub. L. 98–111) on July

ESSAY ON FREEDOM BY MICHELLE FUNK OF RICHMOND

HON. DAVID M. MCINTOSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. MCINTOSH. Mr. Speaker, today I would like to give my report from Indiana for the week of March 11. This week I would like to share with you an essay written by a sixth grade girl named Michelle Funk. Michelle is from Richmond, IN, in my district. Her essay won the top school award for sixth grade and first place in a Sertoma Club contest.

Michelle has entitled her essay, "Freedom." I think Michelle describes the God given right of self-determination better than many adults. Her essay begins, "Imagine this: Johnny and Mark were playing one-on-one basketball when a bully came up to them and said, "Give me that ball!'" Johnny said, "I don't have to. It's a free country.'"

"It's a free country." Many times that just seems like an excuse for not doing things we're told to. But it's true. It is a free coun-
try. But what does that mean?

One thing is rights, the rights that are list-
ed in the Constitution. If we can go to school, speak our minds, publish our ideas, and believe in whatever and whoever we want to.

A right that is very important is voting. Even though it doesn't apply to me yet, it's still important that we can choose our own leaders instead of having a ruler who's succ-
ceded by his children and their children. Even though we have a right to freedom, it's still a privilege, and privileges always go with responsibilities. If we are responsible now and in the future, we will make a better life for ourselves and our future families in many ways. If you're responsible, you will do better in school and in your future career. So be responsible!

But then again, you don't have to. It's a free country!
I want to thank Michelle for helping us remember the true nature of freedom. In our Nation, we are blessed with freedoms which people in so many other countries do not enjoy. Michelle reminds us that freedom without responsibility is license. Freedom with responsibility is a virtue.

Mr. Speaker, Michelle’s words are an important reminder for our work here in Congress, and they bear repeating. “If we are responsible now and in the future, we will make a better life for ourselves and our future families in many ways.” This sixth grader from Richmond, Indiana, reminds us that you Michelle is a virtual child.

And that is my report from Indiana this week.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

SPEECH OF
HON. LOUIS STOKES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 14, 1996

Mr. STOKES. Mr. Speaker, I rise in opposition to House Joint Resolution 163, the short-term continuing appropriations for fiscal year 1996, which directed the Government to cut over $1.5 billion in programs and services in major Federal agencies upon which the American people have depended for at least 1 more week.

Now, here we are again, just hours before the current continuing resolution expires, trying to pass an 11th stopgap spending measure to keep the Government operating. In fact, this stopgap measure will not be the last one for fiscal year 1996. Expiring on March 22d, House Joint Resolution 163 will keep the Government operating for only 1 week.

The bill being voted on today still does not address any of my concerns about critical programs under the jurisdiction of the subcommittee for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies—on which I serve as the ranking member—or, those under the jurisdiction of the subcommittee for the Departments of Labor, Health, and Human Services, and Education on which I also serve. I am pleased, however, that our Nation’s veterans will get their hardearned benefits, that our homeless, low-income families, seniors and disabled who depend on Federal housing assistance will retain support for shelter; and that our environment will be safeguarded for at least 1 more week.

Nevertheless, I remain resolute in my opposition to the cuts in these programs including:

The $1.15 billion cut in title I which will deny over a million disadvantaged children the teaching assistance they require in reading and math;

The $266 million cut in safe and drug free schools which means that school systems will be denied the resources they need to provide children a safe, crime free drug free classroom in which to learn;

The elimination of funding for the Summer Jobs Program which means that over 600,000 young people who need and want to work will be deprived of the opportunity to do so;

The anticrime block grants which will eliminate the successful community policing and crime prevention programs;

The overall cut in funding for the Department of Commerce which will dramatically hinder our Nation’s technology advancement effort; and

The irresponsible and unjust slashing of funding for the Minority Business Development Program, the Commission on Civil Rights, and the Equal Employment Opportunity Commission which will foreclose opportunities for many Americans.

Mr. Speaker, who would have thought that our Republican colleagues would have let their blind desire—to give a tax cut to the wealthy—overwhelm the needs of seniors, children, veterans, and families across the country?

This continuing resolution—like the 10 that preceded it—is part of the Republicans’ strategy to hold the American people hostage in an effort to force the President to accept their outrageous and lifethreatening cuts in major critical quality of life programs.

Mr. Speaker, this is the ultimate of irresponsibility. House Joint Resolution 163 is not a solution to the politically contrived budget crisis. It is only an interim step to keep the Government temporarily operating while our colleagues on the other side of the aisle decide what political game to play next. No amount of smoke and mirrors can hide the pain and suffering that is contained in the GOP’s budget.

Mr. Speaker, it is time for us to put an end to this piecemeal, part-time approach to operating the Government. Let’s go back to the budget negotiation table and restore funding to critical programs and services including education, summer jobs, employment training, student aid, housing, environmental protection, veterans’ medical care, heating assistance, meals for seniors, and crime prevention. I urge my colleagues to vote against House Joint Resolution 163.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

SPEECH OF
HON. NANCY PELOSI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 14, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2703) to combat terrorism:

Ms. PELOSI. Mr. Chairman, I rise today in support of the Conyers-Nadler-Berman substitute to H.R. 2703. The substitute is a reasonable and measured attempt to address threats to U.S. citizens posed by terrorism without creating threats to our fundamental constitutional protections.

In this debate, we should stipulate that all of us are concerned about the increase in domestic terrorism and that our thoughts and prayers are with the survivors of the terrible terrorist acts which we have seen perpetrated against U.S. citizens, including the terrorists directed at Federal workers in Oklahoma City. We can and must act against terrorism. At the same time, we must ensure that our actions are effective and within the bounds of the Constitution, which has safeguarded basic American freedoms for over 200 years.

H.R. 2703 poses serious threats to civil liberties and civil rights. I have a number of concerns about H.R. 2703. The bill expands the use of the death penalty and changes the use of habeas corpus petitions, severely restricting avenues of recourse to the judicial system for people sentenced to death. The death penalty is not a punishment which should be taken lightly. Frankly, I do not believe it should be used at all. But since the death penalty is utilized, we must ensure that people sentenced to death have sufficient opportunity to petition for relief if they have not had a fair trial or competent counsel.

The bill also contains changes to asylum law which threaten our 200-year history of providing refuge for people fleeing persecution in their countries of origin. I agree that we need to be able to exclude terrorists from our shores. I do not agree that we should turn away others who come to the United States seeking haven from persecution. That protection is one of the principles upon which this U.S. standing as an international beacon of freedom and hope is built.

The Conyers-Nadler-Berman substitute addresses many of my concerns. This substitute deletes H.R. 2703’s restrictions on habeas corpus appeals. It deletes the expedited asylum procedures contained in H.R. 2703. And, it provides for expedited deportation for terrorists without violating constitutional protections.

The Conyers-Nadler-Berman mechanism for expedited deportation of terrorists is in accordance with procedures for dealing with classified information and preserves a fundamental principle of our justice system which grants accused individuals the right to face their accuser and to confront evidence. Regardless of what we think of individuals and the crimes of which they are accused, we are a nation of laws. The Conyers-Nadler-Berman substitute strikes a balance by allowing the use of sensitive information in the deportation process while also preserving the right of the accused to mount an adequate defense.

And, the Conyers-Nadler-Berman substitute prohibits foreign terrorist groups such as Hamas from fundraising in the United States. I urge my colleagues to support the Conyers-Nadler-Berman substitute, which increases our ability to stop terrorism while continuing to preserve our precious constitutional protections. We must fight terrorism. If, however, we undermine our civil liberties in that fight, the terrorists win. They succeed not only by sowing terror through their heinous acts, but also by undermining the very system which they claim to be fighting against. The Conyers-Nadler-Berman substitute is the best option before us in this debate and I urge my colleagues to support it.

THE STORY OF VARIAN FRY AND THE EMERGENCY RESCUE COMMITTEE

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 19, 1996

Mr. LANTOS. Mr. Speaker, the following account was written by my wife Annette with the able assistance and research of Mandi Cohn.
It is a belated attempt to pay a debt to an American hero whose important deeds in the early years of World War II have been overlooked by a majority of Americans. He is the only American recipient of the Righteous Among the Nations Award bestowed by Israel to non-Jews who risked their lives to save Jews during the Holocaust. Truly, I'm grateful to my wife for once more helping us to remember those who deserve to be honored and emulated.

I am placing this statement in the RECORD on March 19, 1996, to mark the 50th anniversary of the Nazi occupation of Hungary. It is important, Mr. Speaker, that we remember not only the tragedies but those few who, by putting their lives on the line, proved that it could have been deterred.

**VARIAN FRY: A RIGHTOUS AMERICAN**

In the summer of 1940 when the newspaper headlines in New York announced the fall of France to the Nazis, Varian Fry was way ahead of most Americans in realizing the full implications of these Nazis victories. In 1935 he had visited Germany on assignment for The Living Age magazine. He sensed the atmosphere of hatred and oppression Hitler brought to life. During this time in Berlin he had seen the first great pogroms against the Jews. He saw young Nazis smash up Jewish-owned shops and watch in horror as they dragged Jews这一点...
His assignment was supposed to last three weeks. He remained in France 13 months. His initial orders were to help 200 individuals, he ended up rescuing close to 4,000. Operating under constant threat, without regard for his personal safety, Varian Fry worked tirelessly, using every means available, to secure safe passage for those who came to him, desperate for help. He remained in France long after the dangers to his life became apparent. His explanation was simple: “I stayed,” he wrote, “because the refugees needed me.” And because he knew that he was truly their last hope.

The measure of our faith is only restored by the knowledge that, in the fact of such evil, there were also men and women like Varian Fry. Otherwise ordinary individuals who were capable of summoning up extraordinary moral courage to confront and defy overwhelming brutality.

Mr. Speaker, what Varian Fry accomplished in terms of saving lives, renewing our faith in humanity and enhancing our trust in people’s willingness to act on behalf of the persecuted is unique in the history of World War II. His work deserves to be honored formally by the United States.
Tuesday, March 19, 1996

Daily Digest

HIGHLIGHTS

Senate

Chamber Action
Routine Proceedings, pages S2261-S2340

Measures Introduced: Three bills were introduced, as follows: S. 1624-1626. Page S2327

Measures Passed:
  Greens Creek Land Exchange: Senate passed H.R. 1266, to provide for the exchange of lands within Admiralty Island National Monument, clearing the bill for the President. Page S2267

  Saccharin Notice Requirement: Committee on Labor and Human Resources was discharged from further consideration of H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement, and the bill was then passed, clearing the bill for the President. Pages S2267-68

  Continuing Appropriations: By 79 yeas to 21 nays (Vote No. 42), Senate passed H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, after taking action on amendments proposed thereto, as follows:

    (1) Hatfield Modified Amendment No. 3466, in the nature of a substitute. Pages S2261-S2300, S2302-09, S2340

    (2) Lautenberg Amendment No. 3482 (to Amendment No. 3466), to provide funding for programs necessary to maintain essential environmental protection. Page S2279

    (3) By 81 yeas to 19 nays (Vote No. 37), Bond/Mikulski Amendment No. 3533 (to Amendment No. 3482), to increase appropriations for EPA water infrastructure financing, Superfund toxic waste site cleanups, operating programs, and to increase funding for the Corporation for National and Community Service (AmeriCorps). Pages S2277-78

    (4) By 63 yeas to 37 nays (Vote No. 39), Coats Modified Amendment No. 3513 (to Amendment No. 3466), to amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions. Pages S2262-66, S2268-76, S2280

    (5) Simon Modified Amendment No. 3511 (to Amendment No. 3466), to provide funding to carry out title VI of the National Literary Act of 1991, title VI of the Library Services and Construction Act, and section 109 of the Domestic Volunteer Service Act of 1973. Page S2280

    (6) By 77 yeas to 23 nays (Vote No. 41), Wellstone Amendment No. 3520 (to Amendment No. 3466), to urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advance-appropriated funding for FY 1997. Pages S2281-83

    (7) Murkowski/Stevens Modified Amendment No. 3524 (to Amendment No. 3466), to reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumers. Pages S2283-84

    (8) Murkowski Amendment No. 3525 (to Amendment No. 3466), to provide for the approval of an exchange of lands within Admiralty Island National Monument. Pages S2276-77, S2284

    (9) Warner (for Thurmond) Modified Amendment No. 3526 (to Amendment No. 3466), to delay the exercise of authority to enter into multiyear procurement contracts for C-17 aircraft. Page S2284

    (10) Hatfield Amendment No. 3553 (to Amendment No. 3466), to include funds for certain further programs and improve the bill. Pages S2285-S2300, S2302-03, S2340

Rejected:
(1) By 45 yeas to 55 nays (Vote No. 38), Boxer/Murray Amendment No. 3508 (to Amendment No.
3466), to permit the District of Columbia to use local funds for certain activities. Pages S2266–70, S2279

(2) By 33 yeas to 67 nays (Vote No. 40), Gramm Amendment No. 3519 (to Amendment No. 3466), to make the availability of obligations and expenditures contingent upon the enactment of a subsequent act incorporating an agreement between the President and Congress relative to Federal expenditures. Pages S2280–81

(3) McCain Amendment No. 3554 (to Amendment No. 3553), to provide that funds available for a grant for the construction of wastewater treatment facilities may be expended.

Withdrawn:

Gorton Amendment No. 3496 (to Amendment No. 3466), to designate the "Jonathan M. Wainwright Memorial VA Medical Center", located in Walla Walla, Washington.

Santorum Amendment No. 3484 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. Pages S2279–80

Santorum Amendment No. 3485 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. Page S2279

Santorum Amendment No. 3486 (to Amendment No. 3466), to require that disaster relief provided under this Act be funded through amounts previously made available to the Federal Emergency Management Agency, to be reimbursed through regular annual appropriations Acts.

Santorum Amendment No. 3487 (to Amendment No. 3466), to reduce all Title I discretionary spending by the appropriate percentage (36.7%) to offset Federal disaster assistance. Page S2262

Santorum Amendment No. 3488 (to Amendment No. 3466), to reduce all Title I "Salary and Expense" and "Administrative Expense" accounts by the appropriate percentage (3.5%) to offset Federal disaster assistance. Page S2262

Bond (for Pressler) Amendment No. 3514 (to Amendment No. 3466), to provide funding for a Radar Satellite project at NASA. Page S2279

Bond Amendment No. 3515 (to Amendment No. 3466), to clarify rent setting requirements of law regarding housing assisted under section 236 of the National Housing Act to limit rents charged moderate income families to that charged for comparable, non-assisted housing, and clarify permissible uses of rental income in such projects, in excess of operating costs and debt service. Page S2279

Bond Amendment No. 3516 (to Amendment No. 3466), to increase in amount available under the HUD Drug Elimination Grant Program for drug elimination activities in and around federally-assisted low-income housing developments by $30 million, to be derived from carry-over HOPE program balances. Page S2279

Bond Amendment No. 3517 (to Amendment No. 3466), to establish a special fund dedicated to enable the Department of Housing and Urban Development to meet crucial milestones in restructuring its administrative organization and more effectively address housing and community development needs of States and local units of government and to clarify and reaffirm provisions of current law with respect to the disbursement of HOME and CDBG funds allocated to the State of New York. Page S2279

Bond (for McCain) Modified Amendment No. 3521 (to Amendment No. 3466), to require that disaster funds made available to certain agencies be allocated in accordance with the established prioritization processes of the agencies. Pages S2275–76, S2284

Bond (for McCain) Amendment No. 3522 (to Amendment No. 3466), to require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs. Page S2284

Warner Amendment No. 3523 (to Amendment No. 3466), to prohibit the District of Columbia from enforcing any rule or ordinance that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland. Pages S2279, S2303

Burns Amendment No. 3528 (to Amendment No. 3466), to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act.

Coats (for Dole/Lieberman) Amendment No. 3531 (to Amendment No. 3466), to provide for low-income scholarships in the District of Columbia. Page S2279

Also, the following amendments fell when an appeal of the ruling of the chair that Amendment No. 3551, listed below, was not relevant to Amendment No. 3466 was withdrawn:

Hatfield (for Burns) Amendment No. 3551 (to Amendment No. 3466), to divide the ninth judicial circuit of the United States into two circuits. Page S2262

Burns Amendment No. 3552 (to Amendment No. 3551), to establish a Commission on restructuring the circuits of the United States Courts of Appeals. Page S2262

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferes: Senators Hatfield, Stevens, Cochran, Specter, Domenici, Bond, Gorton,
Small Business Regulatory Reform: By a unanimous vote of 100 yeas (Vote No. 43), Senate passed S. 942, to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, and to provide relief from excessive and arbitrary regulatory enforcement actions against small entities.

Whitewater Investigation Extension—Cloture Vote Agreement: A unanimous-consent agreement was reached providing for a vote on a fourth cloture motion to close further debate on the motion to proceed to the consideration of S. Res. 227, to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, on Wednesday, March 20, 1996.

Product Liability Conference Report—Cloture Vote/Consideration Agreement: A unanimous-consent agreement was reached providing for a vote on the conference report on H.R. 956, to establish legal standards and procedures for product liability litigation, on Wednesday, March 20, 1996.

Public/Federal Grasslands Management—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1459, to provide for uniform management of livestock grazing on Federal land, on Wednesday, March 20, 1996.

Appointments:

Mexico-United States Interparliamentary Union: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. Section 276h–276k, appointed Senator Hutchison as the chairman of the Senate delegation to the Mexico-United States Interparliamentary Union during the second session of the 104th Congress.

Messages From the President: Senate received the following messages from the President of the United States:

Transmission the report of the budget of the U.S. Government for fiscal year 1997; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget. (PM–133).

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee resumed hearings on proposed legislation authorizing funds for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands, receiving testimony from Gen. George A. Joulwan, USA, Commander in Chief, United States European Command; Gen. J.H. Binford Peay III, USA, Commander in Chief, United States Central Command; Gen. John J. Sheehan, USMC, Commander in Chief, United States Atlantic Command; and Rear Adm. James B. Perkins III, USN, Acting Commander in Chief, United States Southern Command.

Hearings will continue on Thursday, March 21.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Seapower held hearings on proposed legislation authorizing funds for the Navy Expeditionary Warfare Programs, receiving testimony from Maj. Gen. J.L. Jones, USMC, Director Expeditionary Warfare, Rear Adm. John O. Pearson, USN, Commander, Mine Warfare Command, and Rear Adm. Richard D. Williams III, USN, Program Executive officer for Mine Warfare, all of the Department of the Navy.

Subcommittee will meet again on Thursday, March 21.
NOMINATIONS
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade, and Gaston L. Gianni Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation, after the nominees testified and answered questions in their own behalf. Mr. Eizenstat was introduced by Senator Coverdell.

FCC REFORM

Hearings were recessed subject to call.

MIDDLE EAST PEACE PROCESS

Hearings were recessed subject to call.

ASSET FORFEITURE PROGRAM
Committee on Governmental Affairs: Permanent Subcommittee on Investigations held hearings to examine activities involving mismanagement of the Federal Asset Forfeiture Program which authorizes certain government agencies to seize property related to criminal conduct, focusing on United States Marshals Service operation of the Bicycle Club Casino in Bell Gardens, California under the Federal Asset Forfeiture Program, receiving testimony from Laurie E. Ekstrand, Associate Director, Administration of Justice Issues, and James M. Blume, Assistant Director, both of the General Government Division, and Gary T. Engel, Assistant Director, Accounting and Information Management Division, all of the General Accounting Office; Eduardo Gonzalez, Director, and Kenneth Holecko, Assistant Director, both of the United States Marshals Service, and Gerald E. McDowell, Chief, Asset Forfeiture and Money Laundering Section, Criminal Division, all of the Department of Justice; James F. Lisowski, Sr., Lisowski Law Firm, Chkd., Las Vegas, Nevada; Thomas Atherton and Douglas Sparkes, both of Los Angeles, California, and Harry J. Richard, Bell Gardens, California, all on behalf of the Bicycle Club Casino; and Hollman Cheung, an incarcerated witness.

Hearings were recessed subject to call.

AUTHORIZATION—HATE CRIME STATISTICS ACT
Committee on the Judiciary: Committee held hearings on S. 1624, to permanently authorize funds for programs of the Hate Crime Statistics Act of 1990, receiving testimony from Charles W. Archer, Assistant Director, Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice; Mayor Emanuel Cleaver II, Kansas City, Missouri, on behalf of the United States Conference of Mayors; Bobby Moody, Covington, Georgia, on behalf of the International Association of Chiefs of Police; Steve Arent, Anti-Defamation League, New York, New York; and Karen McGill Lawson, Leadership Conference Education Fund, Washington, D.C.

INTELLIGENCE REFORM
Select Committee on Intelligence: Committee concluded hearings to examine proposals for the renewal and reform of the United States intelligence community, after receiving testimony from Stansfield Turner, William Webster, and R. James Woolsey, all former Directors of Central Intelligence.

House of Representatives

Chamber Action
Bills Introduced: 10 public bills, H.R. 3107-3116; and 1 resolution, H.J. Res. 164 were introduced.

Recess: House recessed at 1:21 p.m. and reconvened at 2 p.m.

Presidential Messages: Read the following messages from the President:

United States-Argentina nuclear energy agreement: Message wherein he transmits the text of a proposed Agreement for Cooperation Between the Government of the United States and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy—referred to the Committee on International Relations and ordered printed (H. Doc. 104-188); and

1997 Budget: Message wherein he transmits the 1997 Budget—referred to the Committee on Appropriations and ordered printed (H. Doc. 104-162).

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, National Security, Resources, Science, and Select Intelligence.

Suspensions: House voted to suspend the rules and pass the following measures:

White House Travel Office: H.R. 2937, amended, for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993 (passed by yea-and-nay vote of 350 yeas to 42 nays, Roll No. 69);

Vermont-New Hampshire water compact: H.J. Res. 129, granting the consent of Congress to the Vermont-New Hampshire Public Water Supply Compact. Subsequently, S.J. Res. 38, a similar Senate-passed resolution, was passed in lieu after being amended to contain the text of H.J. Res. 129 as passed the House. Agreed to lay H.J. Res. 129 on the table;

Military stability in the Taiwan Straits: H. Con. Res. 148, amended, expressing the sense of the Congress that the United States is committed to the military stability of the Taiwan Straits and United States military forces should defend Taiwan in the event of invasion, missile attack, or blockade by the People’s Republic of China (agreed to by a recorded vote of 369 ayes to 14 noes, with 7 voting “present”, Roll No. 79); and

House of Representatives administrative reform: H.R. 2739, to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives.

Order of Business: It was made in order that, during the consideration of H.R. 2202, the Immigration in the National Interest Act of 1995, it be in order for the designated proponents of the amendments numbered 11, 12, and 13 in part 2 of House Rept. 104-483 to offer their amendments in modified forms to accommodate the changes in the amendment in the nature of a substitute recommended by the Committee on the Judiciary that are reflected in part 1 of that report and effected by the adoption of the rule; and

It was made in order that the designated proponent of amendment numbered 19 in part 2 of House Rept. 104-483 to offer his amendment in a modified form that strikes from title V all except section 522 and subtitle D.

Immigration Reform: House completed all general debate and began consideration of amendments on H.R. 2202, to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, and to reform the legal immigration system and facilitate legal entries into the United States.

Agreed To:

The Smith of Texas amendment that makes certain technical and conforming changes; clarifies that any new forward deployment of border patrol officers will not affect current border checkpoints; sets up a pilot program for using closed military bases as possible holding areas for illegal aliens; provides that city and county governments could qualify for reimbursement from the Federal Government for incarceration of illegal aliens; and increases the number of Federal prosecutors dealing with immigration-related crimes such as the smuggling of illegal aliens or previously deported aliens into the United States;

The Smith en bloc amendment that requires the Justice Department, in consultation with the State and Defense Departments, to contract with the Comptroller General to submit to Congress an annual report until fiscal year 2000 on the Administration’s strategy to deter illegal immigration with recommendations on how to increase border security; establishes as a priority the Attorney General’s workplace enforcement of employer sanctions; provides a
status adjustment of status for certain Polish and Hungarian aliens; provides for funding support from the Attorney General to the INS or other public or private entities for demonstration projects for naturalization of aliens at 10 sites throughout the United States in each consecutive year beginning in 1996; expresses the sense of Congress, to the greatest extent practicable, that all equipment and products purchased with funds made available should be American-made; provides a waiver of English-language requirements for certain aliens who served with special guerilla units in Laos; adds language expressing the sense of Congress regarding the mission of the Immigration and Naturalization Service; authorizes the reimbursement of certain Polish applicants for the 1995 Diversity Immigrant Program; and expresses the sense of Congress with respect to the State Criminal Alien Assistance Program; and

The Tate amendment that permanently bars legal entry to the United States, including temporary visas, for anyone who is caught entering the country illegally.

The rule under which the bill is being considered, was agreed to earlier by a voice vote. Earlier, agreed to order the previous question on the rule by a yeas-and-nays vote of 233 yeas to 152 nays, Roll. No. 68.

Senate Messages: Message received from the Senate today appears on page H2350.

Quorum Calls—Votes: Two yeas-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H 2375–76, H 2376–77, and H 2377–78.

Adjournment: Met at 12:30 p.m. and adjourned at 11:04 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies held a hearing on Marketing and Regulatory Programs. Testimony was heard from the following officials of the USDA: Michael Dunn, Assistant Secretary, Marketing and Regulatory Programs; Lon S. Hatamlya, Administrator, Agricultural Marketing Service; Lonnie J. King, Administrator, Animal Plant Health and Inspection Service; and James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session to hold a hearing on Commander in Chief, U.S. European Command. Testimony was heard from Gen. George A. Joulwan, USA, Commander in Chief, U.S. European Command.

BANK INSURANCE AND THE SAVINGS ASSOCIATION INSURANCE FUND

Committee on Banking and Financial Services: Held a hearing on issues relating to the Bank Insurance Fund and the Savings Association Insurance Fund. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; the following officials of the Department of the Treasury: John Hawke, Jr., Under Secretary, Domestic Finance; and Jonathan Fiechter, Acting Director, Office of Thrift Supervision; Ricki Helfer, Chairman, FDIC; and public witnesses.

AMERICORPS

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on Americorps. Testimony was heard from the following officials of the Corporation for National and Community Service: Harris Wofford, CEO; and Luise Jordan, Inspector General; and public witnesses.

D.C. FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT IMPLEMENTATION

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on the Implementation of Public Law 104±8, District of Columbia Financial Responsibility and Management Assistance Act of 1995. Testimony was heard from the following officials of the District of Columbia: Andrew Brimmer, Chairman; Joyce Ladner; Constance Newman, Steve Harlan and Ed Singletary, Board Members, all with the Financial Responsibility and Management Assistance Authority; Marion Barry, Mayor; and David A. Clarke, Chairman, Council.

Hearings continue March 28.

UNITED STATES-NORTH KOREAN RELATIONS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on United States-North Korean Relations: From the Agreed Framework to Food Aid. Testimony was heard from Winston Lord, Assistant Secretary, East Asian and Pacific Affairs, Department of State; Stanley Roth, Director, Research and Studies, United States Institute of Peace; and public witnesses.
ROGUE REGIMES
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Attempts by Rogue Regimes to Influence U.S. Policy. Testimony was heard from Representative Barr; and public witnesses.

DEFENSE AUTHORIZATION
Committee on National Security: Subcommittee on Military Installations and Facilities held a hearing on fiscal year 1997 national defense authorization, with emphasis on the military construction budget request. Testimony was heard from the following officials of the Department of Defense: Robert E. Bayer, Deputy Assistant Secretary, Installations; Paul Johnson, Deputy Assistant Secretary, Installations and Housing; Maj. Gen. Frank L. Miller, Jr., USA, Assistant Chief of Staff, Installation Management; Maj. Gen. William A. Navas, Jr., USA, Director, Army National Guard; and Brig. Gen. James Helmly, USA, Deputy Chief, Army Reserve, all with the Department of the Army.

DEFENSE AUTHORIZATION
Committee on National Security: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development continued joint hearings on the fiscal year 1997 national defense authorization, with emphasis on the Army modernization request. Testimony was heard from the following officials of the Department of the Army: Gilbert F. Decker, Assistant Secretary, Research, Development and Acquisition; and Lt. Gen. Ronald V. Hite, USA, Military Deputy to the Assistant Secretary, Research, Development and Acquisition.

DEFENSE AUTHORIZATION

MISCELLANEOUS MEASURES
Committee on Resources: Held a hearing on the following bills: H.R. 2505, to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions; and H.R. 1786, to regulate fishing in certain waters of Alaska. Testimony was heard from Deborah L. Williams, Special Assistant to the Secretary for Alaska, Department of the Interior; and public witnesses.

OVERSIGHT
Committee on Resources: Subcommittee on Water and Power Resources held an oversight hearing on Western Area Power Administration Construction and Maintenance Activities and Bureau of Reclamation Power Facilities Management. Testimony was heard from J.M. Shafer, Administrator, Western Area Power Administration, Department of Energy; Patricia J. Beneke, Assistant Secretary, Water and Science, Department of the Interior; Janet Frasier-Rogers, Chairman, Colorado River Commission; and a public witness.

NSF'S PARTNERSHIP FOR ADVANCED COMPUTATION INFRASTRUCTURE PROGRAM
Committee on Science: Subcommittee on Basic Research held a hearing on NSF'S Partnership for Advanced Computational Infrastructure Program. Testimony was heard from Paul Young, Assistant Director for Computer and Information Science and Engineering, NSF; Edward Hayes, Chairman, Report on the Task Force on the Future of NSF Supercomputing Centers Program; and public witnesses.

HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT

COLLECTION
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Collection. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 20, 1996
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal
year 1997 for the Department of Defense, focusing on the ballistic missile defense program, 10 a.m., SD–192.

Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, 10 a.m., SD–138.

Committee on Armed Services, Subcommittee on Strategic Forces, to resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on Department of Defense space programs and issues, 9:30 a.m., SD–562.

Subcommittee on Acquisition and Technology, to resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan, focusing on technology base programs, 9:30 a.m., SR–232A.

Subcommittee on Personnel, to resume hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense and the future years defense plan, focusing on manpower, personnel, and compensation programs, 10 a.m., SR–222.

Committee on the Budget, to hold hearings on the President's fiscal year 1997 budget proposals, 10 a.m., SD–608.

Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, to hold hearings on S. 1077, to authorize research, development, and demonstration of hydrogen as an energy carrier, S. 1153, to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use fuel cells, and H.R. 655, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, 2 p.m., SD–366.

Committee on Foreign Relations, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine foreign policy implications of a balanced budget, 10 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine economic developments in the West Bank and Gaza, 2 p.m., SD–419.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to resume hearings to examine global proliferation of weapons of mass destruction, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to resume markup of S. 269 and S. 1394, bills to reform the immigration system, 2 p.m., SH–216.

Committee on Rules and Administration, to hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Congressional Research Service, 9:30 a.m., SR–301.

Committee on Veterans' Affairs, to resume hearings to examine the reform of health care priorities, 10 a.m., SR–418.

Conference on Appropriations, Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies, on Research, Education and Economics, 1 p.m., 2362A Rayburn.

Subcommittee on Interior, on Geological Survey, 10 a.m., and on National Park Service, 1:30 p.m., B–308 Rayburn.

Subcommittee on National Security, on fiscal year 1997 Navy/Marine Corps Posture, 10 a.m., 2212 Rayburn and Navy/Marine Corps Acquisition Programs, 1:30 p.m., H–140 Capitol.

Subcommittee on Transportation, on Federal Highway Administration, 10 a.m., 2358 Rayburn.

Subcommittee on Veterans' Affairs, HUD and Independent Agencies, on NASA, 9 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, hearing on Recent Developments in Banking and Finance in the People's Republic of China, Hong Kong, and Taiwan, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up H.R. 3070, Health Coverage Availability and Affordability Act of 1996, 10 a.m., 2123 Rayburn.

Committee on National Security, hearing on security challenges posed by China, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Oversight hearing on Endangered Species Act of 1973, 11 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Lands, oversight hearing on Historic Preservation and hearing on the following: H.R. 563, to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places; H.R. 1179, Historical Black Colleges and University Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places; H.R. 1179, Historical Black Colleges and University Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places; H.R. 3031, to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, 9 a.m., 1334 Longworth.

Committee on Standards of Official Conduct, executive, to consider pending business, 2:30 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, hearing to determine the impact of the Administration's Budget on the highway and aviation trust funds, 1:45 p.m., 2167 Rayburn.

Subcommittee on Aviation, to continue hearings on the airport improvement program, with emphasis on FAA views and miscellaneous issues, 9:15 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing on GSA Courthouse Construction Program, 8:30 a.m., 2253 Rayburn.

Committee on Ways and Means, hearing on Replacing the Federal Income Tax, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Processing/Exploitation 2 p.m., H–405 Capitol.

Joint Meetings

Conferees, on H.R. 2854, to modify the operation of certain agricultural programs, 9 a.m., SR–332.
Next Meeting of the SENATE
10 a.m., Wednesday, March 20

Senate Chamber

Program for Wednesday: Senate will resume consideration of the conference report on H.R. 956, Product Liability, and a motion to proceed to consideration of S. Res. 227, Whitewater Investigation Extension, with closure votes to occur thereon. Senate will also consider S. 1459, Public/Federal Grasslands Management.

Next Meeting of the HOUSE OF REPRESENTATIVES
11 a.m., Wednesday, March 20

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE
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