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House of Representatives

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

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tests that we should all ask ourselves. First of all, is this a Federal responsibility? Second of all, does it work? And, third of all, can we afford it?

If we do not ask those three simple questions about every program that comes forward in our budget process, we simply are not doing our job. If we could afford the luxury of endless spending, perhaps we would not have to do that. We cannot afford that anymore, and, besides, it is just good practical business, taking care of the American taxpayers' dollars, to ask those simple questions: Is this something Government should do, can we afford it, and does this thing work, is it on target? That is pretty simple. I think we can even get that message here.

Mr. Speaker, I include the following nine-step program for fiscal responsibility for the RECORD.

A NINE STEP PROGRAM FOR FISCAL RESPONSIBILITY

All savings are over a five year period, calculated in millions of dollars and based on best official estimates.

LEADING BY EXAMPLE: CONGRESSIONAL AND EXECUTIVE BRANCH REFORM

Savings and description

2,200—Reduce the Legislative Branch Appropriations by 20 percent
284—Reduce the Executive Office of the President Appropriation by 20 percent
85—Reduce the ''franking'' allocation to Members of Congress by 50 percent
118—Roll back the Congressional Pay Raise to $89,500
2.5—Reduce the Attending Physician's Office by 33 percent
1.1—Privatize the House and Senate Gymnasiums

FREE MARKET AGRICULTURAL REFORM

Savings and description

12,700—Abolish the Cotton Price Support and Loan Programs
11,000—Lower target prices for subsidized crops 3 percent annually
5,000—Eliminate the Dairy Subsidy Program
3,950—Merge the Agricultural Research Service, the Cooperative Research Service and the Agricultural Extension Service; cut funding by 50 percent
1,660—End the Federal Crop Insurance Program and replace with standing authority for disaster assistance
660—Reduce Commodity Credit Corporation Subsidies to those with off-farm incomes over $100,000
200—End the Peanut Subsidy Program
100—Eliminate the Tobacco Price Support Program

GOVERNMENT FOR THE PEOPLE, NOT THE BUREAUCRATS

Savings and Description

64,000—Lower by 10% per annum the projected growth rate of non-postal, civilian agencies overhead (excluding travel)
14,740—Eliminate DOD payments for indirect Research & Development; substitute direct R&D
8,850—Continue the partial civilian hiring freeze at DOD
6,000—Defense Acquisition Reform
3,080—Repeal the Davis-Bacon Act
2,550—Reduce DOE energy technology spending
1,900—Fully implement H.R. 2452 (102nd) to provide additional conservation measures for federal agencies
1,500—Strengthen and restructure NASA (NPR proposal)
1,000—Reduce overhead in federally-sponsored university research
900—Service Contract Act reform
858—Lower the travel budgets of all non-postal civilian agencies by 15 percent
540—Reform vacation and overtime for the Senior Executive Service

PRIVATIZING AND DOWNSIZING GOVERNMENT

Savings and description

9,000—corporatize the Air Traffic Control System
4,170—Facilitate contracting out and privatization of military commissaries
2,000—Privatize the Government National Mortgage Association
1,900—Eliminate the Legal Services Corporation
1,522—Eliminate the Economic Development Administration
913—Eliminate Rural Economic and Community Development (RCED) duplication with the Small Business Administration
690—Eliminate the Appalachian Regional Commission
580—End funding for all non-energy Tennessee Valley Authority (TVA) activities
174—Eliminate the Rural Utilities Service (formerly the Rural Electric Administration)
140—Close the Bureau of Mines and merge its data gathering activities with other Interior research agencies
56—Eliminate the Arms Control Disarmament Agency
10—Phase out the U.S. Fire Administration

FOREIGN ASSISTANCE THAT PUTS AMERICAN TAXPAYERS FIRST

Savings and description

13,125—Cut the foreign aid budget (150 Account) by 15 percent and make all earmarks in that account subject to a two-thirds vote for passage
8,100—Eliminate the Agency for International Development
1,510—Eliminate Public Law 480 International Assistance Program
150—Phase out the Foreign Agricultural Service Cooperation Funding

ATTACKING CORPORATE WELFARE

Savings and description

3,388—Eliminate Export Enhancement Program
3,372—Sell the Power Marketing Administrations
2,660—Phase out subsidies for AMTRAK
2,000—End postal subsidies to not-for-profit organizations (excluding blind and handicapped individuals)
1,002—Eliminate Travel, Tourism and Export Promotion Administration (as a taxpayer supported entity)
692—Sell the National Helium Reserves
660—Phase out ACTION (umbrella organization for domestic volunteer activities) as a tax supported program
500—Eliminate the Market Promotion Program
195—Eliminate Essential Air Service subsidies
121—Terminate Dairy Export Incentive Program

PRIORITIZING OUR SOCIAL SPENDING

Savings and description

27,000—Prohibit direct federal benefits and unemployment benefits to illegal aliens
6,300—Consolidate the administrative costs of the AFDC, Food Stamps and Medicaid programs
5,700—Freeze the number of rental assistance commitments
5,400—Increase Medicare safeguard funding by $540 million over 5 years
4,900—Reduce NIH funding by 10 percent, concentrating on overhead
3,850—Eliminate ''impact aid'' to school districts with military bases
3,400—Eliminate non-targeted vocational state funding
3,060—Eliminate AmeriCorps
2,930—Eliminate the William D. Ford program (direct student lending)
2,600—Cut the National Endowment for Arts by 50 percent
2,060—Eliminate the Goals 2000 program
1,400—Scale back Rural Rental Housing Assistance program
1,400—Eliminate Office of the Surgeon General
1,000—Consolidate social services programs
990—Eliminate HUD special-purpose grants
883—Cut funding for the Corporation for Public Broadcasting by 50 percent
610—Replace new public housing construction with vouchers
144—Streamline HUD

ENDING TAXPAYER SUBSIDIES THAT DEGRADE OUR ENVIRONMENT

Savings and description

7,400—End all new Bureau of Water Reclamation water projects
2,200—End Irrigation Subsidies
1,100—Privatize the U.S. Enrichment Corporation
1,000—Reduce the fill rate for the Strategic Petroleum Reserve
1,000—1872 Mining Law Reform
880—End the ''Corridor H'' program
912—Eliminate the Clean Coal Program
250—Grazing Reform
235—Eliminate below-cost timber sales from national forests
80—End the Boll Weevil Eradication Program

CUTTING OUT THE PORK

Savings and description

8,850—Limit federal highway spending to the amount brought in by motor vehicle fuel taxes
6,250—Reduce mass transit grants; eliminate operating subsidies
5,150—Scale back Low Income Home Energy Assistance Grants
2,590—Terminate all highway demonstration projects
1,380—Eliminate Rural Development Association loans and guarantees
250—Eliminate redundant polar satellite programs
0.3—Close under-utilized black lung offices

THE DIRTY LITTLE SECRET OF AFFIRMATIVE ACTION FOES: THEY GET BY WITH A LITTLE HELP FROM THEIR FRIENDS

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I have the great honor of serving on the House Committee on the Judiciary, and this has been a very, very difficult year, because we have had incoming missiles from every which way attacking affirmative action. I for one have been a believer in affirmative action, because I remember I could not get into a lot of schools I wanted to get into as a young woman, because even though I passed all the tests, they would say ''Whoops, wrong chromosomes; have a nice day,'' and you went right out the door. So I have been very interested in this debate on affirmative action.

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 missiles against affirmative action 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 read 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, that 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 man named Leo Kolligan. 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 very prominent folks in 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 not 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 protesting in California on the campuses on this. I hope everybody pays 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, on taxes, even 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 overbloated, overregulating Government that we have now, they would not stand for it. They would say, ''Wait a minute. Get rid of that fraud and abuse. Get rid of some of these programs, because we 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 welfare 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 the cost of 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 start doing 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 Democrats, the liberals and 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 increase, because we are 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 achieve it. 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. The House's consideration of this resolution 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 Saturday. The resolution 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 some have argued that my islands could benefit by 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 Pacific Rim and Pacific Basin nations and territories.

Guam's economy is tourist driven, roughly 1 million of whom arrive from the Asia Pacific region. Tourist arrivals have increased over 180 percent in 10 years, with Korea and Taiwan recently leading the way as the fastest growing visitor markets. Increasingly our economy also depends on investment from Japan, Taiwan, the Philippines and South Korea. A blockade, invasion or missile attack on Taiwan 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. An estimated 2.6 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. Taiwanese 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 and out of 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 armies 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 we 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 to commit becoming a new 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 allows the government and 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 in the 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 195 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.

Essentially what we are seeing now is that these cuts are hitting home. I am going back to my district, and I know others 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 that 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, a $3.3 billion cut 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 prevail if Speaker 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 back at home? 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 be laid off because of the cutbacks 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. It talks about Teresa 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 led to the periodic closing 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 at 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 again 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 to do. 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 if we 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 COSPONSOR OF H.R. 2745

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2745.

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. When he was a baseball player, he was outspoken, too. 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 democratic baseball team, is that JIM BUNNING will now see fit to pitch in the annual game. JIM 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:

14—BUNNING, JAMES PAUL (JIM) RHP

Born—Covington, Ky., 10/23/31 . . . Home—Southgate, Ky. . . . B—R, T–R, . . . 6–3, 200 . . . Married Mary Theis; 9 children; Barbara, twins Jimmy and Joan, Cathy, Bill, Bridget, Mark, and twins Dave and Amy . . . 1949 St. Xavier School grad and 1953 Xavier U. grad with B.S. Degree in economics . . . Traded by Detroit to Phillies 12/5/63 with Gus Triandos for Don Demeter and Jack Hamilton . . . Traded to Pirates 12/16/67 for Woodie Fryman, Hal Clem, Don Money, and Bill Laxton . . . Traded to Dodgers 8/15/69 for infielder Chuck Coggins, outfielder Ron Mitchell and cash . . . Released by Dodgers and signed by Phillies 10/28/69, after unclaimed in major league waivers.

ALL-STAR GAMES

	W–L	1P	H	R	ER	BB	SO	ERA
1957 American	1–0	3	0	0	0	0	1	0.00
1959 American (1st ga.)	0–0	1	3	2	2	0	1	18.00
1959 American (2nd ga.)	0–0	0	0	0	0	0	0	0.00
1961 American (1st ga.)	0–0	2	0	0	0	0	2	0.00
1961 American (2nd ga.)	0–0	3	0	0	0	0	1	0.00
1962 American (1st ga.)	0–0	3	1	0	0	0	2	0.00
1963 American	0–1	2	0	1	0	1	0	0.00
1964 National	0–0	2	2	0	0	0	4	0.00
1966 National	0–0	2	1	0	0	0	2	0.00
Total	1–1	18	7	3	2	2	13	1.00

Year and club	W	L	PCT	ERA	G	GS	CG	IP	H	BB	SO	ShO	Relief Pitching			BATTING			BA
													W	L	SV	AB	H	HR	
1955 DET A	3	5	.375	6.35	15	8	0	51	59	32	37	0	2	0	1	15	3	0	.200
1956	5	1	.833	3.71	15	3	0	53.1	55	28	34	0	4	0	1	18	6	0	.333
1957	20	8	.714	2.69	45	30	14	267.1	214	72	182	1	2	1	1	94	20	1	.213
1958	14	12	.538	3.52	35	34	10	219.2	188	79	177	3	0	0	0	75	14	0	.187
1959	17	13	.567	3.89	40	35	14	249.2	220	75	201	1	0	1	1	89	17	1	.191
1960	11	14	.440	2.79	36	34	10	252	217	64	201	3	0	0	0	81	13	0	.160
1961	17	11	.607	3.19	38	37	12	268	232	71	194	4	0	0	1	100	13	0	.130
1962	19	10	.655	3.59	41	35	12	258	262	74	184	2	0	0	6	95	23	1	.242
1963	12	13	.480	3.88	39	35	6	248.1	245	69	196	2	0	0	1	84	13	0	.155
1964 PHI N	19	8	.704	2.63	41	39	13	284.1	248	46	219	5	0	0	2	99	12	0	.121
1965	19	9	.679	2.60	39	39	15	291	253	62	268	7	0	0	0	103	22	1	.214
1966	19	14	.576	2.41	43	41	16	314	260	55	252	5	1	0	1	106	19	0	.179
1967	17	15	.531	2.29	40	40	16	302.1	241	73	253	6	0	0	0	104	17	2	.163
1968 PIT N	4	14	.222	3.88	27	26	3	160	168	48	95	1	0	0	0	51	5	0	.098
1969 2 teams—totals for PIT N (25G 10–9) and LA N (9G 3–1)	13	10	.565	3.69	34	34	5	212.1	212	59	157	0	0	0	0	65	4	0	.062
1970 PHI N	10	15	.400	4.11	34	33	4	219	233	56	147	0	0	0	0	71	9	0	.127
1971	5	12	.294	5.48	29	16	1	110	126	37	58	0	0	2	1	25	3	1	.120
17 yrs	224	184	.549	3.27	591	519	151	3760.1	3433	1000	2855	40	9	4	16	1275	213	7	.167

JIM DANDY DATES

April 19, 1955—Baltimore Orioles' catcher Hal Smith becomes second-inning strikeout victim, the very first in Jim's glorious career.

1957–67—In eleven straight seasons Jim did not miss a start. Starting 399 games and completing 134—2953 innings pitched—184 W 127 L.

July 20, 1958—Jim becomes third pitcher in Detroit Tigers history to pitch a no-hitter, 3–0, at Boston's Fenway Park in the first game of a doubleheader. Only two walks and a hit batter keep him from a perfect game.

June 21, 1964—The father of seven children then, Jim pitches the major league's first regular season perfect game in 42 years, 6–0, against New York Mets on Father's Day at Shea Stadium, also the first game of a Sunday doubleheader. Wife, Mary and oldest daughter Barbara, were in attendance.

April 14, 1968—Side-armer strikes out Claude Osteen to become only second pitcher in baseball history to reach 1,000 strikeouts in both leagues. Cy Young was the first.

August 11, 1970—Move over again, Cy Young. Jim stops Houston Astros, 6–5, at Houston's Astrodome for his 100th National League victory, tying Young for 100 wins in both leagues.

April 10, 1971—Jim goes into record book as winning pitcher in first game ever at Veterans Stadium as he beats Montreal Expos, 4–1, before 55,352 fans.

May 31, 1971—At San Diego, Clarence Gaston becomes strikeout victim 2,820, moving Jim ahead of Young into second place on the all time strikeout list behind Walter Johnson with 3,508.

HANDLING THE TAIWAN-CHINA CRISIS

Mr. Speaker, I also hope that today we are very cautious in this Taiwan-China resolution. I think the last thing we want to do is send a signal to China and Taiwan that the United States has a firm, no-holds-barred policy toward averting conflict. I think here is a classic case where ambiguity and flexibility is our best policy tool as we deal with China and as we deal with Taiwan in these very critical times.

What we do not want to do is give the President and the Secretary of Defense less flexibility in the way they are responding to this crisis. We should not be having this bill on the floor. We should support the Taiwan Relations Act, the Shanghai communique which President Nixon and Henry Kissinger very artfully put together.

Mr. Speaker, I believe that we have to be very careful and the signal we send. Of course we support Taiwan. of course we believe that their freedom is important. But the last thing we need is 435 Secretaries of State telling the President what he or she should do.

Mr. Speaker, on community health centers, I would urge my colleagues to join me in helping more than 9 million people in 2,400 communities across this country to continue to have a cost-effective source of quality primary health care.

Last week I introduced H.R. 3081, the Health Centers Consolidation Act, a bill already introduced in the other body by Senator KASSEBAUM. The Kassebaum-Richardson bill consolidates, streamlines, and reauthorizes four health centers: Migrant health centers, community health centers, health care centers for the homeless, and health centers for residents of public housing. It basically reauthorizes these critically important community health centers that are right now hanging on the vine.

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 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; 21.2 million people live in rural areas that lack access to any primary health care provider. Private practice in these underserved areas is not economical because of low incomes and low population density.

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 cosponsors to the Kassebaum-Richardson bill.

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

The SPEAKER pro tempore. Under the Speaker's announced 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 make 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 again to prison for his role as a democracy activist in the People's Republic, is recent testimony to how stark that difference is.

The People's Republic of China is free to maintain its Communist dictatorship. It is free to abuse human rights. It is free to in every respect, economic and political, differ from the free people on Taiwan and do all of this without military threat from the United States or anyone. In fact, we openly trade with the People's Republic of China.

But what they are not free to do, what they have no right to do, in nature or in law, is to mount an unprovoked military assault against the island democracy on Taiwan.

Right now, the People's Republic of China is threatening freedom in the world because they are threatening this military invasion. The United States policy has been and shall remain that we will trust any outcome peaceably achieved through diplomatic negotiations and ongoing discussions and all other peaceful meetings between the Government on Taiwan and the Government in Beijing, the Communist Government of the People's Republic of China.

Unilateral imposition of a solution, least of all by military force, is not acceptable. in the Shanghai Communique, which the preceding speaker referred to, in 1982, the People's Republic of China agreed that they would seek a peaceful resolution of any disagreements they have with Taiwan. That is what everyone in the world should support.

Naked military aggression targeted against a democracy is something that everyone here should understand threatens each of us. What we want in that region is peace. What we do not want is inadvertent war.

Right now the Communist leaders in Beijing are pushing and pushing and pushing as hard as they can, competing in fact with one another, to see which of them is going to succeed to the head of that dictatorship, and they are trying 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 this aspect of 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 the 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 peacemakers, 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 diplomacy 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. Taiwan is not a threat to the PRC. The PRC, 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 require 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 not 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 feeling of contributing, pride in oneself, 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 large 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, conservative estimates are 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 use 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

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, 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.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HUTCHINSON) at 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.

THE JOURNAL

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 I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. FORBES] come forward and lead the House in the Pledge of Allegiance

Mr. FORBES led the Pledge of Allegiance as follows:

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

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 $300 per day.

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. When a bum like 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

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

Mrs. 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 policies have not exactly helped end 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

then the Democrat controlled Congress shot that idea down. But Big Government's biggest supporter did not stop there.

The President raised taxes by $260 billion and used the money to increase spending. He vetoed the Republican balanced budget plan, the only realistic plan that achieved a balanced budget. Now he wants to raise taxes by $8 billion so he can spend more money on such important Government initiatives as step aerobics, massage schools, and helping kids in other countries learn how to measure rainwater.

Mr. Speaker, the era of Big Government may be coming to an end, but with this $8 billion pork barrel package, the President has made it clear he is going down fighting.

FEDERAL FUNDING FOR EDUCATION MAKES A DIFFERENCE

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

Mr. GENE GREEN of Texas. Mr. Speaker, yesterday 27 House Republicans sent a letter to Chairman LIVINGSTON asking that the House include additional funds for education. I want to commend our Republican colleagues who believe, as I do, that these massive cuts in education will affect the future of our children.

Education is not a waste. It is not pork. And our young people are not expendable resources. On the contrary, education is the key to our children's future and the key to our country's future success. Cutting our commitment to education is the equivalent of declaring war on ourselves. One need only look at our world competitors and see who is lengthening the school year, raising their standards and improving the product of their school system and adding money to education funding rather then cutting it.

I ask my colleagues on both sides of the aisle to consider what we are doing in our education system, both in terms of funding and also the message we are sending to our Nation's children. We hear so much about providing a better future for our children and grandchildren. It is time to put our money where our mouth is.

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 runway, ready to go 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 transfer money from a nuclear storage program or just furlough your employees. Seventh, if you run into any trouble, just blame Congress.

Mr. Speaker, Secretary O'Leary, the congenital flier, has some bad travel habits. It is time to revoke her free ride and end the 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 superrich, NBA star should be thankful for the opportunity American 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.

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 Member of this House say this, and I quote: ''I trust Hamas more than I trust my own Government.''

Mr. Speaker, this has to be one of the most morally reprehensible statements I have heard ever 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.

I respect Mr. HYDE'S disgust at that statement. I share that disgust. I would like to further request that Mr. HYDE let the American people know who this Member of Congress is. The people of this country have a right to know who in this body is willing to say he respects and trusts a terrorist organization more than his own Government.

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.

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, 35 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 that time, we have made some 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 foreign 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 1991.

At a time when Washington is trying to balance the budget and promising 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 $800 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 demanding, 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. Now, do not get me wrong, 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.

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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.

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, at a time when Americans are anxious about their economic future, we should be increasing our investment in education. This crisis is entirely preventable. Let's pass a full-year budget that gives our citizens the tools they need to meet the challenges of the 21st century.

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.

RESTORE FUNDING FOR EDUCATION

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

Mr. PALLONE. Mr. Speaker, what the President and Democrats in Congress have been saying is that priorities, whether it be education, the environment, or protecting health care, particularly for seniors with Medicare and Medicaid, that these priorities should not be cut in these constant budget battles in this House of Representatives. That is why it is so important that we restore education funding.

The House has passed a bill that cuts education funding by $3.3 billion, a 13-percent cut over the previous year. That is going to mean layoffs in local school districts or it is going to mean property taxes to those school districts that want to keep educational programs that would otherwise be lost, and what we are saying is that in this budget battle education must be a priority.

The Republicans in the Senate have already voted to restore this education funding because they do not want to see the teachers laid off. They want to make sure that students in the various school districts around the country get a proper education, that class sizes do not get too large, that they are able to get textbooks, and they are able to get the things that are necessary and provided under title I funding.

The Republicans should not sacrifice education, and that is what they are doing here in this House.

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:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 19, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 18th at 2:55 p.m. and said to contain a message from the President whereby he transmits the text of a proposed agreement between the U.S. Government and the Government of the Argentine Republic Regarding the Peaceful Uses of Nuclear Energy.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

PROPOSED AGREEMENT FOR COOPERATION 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. I am also pleased to

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 Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Argentine Republic has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Argentina under appropriate conditions and controls reflecting a strong common commitment to nuclear non-proliferation goals.

The proposed new agreement will replace an existing U.S.-Argentina agreement for peaceful nuclear cooperation that entered into force on July 25, 1969, and by its terms would expire on July 25, 1999. The United States suspended cooperation with Argentina under the 1969 agreement in the late 1970's because Argentina did not satisfy a provision of section 128 of the Atomic Energy Act (added by the NNPA) that required full-scope International Atomic Energy Agency (IAEA) safeguards in nonnuclear weapon states such as Argentina as a condition for continued significant U.S. nuclear exports.

On December 13, 1991, Argentina, together with Brazil, the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC) and the IAEA signed a quadrilateral agreement calling for the application of full-scope IAEA safeguards in Argentina and Brazil. This safeguards agreement was brought into force in March 1994. Resumption of cooperation would be possible under the 1969 U.S.-Argentina agreement for cooperation. However, both the United States and Argentina believe it is preferable to launch a new era of cooperation with a new agreement that reflects, among other things:

—An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frameworks of the parties in the area of peaceful nuclear cooperation;

—Reciprocity in the application of the terms and conditions of cooperation between the parties; and

—Additional international non-proliferation commitments entered into by the parties since 1969.

Over the past several years Argentina has made a definitive break with earlier ambivalent nuclear policies and has embraced wholeheartedly a series of important steps demonstrating its firm commitment to the exclusively peaceful uses of nuclear energy. In addition to its full-scope safeguards agreement with 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 18, 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, 1995.

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 ad referendum agreement on a text on September 3, 1992. Further steps to conclude 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 129 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 provides for U.S. consent 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 explosives; 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, together with the accompanying papers, without objection, referred to the Committee on Appropriations 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 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 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 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. We have cut the deficit nearly in half, from $290 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, prosperity at home depends heavily on 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 move into 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 finishing 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, 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.

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 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, 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 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 serve people living

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 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 right—with child care and training, giving 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 the strong investments 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 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 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 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 drugs from entering the 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 many 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.

MAKING GOVERNMENT WORK

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 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.

ANNOUNCEMENT 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 concuded on all motions to suspend the rules, but not before 5 p.m. today.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SMITH of Texas. Mr. Speaker, I ask 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 Opportunties, the Committee on Government Reform and Oversight, the Committee on International Relations,

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 these requests.

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

There was no objection.

REIMBURSEMENT OF FORMER WHITE HOUSE TRAVEL OFFICE EMPLOYEES

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 read as follows:

H.R. 2937

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

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 sums 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 cost.

(c) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

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 ''Office of 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 Travel Office employment of that individual on May 19, 1993.

The SPEAKER pro tempore. Pursuant to the rule, 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 and 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 to Congress 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' attorneys 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 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 there which had not been in the original act, which compensates anybody who was the subject of an independent counsel investigation, the potential target who is not indicated.

Indeed a great deal of money has been paid out, and I would guess millions of dollars for that as the price of this statute, because then under the independent counsel statute people find themselves investigated where they might not otherwise have been because the trigger, although higher than originally, 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.

Lawyers can do 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.

□ 1430

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 Government Reform and Oversight.

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

Mr. CLINGER. Mr. Speaker, I 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 advanced trip to South Korea and learned he had been terminated by CNN. The other, who was on vacation, on a personal vacation 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 think, did 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 issue arising from the firings, others festered in the days and weeks which followed.

While we are continuing to investigate the events leading up to and surrounding these firings, I am pleased there has been bipartisan support for beginning today to right the wrongs done to these individuals by passing this legal expense relief bill. It is impossible to imagine what the fired Travel Office employees, their families, and friends felt, and the fear that they had to feel as FBI agents combed their neighborhoods and as IRS agents threatened them with audits, as they faced grand juries and possible prosecution in a really Kafkaesque kind of atmosphere.

By May 25, 1993, the media had uncovered strong indications of conflicts of interest in the takeover of the White House Travel Office, and in the wake of media scrutiny and public outrage, the White House backtracked on its firings of five of the seven travel office employees and placed them on administrative leave. Those five men eventually did indeed find employment elsewhere in the Federal Government, and the Director and the Deputy Director of the Travel Office retired.

When I introduced this bill last month, I referred to the eloquence of the seven Travel Office employees, when they testified before the Committee on Government Reform and Oversight, to the pride they took in serving the White House under Democrat and Republican Presidents alike. I believed then and I believe now that Mr. McSweeney said it best when he said:

> I would hope that people would understand that for me and thousands of others, when Air Force One would arrive, the markings on the side were not Democratic Party or Republican Party; it read, and reads, ''United States of America.'' The emblem on its side was not a political poster, it was the seal of the Executive Office of the President of the United States, and when the door opened, the man or woman chosen by the people of this country to fill that office had my complete loyalty and support. I did that for 13 of the proudest years of my life.

The eloquence of the fired Travel Office employees has resonated, I think, across this Nation. In the wake of their January 24, 1996 testimony before the Committee on Government Reform and Oversight, I have received literally scores of letters supporting the fired Travel Office employees and decrying the damage done to their reputations. An example, a Connecticut woman wrote saying:

> My husband and I were astounded when one night a few weeks ago we happened to turn on C-Span right at the moment when Billy Dale was beginning his story on what happened to him in the matter that has now become known as Travelgate. We listened as each of the seven gentlemen told his story, their opening statements. Up until that evening we had been under the impression that Billy Dale and possibly some of his associates had fraudulently misappropriated funds from the travel office and we were so thankful that your committee gave us the opportunity to learn the truth about what happened to these men. What our government did to those seven men should not happen to anyone.

But it did happen, and unfortunately the dedicated longstanding service of those seven men throughout some of the proudest years of their lives cost them dearly in the end. Six of the seven never were charged with any crime, while the seventh, Mr. Billy Dale, was acquitted by a jury of his peers in 2 hours following a 30-month investigation by the Justice Department.

Billy Dale's legal defense cost him nearly $500,000. His six colleagues spent more than $200,000 in their own defense, some $150,000 of which has been reimbursed by the 1994 Transportation appropriations bill, so we have seen partial compensation made to some of these gentlemen.

This bill will never mitigate the suffering of innocent men, their families and friends. It will, however, I think, make them whole for the legal defense expenses still outstanding against them, and quite rightly so.

So again, I would express my appreciation for the help of the chairman of the committee, the gentleman from Illinois [Mr. HYDE], the gentleman from Texas [Mr. SMITH], my colleagues on the Committee on the Judiciary and the Committee on Government Reform and Oversight, and Members of the minority, for their bipartisan support for this very, very humane and overdue piece of legislation. 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 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 about what happened in the Travel Office, even back almost 3 years, have not been resolved yet.

The center of contention is that the administration believes it has furnished Congress with all of the information requested about how things happened and how we got to this point, 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.

I commend the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of the Committee on Government Reform and Oversight, the Committee on which I serve. 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 accompany the President on domestic and international trips. A few of those employees had 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 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 down, in a windowless moving van with no seats and their belongings, and summarily dumped onto the Elipse, 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 press office, told that the 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 that instead of 'fessing up to 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 Billy Dale, who, after 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 the Government.

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 think we ought 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 of last year, over 100 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 investigators 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 honorably she (or he) conducts herself (or 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.

The White House, 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 in terms of bookkeeping, a lot of mismanagement. They brought this to the attention of the people running the internal operations of the White House.

□ 1445

In fact, some of the claims about mismanagement led to the Justice Department deciding to prosecute Mr. Dale. He was acquitted, but in this legislation, the proponents seek to compensate him for his attorney's fees.

There is another former White House aide that had something to do with the travel office, David Watkins. He has incurred, according to testimony he gave us, over $100,000 in attorney's fees and more bills are 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 their 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 allowing me to make this statement 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 some of the 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 entry into the White House if they had 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 the fact 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 an audit 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 new 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. There has been ample evidence 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 U.S. Congress because Mr. Watkins' memorandum, which he himself wrote and notes that he himself wrote, contradict, in my judgment at least, what he and others told the official investigators in this case, and that is what is keeping this matter at the center of congressional attention, getting a straight story on that.

With that, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to point out that when the General Accounting Office did their evaluation, they talked to a Mr. Larry Herman from Peat Marwick. He was a Peat Marwick senior partner who led the travel office review. In Mr. Herman's professional judgment, and I am quoting from the GAO notes, the travel office's accounting records were, quote, ''the messiest, most illegible bookkeeping he had ever seen.'' He stated he was, quote, ''barely able to read the writing, very sloppy, and inconsistent with no explanations of differences,'' end quote.

Mr. Speaker, he was also frustrated he could not obtain appropriate responses from Mr. Dale, and they further went on that they seemed to have no concern for recordkeeping of other people's money. This might just be sloppiness, but they certainly raised a lot of concern when this audit was presented to people in the White House as to whether they ought to continue to keep the travel office employees in their jobs, and they decided eventually not to.

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 guarantees.

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 can make. We do 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, they may benefit. 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.

Mr. Speaker, we unfortunately rarely can do justice for everyone. I have myself, 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 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 nonpartisan 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 know better now and 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 similar case. We will not do justice to everyone, but I would not let that be a reason not to do some justice for some people.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of the bill. There is 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 one of them is a constituent of mine. Billy Dale does not have the beautiful people to go out and put a massive fundraiser on for him the way the President of the United States does. These people have been bludgeoned and their reputations have been ruined and financially they are in trouble. Even after Billy Dale was acquitted, the White House counsel came out and had to put a dagger in him again to say that maybe he was going to go for a plea bargain or something like that.

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, and it goes on in both parties. If the passage of this bill could be the beginning of a cease-fire for that, it would be appropriate.

Let us not forget, and I want to make the record show, we may never know the truth. Billy Dale was acquitted by a jury of his peers. There is no evidence of gross mismanagement in the offices. There was no evidence of kickback with regard to Ultra Air. In fact, Ultra Air got a $5,000 benefit back from the IRS. They got a rebate from the IRS and the White House had to pay for the excise fees.

Mr. Speaker, this, I think, makes whole not only from a financial point

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 basically innocent and what happened was absolutely wrong and that passing it can make it as right as we possibly can.

Mr. CONYERS. Mr. Speaker, contrary to the practices and precedents of the House, the majority of the Committee on the Judiciary filed the report to accompany H.R. 2937 without allowing the minority to opportunity to file additional views. Unfortunately, it comes as no surprise that the majority did not want the minority to file additional views. This breach of the traditional comity of the House is consistent with the partisan tone that has characterized the majority's investigation into the Travel Office firings from the beginnings. The majority's report weaves a web of conspiracy that would make even Oliver Stone blanche.

To hear the majority tell it, the conspiracy to frame Travel Office director Billy Dale and drag him through a political show trial includes the FBI investigators and career prosecutors who tried his case, not to mention the private citizens on the grand jury who voted to indict him. Cases where Congress considers providing funds to meet the legal expenses of defendants should meet a threshold of prosecutorial misconduct or the compromising of the criminal justice system. There is no evidence of such misconduct in the case of Mr. Dale. This case was investigated by career FBI agents and prosecuted by career attorneys. No one has suggested misconduct on their parts as they pursued this case.

The fact is that Mr. Dale deposited $50,000 of Travel Office funds into his personal bank account, and that became the basis for the criminal charges of embezzlement. Mr. Dale admitted that he deposited these funds into his account, but denied that his intent was fraudulent, and he was acquitted.

However, even Mr.. Dale, in sworn testimony before the Government Reform Committee, acknowledged that there was no misconduct on the part of the prosecutors or investigators who pursued the criminal case. The gentleman from Pennsylvania [Mr. KANJORSKI] asked Mr. Dale:

> When the allegation of criminal conduct was referred to the Justice Department and the public integrity section of the Justice Department; are you suggesting in any way that either those attorneys in the Justice Department, the people in the grand jury, the judge that tried the case or the people that made up the jury were in some way compromised?

Mr. Dale responded: ''Absolutely not.''

There is no dispute that White House officials erred in the firings of the five lower level Travel Office employees. The White House admitted as much in its 1993 internal review, and four officials were subsequently reprimanded. It is because of this that I have not opposed H.R. 2937. To the extent that these individuals have legal expenses not covered by previous appropriated sums, it may be appropriate to provide this additional authorization. However, as the majority's report points out, the bulk of the expenses of the Travel Office employees were incurred by Mr. Dale for his defense to the criminal charges brought against him.

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 legislation.

In fact, an examination of the facts which are conveniently ignored by the majority suggest, 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.

REASONS TO BE SUSPICIOUS ABOUT THE TRAVEL OFFICE

Rumors about improprieties by the Travel Office staff have been circulating since at least 1988, when allegations were made that included Travel Office staff accepting gifts from one airline doing business with the office, which in turn received the Travel Office business on a noncompetitive business. When the Reagan White House questioned Dale about these charges, he admitted that the Travel Office staff regularly accepted gifts of tickets to sporting events and invitations to elaborate fishing parties from contractors. Accepting gifts from contractors doing business with the office was against Federal regulations and may have been a Federal criminal violation.

The Reagan White House, faced with this admission to impropriety, did not refer the evidence to the Justice Department for further investigation as required when any evidence of a crime is uncovered. It never took any disciplinary action against the employees for improperly accepting gifts. And it never instructed that a competitive bidding process be implemented. Instead, it swept the allegations under the rug.

When asked about the lack of competitive bidding, Dale stated that no one else was interested in the business. Yet, during the course of the FBI investigation into the Travel Office, officials of a competing airline charter company told the FBI that it ''had concern as to why the Travel Office did not have competitive bidding and why a charter company would have an exclusive contract with the Travel Office.

So when Darnell Martens, whose firm TRM had provided some services for the Clinton campaign, contacted Dale in early 1993 to discuss his firm's bidding on Travel Office business, it should have come as no surprise when Dale told him, according to Martens' notes of the conversation, that he had no chance of obtaining any business. Dale gave two reasons for his response to Martens. The first, that Martens would not be able to offer better price than Dale was already getting, cannot be taken seriously because Dale never even allowed Martens to make a bid. How could Dale possibly know Martens' price if he was not given a chance to bid?

The second added even more to the suspicions about the Travel Office under Billy Dale. According to Martens' notes, Dale said, ''I have been here 31 years and no one has seen fit to replace me with commercial operations yet. So until they do, I will continue to handle this without your help.'' Does the majority, which professes to be the prophet of privatization, see the irony in defending a career bureaucrat fighting desperately for his job against a competitive bid from the private sector? Nevertheless, the 1988 allegations were known within the Clinton White House, and coupled with Martens' rebuke at the hands of Dale, there was plenty of reason to suspect that something was amiss in the Travel Office.

PEAT MARWICK FINDS FINANCIAL MISMANAGEMENT

The Majority, in the midst of its lengthy tale of intrigue of the Travel Office, conveniently fails to note the findings of the Peat Marwick review, while in the same breath discounting its conclusions. In fact, the Peat Marwick review uncovered significant evidence of mismanagement in the Travel Office, evidence that was communicated both to David Watkins before he made the decision to fire the employees, and to the FBI.

The Peat Marwick findings, under the heading of ''Lack of Accountability,'' included a lack of financial control consciousness, no formal financial reporting process, no reconciliations of financial information other than reconciliations of bank statements, and no documented system of checks and balances on transactions and accounting decisions within the office.

When asked to explain these findings at the Government Reform Committee hearing, Mr. Dale denied that the findings amounted to financial weaknesses. However, that same day, Larry Herman, the Peat Marwick senior partner who led the Travel Office review, told the Associated Press that he did in fact find clear evidence of financial mismanagement which may have warranted the firing of Mr. Dale. ''My personal assessment is that most companies today would question his management and would include questioning whether to remove that person from that position.''

Mr. Herman was even more direct in an interview he gave to the General Accounting Office in September 1993. According to the GAO:

> In Mr. Herman's professional judgment, the Travel Office's accounting records were, the messiest, most illegible bookkeeping, he had ever seen. He stated he was, barely able to read the writing, very sloppy and inconsistent, with no explanation of differences. He was also frustrated that he couldn't obtain appropriate responses from Mr. Dale. Mr. Dale seemed to not understand the significance of items such as lack of reconciliations, missing pages, and lack of followup on open billings. Mr. Herman had orally briefed Mr. Dale on Peat's findings and repeatedly asked for his assistance in locating records. Mr. Herman believed that Mr. Dale had no concern for record keeping of other people's money.

Further, Mr. Herman told GAO that ''most of his clients would react the same way as the White House did. Mr. Herman's personal opinion is that it was a wise course of action to start over with [a] clean slate . . .''

THE FBI'S CRIMINAL INVESTIGATION

Information obtained during the course of the Peat Marwick review also provided sufficient evidence for the FBI of its own volition to initiate a criminal investigation of Mr. Dale. According to a memorandum from David Watkins to Mack McLarty attached to the White House management review, when FBI officials were briefed on the Peat Marwick findings, they believed there was sufficient cause for them to conduct a criminal investigation.

Some of that evidence is contained in the Peat Marwick report's findings that of eight

checks 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 for $5,000. The Peat Marwick team's suspicions are further described in later interviews they gave to the GAO and the FBI.

For example, Mr. Herman's interview with the GAO provides more detail about the missing cash:

On Saturday, during the Peat Marwick review, Billy Dale was asked at least twice more about the missing $3,000. Mr. Herman stated that Billy Dale suddenly seemed to recall something, then turned and opened his desk drawer or credenza and found the envelope with $2,800. This raised another red flag to Mr. Herman. We, the GAO, 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 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 credenza.

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 interviewed 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 became 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 mind to ask the director of a Federal office if he was depositing office funds into his personal bank account. Yet, the Peat Marwick auditors, during their review, spent a considerable amount of time with Mr. Dale to understand his accounting practices. According to Mr. Herman's interview with GAO, Mr. Herman interviewed Mr. Dale to learn how the office worked and the flow of financial activities occurring in the office, such as, files, ledgers, details of advancing, and reimbursement by the press.

This was the perfect opportunity for Mr. Dale to explain to an obviously suspicious team of reviewers a management practice that was the very least unusual. In any case, it was key to understanding the financial management of the Travel Office, and Mr. Dale purposely withheld that information from the Peat Marwick reviewers, Regardless of his ultimate intent, it is not in dispute that Mr. Dale never told anyone about this practice until the FBI discovered it on its own after subpoenaing his personal bank account records.

Thus, based on the information provided by Peat Marwick and obtained during the course of its own investigation, the FBI had many reasons to suspect that Mr. Dale may have been embezzling funds. During the course of its 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.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2937, the bill just considered.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2937, as amended.

The question was taken.

Mr. SCHIFF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

VERMONT-NEW HAMPSHIRE INTERSTATE PUBLIC WATER SUPPLY COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 129) granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.

The Clerk read as follows:

H.J. RES. 129

Resolved by the Senate and House of Representatives 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 take advantage of economies of 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 of and need for 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) DEFINITIONS.—

"(1) The term 'public water supply facilities' shall mean publicly owned water supply sources, storage, treatment, transmission and distribution facilities, and ancillary facilities regardless of whether or not the same qualify for Federal or State construction grants-in-aid.

"(2) The term 'municipalities' shall mean cities, towns, village districts, or other incorporated units of local government possessing authority to construct, maintain, and operate public water supply facilities and to raise revenue therefore by bonding and taxation, which may legally impose and collect user charges and impose and enforce regulatory control upon users of public water supply facilities.

"(3) The term 'water supply agency' shall mean the agencies within Vermont and New Hampshire possessing regulating authority over the construction, maintenance, and operation of public water supply facilities and the administration of grants-in-aid 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 city council, or the board of mayor and aldermen or any similar body in any community not inconsistent with the intent of this definition.

"ARTICLE II

"PROCEDURES AND CONDITIONS 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 in a form established 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 agreement, the proposed agreement shall be approved by the voters.

"(d) REVIEW AND APPROVAL OF PLANS.—The water supply agency of the State in which any part of a public water supply facility which is proposed under an agreement pursuant to this compact is proposed to be or is located, is hereby authorized and required, to the extent such authority exists under its State law, to review and approve or disapprove all reports, designs, plans, and other engineering documents required to apply for Federal grants-in-aid or grants-in-aid from said agency's State, and to supervise and regulate the planning, design, construction, maintenance, and operation of said part of the facility.

"(e) 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 agreeing municipalities, with the amount of the grant attributable to each State's allotment to be based upon the relative total capacity reserves allocated to the municipalities in the respective States 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 municipal 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.

''(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 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.

''(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 each 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.''.

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 part or application of this compact, or legislation enabling the compact 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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

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

This is a very dramatic moment in the history of Vermont and New Hampshire, and I am proud to take the floor to participate in this historic time.

Mr. Speaker, as everyone knows or should know, the Constitution itself provides for congressional approval of agreements reached between two or more of the several States of the Union in matters that if they were not approved by Congress could lead to conflict among States involved in or near the problem that is solved. In this particular case, there are certain water problems that cross boundaries between Vermont and New Hampshire. Testimony to these problems and to the way it was going to be solved has been amply provided by the gentleman from Vermont [Mr. SANDERS] and the gentleman from New Hampshire [Mr. BASS].

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Testimony was received at our subcommittee hearing, and we were all satisfied by unanimous vote that, indeed, the request for congressional approval was well merited, and the subcommittee did grant its approval as did the full committee when its time came.

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

Mr. REED. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the joint resolution.

Mr. Speaker, House Joint Resolution 129 would grant congressional consent to an interstate compact between Vermont and New Hampshire. Congressional approval is required before the towns involved can apply for Federal funds to upgrade a joint water-treatment plant. The compact will also permit future joint water-supply facilities of the New Hampshire-Vermont border. Compacts between Vermont and New Hampshire are not new. In fact, there is already one relating to sewer systems.

The towns are hoping to begin construction once the weather turns warm enough to break ground, so I urge speedy passage of this noncontroversial legislation.

Identical legislation has already been passed the Senate by voice vote on December 18, 1995.

This measure was urged before the committee very eloquently by the gentleman from Vermont [Mr. SANDERS] and the gentleman from New Hampshire [Mr. BASS], and I would hope that we would all join them in supporting this very worthy measure.

Mr. REED. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to begin by thanking the gentleman from Pennsylvania [Mr. GEKAS] and the chairman of the full Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], for their assistance in ensuring this joint resolution was passed by the Committee on the Judiciary and placed on the Suspension Calendar in a timely manner. We very much appreciate their willingness to move this matter along so rapidly.

Mr. Speaker, passage of this legislation is very important to the residents of Guildhall, VT. The Vermont-New Hampshire public water supply compact is noncontroversial but it is essential. Passage will allow Guildhall to pay its debt to New Hampshire and will allow the village of Guildhall to update its water transmission lines and provide adequate water services—including fire protection—to its residents. Right now, only one fire hydrant serves the village of Guildhall, and more are needed.

Mr. Speaker, Vermonters take pride in meeting their environmental obligations and this will allow the town of Guildhall to meet requirements under the Clean Water Act. And, if this bill passes under suspension today, Guildhall can start upgrading its water transmission lines and provide improved fire protection on schedule. I urge immediate approval of this resolution.

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

Mr. Speaker, I want to commend the gentleman from Vermont for his very effective advocacy for his constituents, and also the gentleman from New Hampshire [Mr. BASS] for his very effective advocacy.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I thank the gentleman for yielding me this time.

I appreciate the opportunity to address the House on this very important issue. It may not seem like a big issue to most involved, but it certainly is critical to Northumberland, also known as Groveton, NH. I am sure my distinguished colleague from Vermont has discussed why this bill is so critical.

I would add at this present time the citizens of Guildhall, VT, the town of Guildhall owes Groveton, NH, about $75,000 legitimately, and if this legislation does not pass as soon as possible,

the property taxpayers of Northumberland or Groveton, NH, would be hit with an unnecessary increase in their taxes for 1996.

So I appreciate and thank the distinguished subcommittee chairman for moving this bill expeditiously. 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, first, I would like to thank Chairman HYDE for bringing this legislation to the floor so quickly. While identical language passed the Senate by voice vote on December 18, 1995, the passage of House Joint Resolution 129 is a time-sensitive matter for the towns of Northumberland, NH and Guildhall, VT.

The resolution that Mr. SANDERS and I have introduced will ratify a longstanding arrangement between these two towns. Northumberland, which is commonly referred to as Groveton, has been supplying drinking water to Guildhall in at least a limited sense for generations. This relationship began with a handfull of Guildhall's residents receiving drinking water and has progressed to the current situation in which a 6-inch water main supplies clean water to the entire town.

Guildhall currently owes Groveton $75,200 for the up-front costs of constructing this water system. Unfortunately, the lack of a resolution to ratify the current arrangement has prevented this payment. If this payment is not made soon, the residents of Groveton will be forced to include this cost in their tax assessments, which will be decided at the town meeting this spring.

The resolution before the House today addresses a noncontroversial, technical matter. House Joint Resolution 129 will simply allow the payment to be made and the current water supply situation to be legitimized. Therefore, I urge my colleagues to pass this resolution today.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise 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 time for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 129.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate joint resolution (S.J. Res. 38) granting the consent of Congress to use the Vermont-New Hampshire Interstate Public Water Supply Compact, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. REED. Mr. Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Pennsylvania [Mr. GEKAS] for an explanation of his request.

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

Of course, this is simply to further expedite the expeditious way we expedited the expedition of Vermont and New Hampshire, and that is to allow the Senate resolution to take precedence at this juncture, thus moving it directly to the President's desk for final enactment and signing into law.

So it is identical. The House just passed it now. We are doing the formality of having the Senate bill actually take precedence, and our work has been satisfactorily accomplished.

Mr. REED. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 38

Resolved by the Senate and House of Representatives 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 take advantage of economies of 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 of and need for 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) DEFINITIONS.—

''(1) The term 'public water supply facilities' shall mean publicly owned water supply sources, storage, treatment, transmission and distribution facilities, and ancillary facilities regardless of whether or not the same qualify for Federal or State construction grants-in-aid.

''(2) The term 'municipalities' shall mean cities, towns, village districts, or other incorporated units of local government possessing authority to construct, maintain, and operate public water supply facilities and to raise revenue therefore by bonding and taxation, which may legally impose and collect user charges and impose and enforce regulatory control upon users of public water supply facilities.

''(3) The term 'water supply agency' shall mean the agencies within Vermont and New Hampshire possessing regulating authority over the construction, maintenance, and operation of public water supply facilities and the administration of grants-in-aid 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 city counsel, or the board of mayor and aldermen or any similar body in any community not inconsistent with the intent of this definition.

''ARTICLE II

''PROCEDURES AND CONDITIONS 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 in a form established 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 agreement, the proposed agreement shall be approved by the voters.

''(d) REVIEW AND APPROVAL OF PLANS.—The water supply agency of the State in which any part of a public water supply facility which is proposed under an agreement pursuant to this compact is proposed to be or is located, is hereby authorized and required, to the extent such authority exists under its State law, to review and approve or disapprove all reports, designs, plans, and other engineering documents required to apply for Federal grants-in-aid or grants-in-aid from said agency's State, and to supervise and regulate the planning, design, construction, maintenance, and operation of said part of the facility.

''(e) 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 agreeing municipalities, with the amount of the grant attributable to each State's allotment to be based upon the relative total capacity reserves allocated to the municipalities in the respective States 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 municipal 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.

''(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 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.

''(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 each 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.''.

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 part on application of this compact, or legislation enabling the compact, 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 to 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, as amended.

The Clerk read as follows:

H. CON. RES. 148

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 peaceful means and by mutual agreement between the parties;

Whereas the People's Republic of China's intense efforts to intimidate Taiwan 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 July 1995;

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 a longstanding and uninterrupted 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 the first competitive, 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 promoted democracy and economic freedom around the world, and the evolution of Taiwan is an outstanding example of the success of that policy;

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, in accordance with constitutional processes, appropriate United States action in response; and

Whereas the Taiwan Relations Act of 1979 rests on the premise that the United States will assist Taiwan should it face any effort to determine its future by other than peaceful means, including by boycotts or embargoes: Now, therefore, be it;

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 disagreements with Taiwan, and accordingly desist from military actions designed to intimidate Taiwan;

(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;

(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;

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

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

(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 weapons 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 government and 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. BEREUTER, and the ranking minority member, Mr. BERMAN for bringing this important resolution before us.

Mr. Speaker, the administration is fond of 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 on trade, 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 periods avoid hard 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 constructive engagement. It is appeasement to make excuses when Beijing does not live up to its word.

Beijing and its apologists claim that there is a so-called cloud over United States-Sino relations because the Congress insisted that President Lee of Taiwan be allowed into our country. But the storm began years ago when the Communists took control of China.

This current so-called cloud is really a smoke ring designed to hide the root of the problem—Democracies and dictatorships are fundamentally different and will always clash.

House Concurrent Resolution 148 is a fundamental first step in making it clear where the United States should stand 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 1950, Secretary of State Dean Acheson 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 that 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 chosen deliberately and consciously not to challenge that position. That 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 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 assistance in case of 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 force 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.

□ 1515

This, in short, is a time for restraint and negotiation. 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 on this resolution leads 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 of 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 longstanding 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 infers is that while 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, reclaiming my time, does 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,

Washington, DC, March 15, 1996.

Hon. WARREN M. CHRISTOPHER,

Secretary of State, Department of State, Washington, DC.

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 rachet 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 State Department 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, since there is a good chance the full House will be asked to act upon this resolution early next week.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 19, 1996.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of March 15 asking for the Administration's position on H. Con. Res. 148 regarding the security of Taiwan.

The Administration agrees with the objective of the resolution's sponsors to make clear to the People's Republic of China that a resort to force with respect to Taiwan would directly involve American national interests and would carry grave risks. We believe there should be no uncertainties about this in Beijing, Taipei or anywhere else. It is important that the Congress and Administration speak in a unified fashion to make clear that the United States feels strongly about the ability of the people of Taiwan to enjoy a peaceful future.

However, the Administration cannot support the resolution as it is currently formulated. Paragraph 7 of the resolved clause uses language that does not appear in the Taiwan Relations Act (TRA). This passage, in stating that the United States should ''assist in defending'' Taiwan against invasion, missile attack or blockade by the PRC, could be interpreted as expressing an opinion taking us beyond the carefully formulated undertakings embodied in the TRA.

Although the PRC military exercises have been provocative and have raised tensions in the area, they have not constituted a threat to the security or the social or economic system of Taiwan. It is our understanding that the Taiwan authorities agree with our assessment of the situation. Should there be a threat to Taiwan's security, we would promptly meet our obligation under the TRA to consult with Congress on an appropriate response.

We will continue to convey our deep concern to Beijing in unmistakable fashion through our statements and our actions. We support a similar resolution in the Senate which uses formulations we believe would be more helpful to our common efforts to restore stability and reduce tensions in the area.

We hope this information is responsive to your concerns. Please let us know if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

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

Mr. GILMAN. Mr. Speaker, I thank the ranking member for his supportive comments.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, who has been a staunch advocate of democracy in Taiwan and one of the major sponsors of this legislation.

Mr. SOLOMON. Mr. Speaker, let me tell you exactly what it means. But, first of all, let me say this: Why should the United States come to the rescue of a small island country halfway around the world? Let me tell you why: Because we are proud Americans and we pay our debts. For those that might not be able to remember, because the people of Taiwan, they came to our rescue. We, the United States of America, standing shoulder to shoulder against the Japanese imperialists that threatened our freedoms. Do you remember that in World War II? Shoulder to shoulder they stood with us when we were about to lose that war. Then standing shoulder to shoulder again, for 40 years, they were an integral link in the chain of defense against the spread of deadly, atheistic communism, that threatened the freedoms of every single American in this world. They stood as one of the strongest links in that chain of defense against the spread of that deadly communism.

So, yes, we have a moral obligation to defend them against that same deadly, atheistic communism that now threatens their very freedoms, that democracy, that is similar to our own.

But, beyond that, let me tell you something: We owe it to them because we have to abide by U.S. law. I helped write the Taiwan Relations Act in 1979, along with you two gentlemen. Let me tell you what it says. It says that we, the United States of America, will supply the country of Taiwan with qualitative and quantitative weaponry to help them defend themselves.

Let me tell you more importantly what it says, and I will say this to my good friend, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from New York [Mr. GILMAN]. You read the Taiwan Relations Act. It says the United States will stand ready and will be prepared to help defend Taiwan, and this answers your question, LEE, against military attack, from whomever, or economic embargo affecting both sea and air lanes.

Every Member of this Congress has an obligation to come over here and obey the U.S. law and vote for it, and then we ought to defend them against that attack. That is what the law says.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

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 Taiwan.

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 dictatorship 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 mistaken our 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 from us we needed to discuss human rights. They took that as a sign of weakness.

This President proved himself the worst enemy of human rights to ever serve as President of the United States by decoupling any 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.

The 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].

(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 sad that we even have to pass this resolution, 148.

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], and 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 formed 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 treaty status to a country somewhere in the world, we have a right to demand that in return for that gift, that they respect the basic reasons for the founding of our country, the basic principles that America believes in, and it is freedom and liberty, and it is human rights.

Unfortunately, the principles of Jefferson, Madison, and Washington go out the window when the dollar sign appears, and good old trade has clouded our eyes about holding people's feet to the fire on the principles for which this country was founded.

I strongly 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 gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Speaker, in less than 96 hours, Taiwan will hold its first-ever 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. 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 asked and was given permission to revise and extend her remarks.)

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 gentleman 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's actions have been prudent and appropriate. I think 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].

□ 1530

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the 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 here in Taiwan. This is 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 in China do not like vacillation. 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 asked and was given permission to revise and extend his remarks.)

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 should invite its President here, I voted for that. It caused irreparable damage to our foreign policy, especially our relationship with China.

I know that we are all concerned about Chinese policy toward the United States, toward human rights, toward nonproliferation. I recognize that. But there are 2.25 billion people there, and we need to start getting along with them. I found the Chinese actions outrageous on a number of issues, but at the same time what we are doing here today is possibly 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 clause 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 defending Taiwan. It might stipulate 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 gone in a quarter century.

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 also 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 no vote on this resolution leads the leadership in China to the erroneous conclusion that the Congress is not united in its condemnation of China's bullying tactics.

So for once I think the best kind of policy that we have toward this situation is to give the President flexibility, give the Secretary of Defense some flexibility in dealing with a potential contingency action but not go out there with a dramatic House of Representatives vote which may provoke China into doing something irrational, which may bring us to a situation which, instead of lessening the tension, we are tying the hands of the executive branch where we are perhaps misreading a situation with Taiwan.

Yes, we should defend Taiwan. They are our friends. We have all been there many times. But why do we have to spell this out in such a dramatic way? Why can we not let the executive branch conduct foreign policy in a way that does not tie their hands?

This legislation on Taiwan will create confusion in our policy toward Taiwan.

The legislation never mentions the one-China policy. It says that the United States should assist in defending 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.

Reluctantly, I will vote for this bill because the Congress should not appear split over policy toward China. A split in the Congress may indicate to the Chinese that they can do what they will in the region without a strong response from the United States.

Mr. GILMAN. Mr. Speaker, I yield 10 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, with all due respect to the previous speaker, and I do respect him, I think he overstates the importance of the vote for President Li's visa. I believe the actions on the part of the Chinese Government would be the same with or without the vote that the Congress took at that time. I want the RECORD to show that.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. COX], chairman of our Republican policy committee and the sponsor of this resolution.

Mr. COX of California. Mr. Speaker, I want to thank all of my colleagues, particularly on the Committee on International Relations, the chairman, the gentleman from New York [Mr. GILMAN], the ranking member, the gentleman from Indiana [Mr. HAMILTON], the gentlewoman from California [Ms. PELOSI], the gentleman from New Jersey [Mr. PAYNE], chairman of the Congressional Black Caucus, the gentleman from California [Mr. LANTOS], and the gentleman from Illinois [Mr. PORTER], the Democratic and Republican cochairs respectively of the Congressional Human Rights Caucus and all of the Members, Democrat and Republican, who stand in support of the principles of freedom and democracy embodied in this resolution today.

This is a strongly bipartisan resolution. It is in strong support of America's longstanding foreign policy vis-a-vis both Taiwan and the People's Republic of China since 1979.

Specifically, we do and will continue to support the peaceful dialog between Taiwan and Communist China. We will support whatever arrangements they peaceably make between themselves. We shall not impose our own view as to their futures. But we expect the People's Republic of China and Taiwan to live up to their respective commitments to a peaceful process.

In the Shanghai communique of 1982, the People's Republic of China pledged to the United States that they would pursue peaceful rather than violent means of settling the question of the future of Taiwan. Since that time, in fact since 1979, and the Taiwan Relations Act, this Congress and every President has supported democracy and its development on Taiwan. What we will see this Saturday is the full flowering of that successful policy.

We will see following last year's free, open, fair, and democratic legislative elections on Taiwan, the first ever free, fair, open, and democratic election for the head of Government in Chinese history, in over 4,000 years of recorded Chinese history.

Everyone in America and everyone in this Congress applauds that development. But the Communists who are jockeying for position and power in Beijing this moment feel threatened alone by that democracy and that freedom and, therefore, they are using this military campaign to influence the vote on Saturday, to intimidate Taiwanese democracy and to make it plain that they believe they have a right, not accorded them in law or nature, to seize Taiwan, its people, and its Government by military force. If that happens, there is no question what would be the United States response indeed what would be the response of the free world. We would be there to defend the free people and the open society and the democracy on Taiwan.

Since that is the case, it is vitally important that we make that plain, diplomatically, privately, and publicly to the rulers in Beijing. They must not wage a campaign of assault and military aggression against Taiwan on the mistaken premise that the United States would not use force.

Unfortunately, some in the administration made comments to this effect over the period of the last year and a half. Right now there is not much question. The United States military is present in the Taiwan Straits as we speak, and another carrier is steaming its way there from the Persian Gulf. The President needs to be supported in these communications with the P.R.C. There cannot be any doubt. The time for ambiguity is over and the time for clarity is upon us.

Our friendship with the People's Republic of China and Taiwan, different in each case, based chiefly on mercantile and trade interests in the one and on our sharing of democratic values on the other, would only be disrupted by war in the Taiwan Straits. We have a strong interest in peace. The People's Republic of China is America's sixth-largest trading partner. Taiwan is our seventh-largest trading partner.

The P.R.C. runs, in fact, the largest trade deficit with America. It is true that Taiwan, in fact, buys more from the United States of America than does the People's Republic of China. We certainly have nothing to gain in a material sense from war in the Taiwan Straits.

Likewise, we have nothing to gain from the loss of the gains of freedom and democracy on Taiwan over these last many years. Today we will send a strong message of support and encouragement for our foreign policy of so many administrations, so many years and decades, of friendship toward the democracy and free and open society on Taiwan and of support for continued peaceful discussions between the People's Republic of China and the Government on Taiwan about their future relationship.

The free world will defend democracy, if it should come to that. But we wish to have peace through clarity and through strength rather than war through weak negotiation. Lest we be misjudged, we pass this resolution today. Again, I want to congratulate my Republican and Democratic cosponsors, including all of the House leadership behind this resolution today.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his very poignant and eloquent remarks in support of the resolution and want to commend him for his hard work.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], chairman of our Subcommittee on Asia and the Pacific of our House Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, House Concurrent Resolution 148 addresses the highly volatile situation in the Taiwan Strait as 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 from California, Mr. COX for his initiative in drafting House Concurrent Resolution 148 in consultation with this Member and others, and 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 is an important demonstration of United States intent. House Concurrent Resolution 148 seeks to add some clarity and consistency in our policy vis-a-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 or actions. The United States is not seeking to create new adversaries 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 democratic progress, the United States is not endorsing the efforts of some Taiwanese politicians to enhance Taiwan's position in the United Nations and other international organizations which require statehood. Taiwan's leaders have been—and should continue to be—very careful about such statements. Unilateral actions to establish an independent Taiwan—which Taiwan's leaders consistently claim they are not seeking—would be extremely dangerous, and would be inconsistent with the policies of five successive United States administrations from both political parties.

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 a clear signal to Beijing that the United States will not tolerate bullying of our friends in Taiwan.

□ 1545

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 Taiwanese people. 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 Relation 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 we cannot, nor can we, accept Taiwan 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.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. NETHERCUTT].

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

Mr. NETHERCUTT. Mr. Speaker, I rise in support of House Concurrent Resolution 148.

Mr. Speaker, I would like to express my support for House Concurrent Resolution 148, a resolution concerning the defense of Taiwan. This resolution is an important step in our relationship with the People's Republic of China because it unambiguously proclaims our interest in the security of Taiwan and condemns China's heavy-handed efforts to intimidate the people of Taiwan as they enjoy their first direct presidential election.

Mr. Speaker, this resolution is necessary because the Clinton administration has invited continued and escalating Chinese aggression by pursuing an inconsistent and unclear policy toward China and Taiwan. Only by making our priorities and interests crystal clear can we prevent future conflict with the People's Republic of China and assure the continued security and prosperity of the United States and our Pacific allies.

Our national interests in Taiwan and the Pacific should be crystal clear. Taiwan possesses the thirteenth-largest developed economy and is an important trading partner for my district, Washington State, and America. Furthermore, if China is allowed to intimidate or attack Taiwan, our relationship with Japan, South Korea, and other important security and trade allies is likely to suffer.

Instead of attempting to bully Taiwan, Chinese leaders should try to learn from Taiwan's example. Taiwan has achieved economic success by fostering an economy that is virtually as free as America's. Taiwan is now prepared to enter the ranks of truly democratic governments where the people elect their own president, an achievement China may someday replicate. It is right for America to defend Taiwan's progress and prevent an autocratic and militaristic Chinese regime from threatening Taiwan and our Pacific allies, and it is important for this body to make that statement by passing House Concurrent Resolution 148.

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

Mr. Speaker, this resolution is a firm statement of support for our democratic friends on Taiwan. We need to stand together to let Beijing know that any military move against our friends on Taiwan will end in a hostile situation which none of us desire or want.

Accordingly, I urge our colleagues to support House Concurrent Resolution 148 to spell out our Nation's commitment to Taiwan.

Mr. SPENCE. Mr. Speaker, I rise in support of the resolution. For beyond the immediate threats China poses to Taiwan, I am concerned about the emerging pattern of aggressive Chinese behavior.

The Chinese provocation in the Taiwan Strait is but a single, short act in what promises to be a longer drama as China forces its way onto the global stage. At this point, we do not yet know whether China will play a starring role—although the pace of Chinese economic development indicates that it will. Or whether

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 understand that 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 a 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. Avenuees 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 condemns the recent military exercises off the coast of Taiwan and 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 supportive of actions 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 all 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 response to only one act which should be sacred to all Americans—the upcoming free and open and democratic elections that will take place in Taiwan in a couple of days.

Mr. Speaker, this sabre-rattling is a deliberate and boldfaced attempt to intimidate the people and the leadership of Taiwan in the crudest possible way—by firing missiles and by holding military maneuvers near Taiwan. The purpose is to intimidate Taiwan from taking this history-making step of holding an open and free and democratic election.

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, I think 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 one of the leaders in 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 to China.

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 deliver weapons of mass destruction. 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 sabre-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 on the part of the administration when 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 passed 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, let me just 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 that the Olympic games should not be held in Beijing in the year 2000. It was the well-grounded 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 very 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 the 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.

The 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

means and that the threat of military or economic coercion should not be the basis for international decisions. The resolution calls upon the People's Republic of China to live up to its commitment to work for the peaceful resolution of any disagreements with Taiwan and desist from military actions designed to intimidate Taiwan.

This resolution also reaffirms the commitment of the United States to resist any resort to force or other forms of coercion by other countries that might jeopardize the security, or the social or economic system of the people on Taiwan. We also affirm our support for the United States to maintain a naval presence sufficient to keep open the sea lanes in and near the Taiwan Strait and we express our view that the United States should assist in defending the people of Taiwan against violation, missile attack, or blockade by the People's Republic of China.

Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. ORTIZ. Mr. Speaker, I rise today on behalf of the Chinese citizens residing in the Republic of China—Taiwan. I firmly believe that the aggressive and hostile acts by the People's Republic of China against Taiwan must stop. The Taiwan Relations Act of 1979 clearly establishes that the United States of America supports the right of Taiwan to remain autonomous from the authorities in Beijing.

Since the Chinese civil war in 1945, when the Communist took control of most of China, the former leaders of China have taken refuge on the Island of Formosa now called Taiwan. This civil war has not been completely concluded and the leaders in both Beijing and Taiwan claim to be the legitimate leaders of the entire country. The United States supports the right of self-determination for the Chinese citizens residing in both mainland China and Taiwan.

Over the years, the United States has developed relationships with the Chinese leaders in Taiwan and Beijing. The United States does not support, nor will we permit, either party to use force, or intimidation, to impose its will on the other, or to force reunification at the point of a gun. Beijing's saber rattling at this time is particularly offensive since democratic Taiwan is currently in the middle of an election.

I fully support this sense of Congress resolution which states that the Chinese leaders in Beijing must live up to their commitment to work for a peaceful resolution of any disagreements with their counterparts in Taiwan and to immediately cease and desist from any and all hostile acts designed to intimidate the residents of Taiwan. I hope and pray that the leaders in Beijing will abide by the agreements that they 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 threats from Beijing. I applaud 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. 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 all agree that there is no matter more urgent in the world than the events unfolding now in the Taiwan Strait. Deterring conflict in the Taiwan Strait 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 freedom, and preserve 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 *Independence* aircraft carrier group off Taiwan, with 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 angry 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 23d 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 joint communiques to resolve Taiwan's status by peaceful means. The United States-China Joint Communiques and the Taiwan Relations Act—which govern the trilateral 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 there myself, I do not want our servicemen and servicewomen put in harm's way unnecessarily.

Although much attention and criticism has been directed against Beijing for the crisis in the strait, certainly Taipei deserves its share of the blame for contributing to the unnecessary escalation of tensions with China, which now threatens our forces in the area.

For years, United States administrations, both Republican and Democratic, have unequivocally supported the ''One China'' policy—acknowledging that there is only one China whose government is in Beijing, and that Taiwan is part of China. Peace in the Taiwan strait has been the result.

Taiwan's actions over recent years, however, have given rise to the very real perception in Beijing and the world that this premise is being challenged—that Taiwan's independence is being sought.

While I support the issuance of the Visa for Taiwan's President Lee to speak at his alma mater, Cornell University, many believe that he overplayed his hand with the media, treating his visit to the United States as that of a head of state. Similarly, President Lee's trips to other Asia-Pacific nations have been accompanied by great fanfare. Against this background has been Taiwan's campaign for United Nation's membership, which has materially altered the PRC's perception of Taiwan's motives and conduct.

While the PRC's bellicose actions are to be condemned, I can understand and appreciate Beijing's anxiety and fear that a recognized province of China may simply choose to secede while the world watches. Taiwan's aggressive pursuit of independence has gone way beyond everyone's expectations.

Mr. Chairman, let us hope that with the intervention of United States Military Forces in the Taiwan Strait that this will be a stabilizing factor for peace—allowing cooler heads to prevail.

Mr. Speaker, no one wants a war involving China, Taiwan, and America. It is a conflict where everyone comes out a loser, and would fundamentally destroy the promise of prosperity for the entire Asia-Pacific region in the Pacific Century.

The legislation before the House, H.Con.Res. 148, expresses the feeling of the House of Representatives that the United States should commit itself to protect Taiwan in the event of an unprovoked war or conflict with the PRC.

Mr. Speaker, United States intervention is clearly a stabilizing factor promoting peace in the Taiwan Strait and I would strongly urge our colleagues to adopt unanimously this measure. China must know unequivocally that the American people stand united behind Taiwan's democracy, and that we will do whatever is necessary to ensure that the question of Taiwan's future will be resolved through peace, not war.

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

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

HOUSE 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 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, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2739

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''House of Representatives Administrative Reform Technical Corrections Act''.

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Representational allowance for Members of House of Representatives.
Sec. 102. Adjustment of House of Representatives allowances by Committee on House Oversight.
Sec. 103. Limitation on allowance authority of Committee on House Oversight.
Sec. 104. Clerk hire employees of Members of House of Representatives.
Sec. 105. Payments from applicable accounts of House of Representatives.
Sec. 106. Report of disbursements for House of Representatives.
Sec. 107. Cafeteria plan provision.
Sec. 108. Annotated United States Code for Members of House of Representatives to be paid for from Members' Representational Allowance.
Sec. 109. Capitol Police citation release.

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS AND REPEALS RELATING TO ADMINISTRATIVE REFORMS IN THE HOUSE OF REPRESENTATIVES

Sec. 201. Provisions relating to election of Representatives.
Sec. 202. Provisions relating to organization of Congress.
Sec. 203. Provisions relating to compensation and allowances of Members.
Sec. 204. Provisions relating to officers and employees of House of Representatives.
Sec. 205. Provisions relating to Library of Congress.
Sec. 206. Provisions relating to congressional and committee procedure; investigations.
Sec. 207. Provisions relating to Office of Law Revision Counsel.
Sec. 208. Provisions relating to Legislative Classification Office.
Sec. 209. Provisions relating to classification of employees of House of Representatives.
Sec. 210. Provisions relating to payroll administration in House of Representatives.
Sec. 211. Provisions relating to contested elections.
Sec. 212. Provisions relating to Joint Committee on Congressional Operations.
Sec. 213. Provisions relating to Congressional Budget Office.
Sec. 214. Provisions relating to the States.
Sec. 215. Provisions relating to Government organization and employees.
Sec. 216. Provisions codified in appendices to title 5, United States Code.
Sec. 217. Provisions relating to commerce and trade.
Sec. 218. Provisions relating to foreign relations and intercourse.
Sec. 219. Provisions relating to money and finance.
Sec. 220. Provisions relating to Postal Service.
Sec. 221. Provisions relating to public buildings, property, and works.
Sec. 222. Provisions relating to the public health and welfare.
Sec. 223. Provisions relating to public printing and documents.
Sec. 224. Provisions relating to territories and insular possessions.
Sec. 225. Miscellaneous uncodified provisions relating to House of Representatives.

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

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

(a) IN GENERAL.—There is established for the House of Representatives a single allowance, to be known as the ''Members' Representational 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.—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' Representational Allowance.

(c) 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.

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

(e) EFFECTIVE DATE.—This section shall take effect on September 1, 1995 and shall apply with respect to official and representational duties carried out 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 21, 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:

''SECTION 1. ADJUSTMENT OF HOUSE OF REPRESENTATIVES ALLOWANCES BY COMMITTEE ON HOUSE OVERSIGHT.

''(a) IN GENERAL.—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 Representatives, the Members' Representational 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 Chief 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), stationery, and telephone and telegraph and other communications.

''(b) PROVISION SPECIFIED.—The provision of law referred to in subsection (a) is House Resolution 1372, Ninety-fourth Congress, agreed to July 1, 1976, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 57a).

''(c) 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.''.

SEC. 103. LIMITATION ON ALLOWANCE AUTHORITY OF COMMITTEE ON HOUSE OVERSIGHT.

House Resolution 1372, Ninety-fourth Congress, agreed to July 1, 1976, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 57a), is amended to read as follows:

''SECTION 1. LIMITATION ON ALLOWANCE AUTHORITY OF COMMITTEE ON HOUSE OVERSIGHT.

''(a) IN GENERAL.—An order under the provision of law specified in subsection (c) may fix or adjust the allowances of the House of Representatives only by reason of—

''(1) a change in the price of materials, services, or office space;

''(2) a technological change or other improvement in office equipment; or

''(3) an increase under section 5303 of title 5, United States Code, in rates of pay under the General Schedule.

''(b) RESOLUTION REQUIREMENT.—In the case of reasons other than the reasons specified in paragraph (1), (2), or (3) of subsection (a), the fixing and adjustment of the allowances of the House of Representatives in the categories described in the provision of law specified in subsection (c) may be carried out only by resolution of the House of Representatives.

''(c) PROVISION SPECIFIED.—The provision of law referred to in subsections (a) and (b) is House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57).''.

SEC. 104. CLERK HIRE EMPLOYEES OF MEMBERS OF HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Under the Members' Representational Allowance, each Member of the House of Representatives may employ not more than 18 permanent clerk hire employees and a total of not more than 4 additional clerk hire employees in the following categories:

(1) Interns.

(2) Part-time employees.

(3) Shared employees.

(4) Temporary employees.

(5) Employees on leave without pay.

(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 84 (relating to the Federal Employees' Retirement System).

(2) Chapter 87 (relating to life insurance).

(3) Chapter 89 (relating to health insurance).

(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 ''intern'' means, with respect to a Member of the House of Representatives, an individual who serves in the office of the Member in the District of Columbia for not more than 120 days in a 12-month period and whose service is primarily for the educational experience of the individual;

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

(4) the term ''temporary employee'' means, with respect to a Member of the House of Representatives, an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Oversight; and

(5) the term ''shared employee'' means an employee who is paid by more than one employing authority of the House of Representatives.

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

(e) CONFORMING AMENDMENTS.—The following provisions of law are repealed:

(1) The first section of the Joint Resolution entitled ''Joint resolution providing for pay to clerks to Members of Congress and Delegates'', approved January 25, 1923 (2 U.S.C. 92).

(2) House Resolution 359, Ninety-sixth Congress, agreed to July 20, 1979, 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).

(3) The first section of House Resolution 357, Ninety-first Congress, agreed to June 25, 1969, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1970 (2 U.S.C. 92 note).

SEC. 105. PAYMENTS FROM APPLICABLE ACCOUNTS OF 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) DEFINITIONS.—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 Appropriations), 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; and

(2) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(c) CONFORMING AMENDMENTS.—The paragraph beginning ''Hereafter'' under the heading ''UNDER LEGISLATIVE.'' and the subheading ''HOUSE OF REPRESENTATIVES.'' 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-nine, and for other purposes'', approved October 2, 1888 (2 U.S.C. 95), is amended—

(1) in the first sentence, by striking out '', or from the contingent fund'' and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence—

(A) by striking out ''made upon vouchers approved by the Committee on House Administration of the House of Representatives, and payments''; and

(B) in the proviso, by striking out ''funds'' and all that follows through the end of the sentence and inserting in lieu thereof ''fund as additional salary or compensation to any officer or employee of the Senate.''.

SEC. 106. REPORT OF DISBURSEMENTS FOR HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief Administrative Officer of the House of Representatives shall submit to the House of Representatives, with respect to that period, a detailed, itemized report of the disbursements for the operations of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person who receives a payment from the House of Representatives;

(2) the quantity and price of any item furnished to the House of Representatives;

(3) a description of any service rendered to the House of Representatives, 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; and

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

(c) EXCLUSION.—Notwithstanding subsection (b), if a voucher is for payment to an individual for attendance as a witness before a committee of the Congress in executive session, the report for the semiannual period in which the appearance occurs shall show only the date of payment, voucher number, and amount paid. Any information excluded from a report under the preceding sentence shall be included in the report for the next period.

(d) HOUSE DOCUMENT.—Each report under this section shall be printed as a House document.

(e) CONFORMING PROVISION.—The provisions of—

(1) sections 60, 61, 62, and 63 of the Revised Statutes of the United States (2 U.S.C. 102, 103, and 104); and

(2) section 105(a) of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104a);

that require submission and printing of statements and reports are not applicable to the House of Representatives.

(f) EFFECTIVE DATE.—This section shall apply to the semiannual periods of January 1 through June 30 and July 1 through December 31 of each year, beginning with the semiannual period in which this section is enacted.

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 125(d) 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 of the operation of 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 benefits under the plan.

(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 FOR FROM MEMBERS' REPRESENTATIONAL ALLOWANCE.

(a) IN GENERAL.—The Clerk of the House of Representatives shall, at the request of a Member of the House of Representatives, furnish 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 the 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.

(d) CONFORMING AMENDMENT.—House Resolution 506, Ninetieth Congress, agreed to August 21, 1967, as enacted into permanent law by chapter VIII of the Second Supplemental Appropriation Act, 1968 (2 U.S.C. 54), is repealed.

SEC. 109. CAPITOL POLICE CITATION RELEASE.

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

(b) AUTHORITY.—(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23–1110(a) of the District of Columbia Code, 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 subsection (a) of this section to take bond from persons arrested upon writs and process from that court 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 AND REPEALS RELATING TO ADMINISTRATIVE REFORMS IN THE HOUSE OF REPRESENTATIVES

SEC. 201. PROVISIONS RELATING TO ELECTION OF REPRESENTATIVES.

The provisions of law relating to election of Representatives, 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 after ''Representatives'' the first place it appears and 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:

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

(2) Section 33 of the Revised Statutes of the United States (2 U.S.C. 26, third sentence) is repealed.

(3) Section 2(c) of Public Law 94–551 (2 U.S.C. 28c(c)) is amended—

(A) in paragraph (2), by striking out ''Representives'' and inserting in lieu thereof ''Representatives''; and

(B) in paragraph (5), by striking out '', to the Sergeant'' and all that follows through the end of the paragraph and inserting in lieu thereof ''and to the Sergeant at Arms of the House of Representatives, each two sets;''.

(4) Section 202 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. 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 ''contingent fund of the House is'' and inserting in lieu thereof ''applicable accounts of the House of Representatives are''.

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, Vice 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)''.

(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 ''contingent 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 through ''Member of the House'' and inserting in lieu thereof ''Members' Representational Allowance''.

(3) The first sentence of 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, and supplemented by the Act entitled ''An Act relating to former Speakers of the House of Representatives'' (88 Stat. 1723)) (2 U.S.C. 31b–5), is amended by striking out ''to enable the Clerk of the House to pay'' and inserting in lieu thereof ''for payment of''.

(4) Sections 49 and 50 of the Revised Statutes of the United States (2 U.S.C. 38) are repealed.

(5) Section 105 of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 38a) is amended—

(A) in the first undesignated paragraph, by striking out ''(including amounts held in the trust fund account in the office of the Sergeant at Arms)''; and

(B) in the second undesignated paragraph, by striking out ''Sergeant at Arms, and received by the Sergeant at Arms'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer''.

(6) The proviso in the first paragraph under the heading ''LEGISLATIVE BRANCH'' and the subheading ''HOUSE OF REPRESENTATIVES'' in chapter I of the Third Supplemental Appropriation 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''.

(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 ''the 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 and'' inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives shall be''.

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

(B) Section 302(c) of House Resolution 287, Ninety-fifth Congress, agreed to March 2, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 41 note), 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.

(12)(A) The provisions of law specified in subparagraph (B), codified as sections 42c, 42c note, 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 the House 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 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965; and

(iii) House Resolution 1003, Ninetieth Congress, agreed to December 14, 1967, as enacted into permanent law by chapter VIII of title I of the Second Supplemental Appropriation Act, 1968.

(13) 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.

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

(15) Section 2 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–3), is amended by striking out ''House Administration'' each place it appears and inserting in lieu thereof ''House Oversight''.

(16)(A) The provisions of law specified in subparagraph (B), codified as section 46b of title 2, United States Code, are amended, repealed, or affected as provided in that subparagraph.

(B) 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 ''CONTINGENT EXPENSES OF THE HOUSE'' in the Legislative Appropriation Act, 1955, is amended by striking out

''(which hereafter shall be $1,200 per regular session)''.

(ii) That portion of the paragraph under the heading ''HOUSE OF REPRESENTATIVES'' and the subheading ''STATIONERY (REVOLVING FUND)'' in the first section of the Legislative Branch Appropriation Act, 1961, that has been interpreted as increasing the stationery allowance from $1,200 to $1,800 shall have no further force or effect.

(iii) House Resolution 533, Eighty-eighth Congress, agreed to 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 October 5, 1966, as continued by House Resolution 112, Ninetieth Congress, agreed to March 8, 1967, as enacted into permanent law by chapter VIII of the Second Supplemental Appropriation Act, 1967, is repealed.

(17) The Act entitled ''An Act to provide for a prorated stationery 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 and clerk hire for Members of the House of Representatives'', approved June 23, 1949 (2 U.S.C. 46f) is repealed.

(B)(i) The provisions of law specified in clause (ii), codified as section 46g of title 2, United States Code, are repealed.

(ii) The provisions of law referred to in clause (i) 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, 1964;

(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; and

(IV) 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.

(C) Section 6 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. 46i) 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. 56), 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 115 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 111(1) 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 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), is amended by striking out ''contingent fund'' and inserting in lieu thereof ''applicable accounts''.

(C) 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 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), as amended by subparagraph (A), is further amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(D) Section 2(1) of House Resolution 1297, Ninety-fifth Congress, agreed to August 16, 1978, as enacted into permanent law by section 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(b)(1)), is amended to read as follows:

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

(22)(A) Section 311(a)(3) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(a)(3)) 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) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended—

(i) in the matter before paragraph (1) in subsection (a), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight'';

(ii) in subsection (a)(3), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight'';

(iii) in subsection (b), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight'';

(iv) in subsection (e)(1)(A), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight'';

(v) in subsection (e)(2)(A), by striking out ''only'';

(vi) in subsection (e)(3)(A), by striking out ''Official Expenses Allowance and the Clerk Hire Allowance'' and inserting in lieu thereof ''Members' Representational Allowance''; and

(vii) in subsection (e)(4), by striking out ''Official Expenses Allowance'' and inserting in lieu thereof ''Members' Representational Allowance''.

SEC. 204. PROVISIONS RELATING TO OFFICERS AND EMPLOYEES OF HOUSE OF REPRESENTATIVES.

The provisions of law relating to officers and employees of the House of Representatives, as codified in chapter 4 of title 2, United States Code, are amended as follows:

(1) Section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–2) is amended—

(A) 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'';

(B) in subsection (a)(1)(A), by striking out ''Clerk of the House'' and inserting in lieu thereof ''Chief Administrative Officer'';

(C) in subsection (a)(1)(B), by striking out '', including'' and all that follows through the end of clause (ii) and inserting in lieu thereof a semicolon;

(D) in the matter following subparagraph (B) in subsection (a)(1), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer'';

(E) in subsection (a)(2), by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer'';

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

(G) in subsection (d), by striking out ''Clerk of the House of Representatives'' and inserting in lieu thereof ''Chief Administrative Officer''.

(2) Paragraph (1) of subsection (d) of section 311 of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a(1)) is amended, in the matter before subparagraph (A), by striking out ''Clerk of the House of Representatives'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(3) 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''.

(4) The first section of House Resolution 732, Ninety-fourth Congress, agreed to November 4, 1975, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 60e–1a), is amended—

(A) in the first sentence of subsection (a), by striking out ''Clerk'' the first place it appears and all that follows through ''provisions of'' 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 ''provide that the 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)(1), by striking out ''Clerk and the Sergeant at Arms'' and inserting in lieu thereof ''Chief Administrative Officer'';

(E) in subsection (c)(2), by striking out ''Clerk or the Sergeant at Arms, as the case may be,'' 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''.

(5)(A) The first section of House Resolution 12, Ninety-fifth 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. 60e–1c), is amended—

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

(ii) in subsection (b) and subsection (d), by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(B) Section 2 of House Resolution 12, Ninety-fifth 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. 60e–1d), is amended—

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

(ii) by striking out paragraph (2);

(iii) in paragraph (3), by striking out ''Clerk'' 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).

(6) Subsection (b) of the first section of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriations Act, 1974 (2 U.S.C. 60g–2(b)), is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

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

(A) in the third sentence of subsection (a), by striking out ''contingent fund of the House'' and inserting in lieu thereof ''applicable accounts of the House of Representatives''; and

(B) in subsection (c), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(8) Section 310(a) of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60j–2) is amended—

(A) by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer''; and

(B) by striking out ''SEC. 310. (a)'' and inserting in lieu thereof ''SEC. 310.''.

(9) Section 105 of the Legislative Branch Appropriation Act, 1968 is amended by striking out subsection (j) (2 U.S.C. 61–1(g)).

(10)(A) Subsections (f), (i)(1), and (i)(3) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(f), (i)(1), and (i)(3)) are each amended by striking out ''House Administration'' each place it appears and inserting in lieu thereof ''House Oversight''.

(B) Subsection (i)(1) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)(1)), as amended by subparagraph (A), is further amended—

(i) by striking out ''contingent funds of the respective Houses pursuant to resolutions, which'' and inserting in lieu thereof ''contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate,''; and

(ii) by striking out ''such respective Houses'' and inserting in lieu thereof ''the appropriate House''.

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

(A) in the first sentence, by striking out ''Committee on House Administration'' and all that follows through ''respective Houses'' and inserting in lieu thereof ''committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House''; and

(B) in the second sentence, by striking out ''Clerk of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(12) The paragraph beginning ''The appropriation for committee employees'' under the heading ''HOUSE OF REPRESENTATIVES'' and the subheading ''CONTINGENT EXPENSES OF THE HOUSE'' in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 72b) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(13) 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, 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. 74–1), 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) Section 2 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''.

(16) Section 112 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 74a–5 and 2 U.S.C. 333a) is amended by striking out ''sections 74(a)–4 and 333 of title 2, United States Code,'' and inserting in lieu thereof ''section 2 of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Congressional Operations Appropriation Act, 1978, and section 473 of the Legislative Reorganization Act of 1970,''.

(17) Section 101 of the Legislative Branch Appropriations 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 ''and the Clerk of the House are'' and inserting in lieu thereof ''is''; and

(B) by striking out ''their respective jurisdictions'' and inserting in lieu thereof ''the jurisdiction of the Secretary''.

(19) Section 7 of the Legislative Branch Appropriation Act, 1943 (2 U.S.C. 75a) is amended—

(A) in the first sentence—

(i) by striking out ''Clerk of the House of Representatives, the accounts of such Clerk'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer''; and

(ii) by striking out ''new Clerk of the House of Representatives shall have been elected and qualified'' and inserting in lieu thereof ''new Chief Administrative Officer shall have been appointed'';

(B) in the second sentence—

(i) by striking out '', audited,'';

(ii) by striking out ''former Clerk of the House of Representatives'' and inserting in lieu thereof ''former Chief Administrative Officer''; and

(iii) by striking out ''such former Clerk'' and inserting in lieu thereof ''the former Chief Administrative Officer'';

(C) in the third sentence—

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

(ii) by striking out ''such former Clerk'' and inserting in lieu thereof ''the former Chief Administrative Officer''; and

(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–1(a)) is amended by striking out ''Doorkeeper, Postmaster,'' each place it appears 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 ''; and'';

(ii) in paragraph (2), by striking out '', and'' after ''91–510'' and inserting in lieu thereof a period; 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:

(I) 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.

(II) Subsection (a) of the first section of House Resolution 890, Ninety-second 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 Supplemental Appropriations 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, 1963 (2 U.S.C. 76a), is repealed.

(24) Section 2 of House Resolution 603, 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) The Act entitled ''An Act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes'', approved October 1, 1890, is amended—

(A) in the first section (2 U.S.C. 78), by striking out '', keep the'' and all that follows through ''by law''; and

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

(26) The next 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. 80a), is amended by striking out ''Sergeant-at-Arms of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(27) 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.

(28) House Resolution 465, 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.

(29) 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.

(30) Section 7 of the Act entitled ''An Act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes'', approved October 1, 1890 (2 U.S.C. 84), is repealed.

(31) House Resolution 6, Ninety-eighth Congress, agreed to January 3, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 84–1), is repealed.

(32) 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. 84a–1), is repealed.

(33) The eighth, ninth, tenth, eleventh, thirteenth, and fourteenth 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 two, and for other purposes'', approved March 3, 1901 (2 U.S.C. 85, 86, 87, 88, 90, and 91), are repealed.

(34)(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 is amended, in the matter relating to part 3 of title II (60 Stat. 813), by striking out the item relating to section 243.

(C) Section 492(i) of the Legislative Reorganization Act of 1970 (40 U.S.C. 184a(i)) is amended by striking out ''section 243'' and all that follows through ''or''.

(35)(A) The provisions of law specified in subparagraph (B), codified as section 88b of title 2, United States Code, are amended or repealed as provided in that subparagraph.

(B) The amendments 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 ''EDUCATION OF SENATE AND HOUSE PAGES'' in title I of the Act entitled ''An Act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes'', approved March 22, 1947, is amended—

(I) by striking out ''congressional'' and inserting in lieu thereof ''Senate''; and

(II) by striking out ''and the Clerk of the House of Representatives''.

(ii) House Resolution 279, Ninety-eighth Congress, agreed to July 21, 1983, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1985, is repealed.

(36) Section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1) is amended—

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

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

(37) Section 2(a)(2) of House Resolution 611, Ninety-seventh Congress, agreed to November 30, 1982, as enacted into permanent law by section 127 of Public Law 97–377 (2 U.S.C. 88b–3(a)(2)), is amended by striking out '', Doorkeeper, and'' and inserting in lieu thereof ''and the''.

(38) House Resolution 64, Ninety-eighth Congress, agreed to February 8, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 88b–5), is amended—

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

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

(C) by striking out section 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) repealed.

(40) House Resolution 234, Ninety-eighth Congress, agreed to June 29, 1983, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1985 (2 U.S.C. 88c–1 et seq.) is amended—

(A) by striking out the first section;

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

(C) in section 3(a)(1)(B), by striking out ''term or two full terms'' and inserting in lieu thereof ''semester or two full 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,''; and

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

(41) 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 two, and for other purposes'', approved March 3, 1901 (2 U.S.C. 89), is amended by striking out ''Doorkeeper, and Postmaster'' and inserting in lieu thereof ''and Chief Administrative Officer''.

(42)(A) The first sentence of the first section of the Act entitled ''An Act to authorize the Clerk of the House of Representatives to withhold certain amounts due employees of the House of Representatives'', approved July 2, 1958 (2 U.S.C. 89a), is amended by striking out '', or to the trust fund'' and all that follows through the end of the sentence and inserting in lieu thereof the following:

''and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness.''.

(B) The second and fourth sentences of such first section are each amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(43) Section 2 of House Resolution 294, Eighty-eighth Congress, agreed to August 14, 1964, as continued by House Resolution 7, Eighty-ninth Congress, agreed to January 4, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966 (2 U.S.C. 92–1), is repealed.

(44) Section 2 and section 3 of House Resolution 804, Ninety-sixth Congress, agreed to October 2, 1980, as enacted into permanent law by the bill H.R. 4120, entitled the ''Legislative Branch Appropriation Act, 1982'', as reported in the House of Representatives on July 9, 1981, and enacted into permanent law by section 101(c) of Public Law 97–51 (2 U.S.C. 92b–2; 2 U.S.C. 92b–3), are each amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight of the House of Representatives''.

(45) The proviso in the fifth paragraph under the heading ''UNDER LEGISLATIVE.'' and the subheading ''SENATE.'' in the first section of the Act entitled ''An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and two, and for prior years, and for other purposes'', approved February 14, 1902 (2 U.S.C. 95a), is amended by striking out ''contingent expenses of the House of Representatives or'' and inserting in lieu thereof ''expenses of the House of Representatives or contingent expenses of''.

(46) The fifth 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 fifteen, and for other purposes'', approved July 16, 1914 (2 U.S.C. 96), is repealed.

(47) Section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a) is repealed.

(48) The first paragraph after the paragraph with the side heading ''OFFICE OF THE SPEAKER:'' under the heading ''LEGISLATIVE.'' and the 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, eighteen hundred and ninety-six, and for other purposes'', approved March 2, 1895 (2 U.S.C. 97) is repealed.

(49) The first undesignated paragraph under the center heading ''HOUSE OF REPRESENTATIVES'' 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-six, and for other purposes'', approved March 3, 1885 (2 U.S.C. 98), is repealed.

(50) The first undesignated paragraph after the paragraph with the side heading ''OFFICE OF POSTMASTER:'', 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, eighteen hundred and ninety-two, and for other purposes'', approved March 3, 1891 (2 U.S.C. 99), is amended by striking out ''; and hereafter'' and all that follows through the end of the paragraph and inserting in lieu thereof a period.

(51) The second sentence of the fourth 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 two, and for other purposes'', approved March 3, 1901 (2 U.S.C. 100), is repealed.

(52) Sections 60 and 61 of the Revised Statutes of the United States (2 U.S.C. 102) are repealed.

(53) The first sentence of the undesignated paragraph under the center heading ''GENERAL PROVISION'' in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(54) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104a(1)) is amended by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer''.

(55) Section 65 of the Revised Statutes of the United States (2 U.S.C. 106) is amended—

(A) by striking out ''and Clerk of the House of Representatives''; and

(B) by striking out ''and House of Representatives, respectively,''.

(56) Section 68 of the Revised Statutes of the United States (2 U.S.C. 108) is amended by striking out ''either the Secretary or the Clerk'' and inserting in lieu thereof ''the Secretary''.

(57) Section 69 of the Revised Statutes of the United States (2 U.S.C. 109) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(58) The proviso in the last sentence of the fifth paragraph after the paragraph with the side heading ''FOR CONTINGENT EXPENSES, NAMELY:'' under the heading ''LEGISLATIVE.'' and the subheading ''SENATE.'' in the Act entitled ''An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes'', approved March 3, 1887 (2 U.S.C. 112) is amended by striking out ''or the Committee on Accounts of the House of Representatives respectively''.

(59)(A) The first section of the Act entitled ''An Act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes'', approved December 5, 1969 (2 U.S.C. 112e), is amended—

(i) in the first sentence of subsection (a), by striking out ''Clerk of the House shall furnish electrical and mechanical'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives shall furnish''; and

(ii) in subsection (b), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(B) The first section of the Act entitled ''An Act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes'', approved December 5, 1969 (2 U.S.C.

112e), as amended by subparagraph (A) is further amended—

(i) by striking out ''House Administration'' each place it appears and inserting in lieu there of ''House Oversight'';

(ii) in subsection (c), by striking out ''contingent fund'' and inserting in lieu thereof ''applicable accounts''; and

(iii) in subsection (d), by striking out the second sentence.

(60) Section 70 of the Revised Statutes of the United States (2 U.S.C. 113) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(61) Section 71 of the Revised Statutes of the United States (2 U.S.C. 114) is amended—

(A) by striking out ''and the Clerk of the House of Representatives, respectively, are'' and inserting in lieu thereof ''is''; and

(B) by striking out ''or from the journal of the House of Representatives,''.

(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'', approved August 7, 1882 (2 U.S.C. 117), is amended —

(A) by striking out ''Clerk and Doorkeeper of the House of Representatives and the''; and

(B) by striking out ''direction'' and all that follows through ''cover'' and inserting in lieu thereof ''direction of the Committee on Rules and Administration of the Senate and cover''.

(63)(A) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e) is amended—

(i) in the first sentence of paragraph (1), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''; and

(ii) in the first sentence of paragraph (2), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(B) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) 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''; and

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

(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 ''but not limited to Legislative Service Organizations,''; and

(iii) by striking out '': Provided, That'' and all that follows through ''House'' and inserting in lieu thereof '', except that no amount charged to the Members' Representational Allowance''.

(65) The second sentence of section 2 of the Act entitled ''An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1927, and for other purposes'', approved May 13, 1926 (2 U.S.C. 119), is amended by striking out ''Accounts'' and inserting in lieu thereof ''House Oversight''.

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

(B) The provisions of law referred to 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 831, Eighty-eighth Congress, agreed to August 14, 1964, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966.

(67) The first section and sections 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 Appropriation Act, 1979 (2 U.S.C. 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 ''contingent fund of the House'' and inserting in lieu thereof ''applicable accounts of the House of Representatives''; and

(B) by striking out ''House Administration'' and 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 by striking out ''Clerk of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(B) 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), as amended by subparagraph (A), is further amended by striking out ''contingent fund of the House'' and inserting in lieu thereof ''applicable accounts of the House of Representatives''.

(71) Section 3 of Public Law 89–147 (2 U.S.C. 127a) is amended—

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

(B) in the last sentence, is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(72) Subsection (b) of the first section of House Resolution 1047, Ninety-fifth Congress, agreed to April 4, 1978, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 130–1), is amended—

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

(B) in the second sentence, by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(73) The first section of the Act entitled ''An Act to preserve the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 for congressional employees receiving certain congressional staff fellowships'', approved March 30, 1966 (2 U.S.C. 130a), is amended—

(A) by striking out ''That, with respect'' and inserting in lieu thereof ''That (a) with respect'';

(B) in paragraph (1) of subsection (a), as so redesignated by subparagraph (A), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer'';

(C) by striking out ''the purposes of—'' and all that follows through ''if the award'' and inserting in lieu thereof the following: ''the purposes of the provisions of law specified in subsection (b), if the award'';

(D) by striking out ''Clerk of the House of Representatives, as appropriate'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives, as appropriate'';

(E) by striking out ''Clerk of the House by records'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives by records''; and

(F) by adding at the end the following new subsection:

''(b) The provisions of law referred to in subsection (a) are—

''(1) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code;

''(2) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code; and

''(3) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.''.

(74) Section 6(a)(1) of the Act entitled ''An Act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia'', approved December 19, 1970 (2 U.S.C. 130b(a)(1)), is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(75) Section 6(f) of the Act entitled ''An Act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia'', approved December 19, 1970 (2 U.S.C. 130b(f)), is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(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'', approved July 25, 1974 (2 U.S.C. 130d(a) and (b)), are each amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

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:

Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 206. PROVISIONS RELATING TO CONGRESSIONAL AND COMMITTEE PROCEDURE; INVESTIGATIONS.

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

(1) Section 136(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d(c)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(2) The fourth sentence of section 2 of the Act entitled ''An Act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States'', approved February 3, 1879 (2 U.S.C. 190m) is amended by striking out ''contingent fund of the branch of Congress appointing such committee.'' and inserting in lieu thereof the following: ''contingent fund of the Senate, in the case of a committee of the Senate, or the applicable accounts of the House of Representatives, in the case of a committee of the House of Representatives.''.

SEC. 207. PROVISIONS RELATING TO OFFICE OF LAW REVISION 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 ''contingent fund of the House'' and inserting in lieu thereof ''applicable accounts of the House of Representatives''.

SEC. 208. PROVISIONS RELATING TO LEGISLATIVE CLASSIFICATION OFFICE.

The provisions of law relating to the Legislative Classification Office, as codified in chapter 9B of title 2, 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:

(1) Section 4(a)(1) of the House Employees Position Classification Act (2 U.S.C. 293(a)(1)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(2) Section 5(b)(1)(C) of the House Employees Position Classification Act (2 U.S.C. 294(b)(1)(C)) is amended by striking out ''Doorkeeper'' and inserting in lieu thereof ''Chief Administrative Officer''.

(3) The second sentence of section 11 of the House Employees Position Classification Act (2 U.S.C. 300) is amended by striking out ''contingent fund'' and inserting in lieu thereof ''applicable accounts''.

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 471 of the Legislative Reorganization Act of 1970 (2 U.S.C. 331) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(2)(A) Section 472 of the Legislative Reorganization Act of 1970 (2 U.S.C. 332) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to part 7 of title IV (84 Stat. 1142), by striking out the item relating to section 472.

(3)(A) Section 474 of the Legislative Reorganization Act of 1970 (2 U.S.C. 334) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to part 7 of title IV (84 Stat. 1142), by striking out the item relating to section 474.

(4) Section 475(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 335(1)) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(5) Section 476 of the Legislative Reorganization Act of 1970 (2 U.S.C. 336) is amended by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer''.

SEC. 211. PROVISIONS RELATING TO CONTESTED ELECTIONS.

The provisions of law relating to contested elections, as codified in chapter 12 of title 2, United States Code, are amended as follows:

(1) Section 2 of the Federal Contested Elections Act (2 U.S.C. 381) is amended—

(A) by redesignating subdivisions (a) through (i) as paragraphs (1) through (9), respectively;

(B) in the matter before paragraph (1), as so redesignated by subparagraph (A), by striking out ''Act—'' and inserting in lieu thereof ''Act:'';

(C) by indenting paragraphs (1) through (9), as so redesignated by subparagraph (A), two ems; and

(D) in paragraph (2), as so redesignated by subparagraph (A)—

(i) by striking out ''(1) whose'' and inserting in lieu thereof ''(A) whose''; and

(ii) by striking out ''or (2)'' and inserting in lieu thereof ''or (B)''.

(2) Section 2 of the Federal Contested Elections Act (2 U.S.C. 381), as amended by paragraph (1), is further amended—

(A) in paragraph (1), by striking out ''or Resident Commissioner'' and all that follows through ''but'' and inserting in lieu thereof '', or Delegate or Resident Commissioner to, the Congress, but that term'';

(B) in paragraph (2), as amended by paragraph (1) of this section—

(i) by striking out ''House of Representatives of the United States'' in subparagraph (A) and inserting in lieu thereof ''office of Representative in, or Delegate or Resident Commissioner to, the Congress''; and

(ii) by striking out ''House of Representatives'' in subparagraph (B) and inserting in lieu thereof ''office of Representative in, or Delegate or Resident Commissioner to, the Congress'';

(C) in paragraph (3), by striking out ''of the United States'';

(D) in paragraph (4), by striking out ''of the United States'';

(E) in paragraph (5), by striking out ''term'' and all that follows through ''offices'' and inserting in lieu thereof ''term 'Member of the House of Representatives' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office'';

(F) in paragraph (6), by striking out ''of the United States'';

(G) in paragraph (7), by striking out ''House Administration of the House of Representatives of the United States'' and inserting in lieu thereof ''House Oversight of the House of Representatives''; and

(H) in paragraph (8), by striking out ''includes territory and'' and inserting in lieu thereof ''means a State of the United States and any territory or''.

(3) Section 3 of the Federal Contested Elections Act (2 U.S.C. 382) is amended—

(A) in subsection (a), by striking out ''to the House of Representatives''; and

(B) in subsection (c)—

(i) by striking out ''or'' after the semicolon at the end of paragraph (4); and

(ii) by inserting ''or'' after the semicolon at the end of paragraph (5).

(4) Section 17 of the Federal Contested Elections Act (2 U.S.C. 396) is amended by striking out ''contingent fund'' and inserting in lieu thereof ''applicable accounts''.

SEC. 212. PROVISIONS RELATING TO JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS.

The provisions of law relating to the Joint Committee on Government Operations, as codified in chapter 13 of title 2, United States Code, are amended as follows:

(1)(A) Part 1 of title IV of the Legislative Reorganization Act of 1970 (2 U.S.C. 411–417) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to title IV (84 Stat. 1141), by striking out the matter relating to part 1.

(2) Section 206 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. 412a), is repealed.

SEC. 213. PROVISIONS RELATING TO CONGRESSIONAL BUDGET OFFICE.

The provisions of law relating to the Congressional Budget Office, as codified in chapter 17 of title 2, United States Code, are amended as follows:

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 214. PROVISIONS RELATING TO THE STATES.

The provisions of law relating to the States, as codified under chapter 4 of title 4, United States Code, are amended as follows:

Section 307(b)(1) of the Legislative Branch Appropriations Act, 1988 (4 U.S.C. 105 note) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 215. PROVISIONS RELATING TO GOVERNMENT ORGANIZATION AND EMPLOYEES.

The provisions of law relating to Government organization and employees, enacted as title 5, United States Code, are amended as follows:

(1) Section 2107(5) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(2) Section 3304(c)(1) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(3) Section 5306(a)(1)(A) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(4) Section 5334(c) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(5) Section 5515 of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(6) Section 5531(5) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(7) Subsections (c)(1), (c)(2), and (d)(5)(A) of section 5533 of title 5, United States Code, are each amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(8) Section 5537(a) of title 5, United States Code, is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(9) Section 5751 of title 5, United States Code, is amended by striking out ''Clerk'' both places it appears and inserting in lieu thereof ''Chief Administrative Officer''.

(10) Section 6322 of title 5, United States Code, is amended by striking out ''Clerk'' both places it appears and inserting in lieu thereof ''Chief Administrative Officer''.

(11) Section 8332(b) of title 5, United States Code, is amended in the fourth sentence in the matter following paragraph (16) by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(12)(A) The third sentence of section 8334(a)(1) 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 of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives''.

(B) Paragraph (1)(A) and paragraph (3) of section 8334(j) of title 5, United States Code, are each amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(13) Section 8402(c)(5) of title 5, United States Code, is amended—

(A) in the matter before subparagraph (A), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''; and

(B) in subparagraph (B), by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(14) Paragraph (1)(A) and paragraph (3) of section 8422(e) of title 5, United States Code, are each amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(15) Section 8423(a)(3)(C) of title 5, United States Code, is amended by striking out ''Clerk of the House of Representatives, from 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''.

(16) The second sentence of section 8432(e) 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 Chief Administrative Officer may pay from the applicable accounts''.

(17) The second sentence of section 8432a(c) 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 Chief Administrative Officer may pay from the applicable accounts''.

(18) Subsection (b) of 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 lieu thereof the following: ''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, from 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''.

(2) Section 109(13)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(13)(A)) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

SEC. 217. PROVISIONS RELATING TO COMMERCE AND 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 out ''Doorkeeper'' and inserting 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, 1961 (22 U.S.C. 276c–1) is amended by striking out ''Committee on House Administration'' and inserting in lieu thereof ''Clerk''.

(2) The first sentence 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 ''House Oversight''.

(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 6102a(c) 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''.

SEC. 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 ''Clerk of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(2) Section 3216(e)(2) of title 39, United States Code, is amended by striking out ''House Administration'' each place it appears 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-eighth Congress, agreed to June 18, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965 (40 U.S.C. 166b–4), is amended—

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

(B) by striking out ''House Administration'' each place it appears and inserting in lieu thereof ''House Oversight''.

(2) Section 1816 of the Revised Statutes of the United States (40 U.S.C. 170) is amended by striking out ''Accounts of the House of Representatives, for the House'' and inserting in lieu thereof ''House Oversight of the House of Representatives, for the House of Representatives''.

(3)(A) Subsections (a), (b), and (c) of section 2 of House Resolution 317, Ninety-second Congress, agreed to March 25, 1971, as enacted into permanent law by the paragraph under the heading ''HOUSE OF REPRESENTATIVES'' and the subheadings ''CONTINGENT EXPENSES OF THE HOUSE'' and ''MISCELLANEOUS ITEMS'' in the first section of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 174k(a), (b), and (c)), are each amended by striking out ''House Administration'' each place it appears and inserting in lieu thereof ''House Oversight''.

(B) Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note) is repealed.

(4)(A) The proviso in the paragraph under the heading ''ARCHITECT OF THE CAPITOL'' and the subheading ''HOUSE OFFICE BUILDINGS'' in the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 175 note), is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(B) The first section of House Resolution 208, Ninety-fourth Congress, agreed to February 24, 1975, as enacted into permanent law by section 201 of the Legislative Branch Appropriation Act, 1976 (40 U.S.C. 175 note), is amended—

(i) by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight of the House of Representatives''; and

(ii) by striking out ''contingent fund'' and inserting in lieu thereof ''applicable accounts''.

(5)(A) Section 312 of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g) is amended by striking out ''Clerk'' each place it appears and inserting in lieu thereof ''Chief Administrative Officer''.

(B) Section 312(a)(1)(A) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(a)(1)(A)) is amended by striking out ''or the Sergeant at Arms of the House of Representatives''.

(C) Section 312(d)(2) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(2)) is amended by striking out ''with'' and inserting in lieu thereof ''With''.

(6) Section 312 of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g) is amended—

(A) in subsection (b)(1)(A), by striking out ''Minority Leader'' and inserting in lieu thereof ''minority leader'';

(B) in subsection (c), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''; and

(C) in subsection (d)(1), by striking out ''in the contingent fund of the House of Representatives''.

(7) Section 801(b)(3) of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a(b)(3)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(8) 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''.

(9)(A) 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 Appropriation Act, 1979 (40 U.S.C. 206 note), is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(B) House Resolution 199, One Hundred Second Congress, agreed to August 1, 1991, as enacted into permanent law by section 102 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 206 note), is amended by striking out ''House Administration'' each place it appears and inserting in lieu thereof ''House Oversight''.

(C) House Resolution 420, One Hundred First Congress, agreed to June 26, 1990, as enacted into permanent law by section 105 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 206 note), is amended—

(i) in section 2(1), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''; and

(ii) in section 3(2), by striking out ''from the contingent fund of the House of Representatives or''.

(10) Section 3(a)(1) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (40 U.S.C. 206b(a)(1)), is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(11)(A) Section 3(d) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (40 U.S.C. 206b(d), is amended by striking out

''House Administration'' and inserting in lieu thereof ''House Oversight''.

(B)(i) The provisions of law specified in clause (ii) (40 U.S.C. 206b(g); 40 U.S.C. 206b note) are amended as provided in such clause.

(ii) House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972, is amended by striking out section 5. House Resolution 1309, Ninety-third Congress, agreed to October 10, 1974, as enacted into permanent law by chapter III of the Supplemental Appropriations Act, 1975, is amended by striking out section 3.

(12) Section 9C of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (40 U.S.C. 207a) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(13) Section 9B(a) of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (40 U.S.C. 212a–3(a)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(14) Subsection (b)(1) and subsection (c) of section 3 of Public Law 98–392 (40 U.S.C. 214b(b)(1) and (c)) are each amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(15) Section 151(a) of Public Law 99–500 (100 Stat. 1783–352), enacted in identical form as section 151(a) of Public Law 99–591 (100 Stat. 3341–355), (40 U.S.C. 756b) is amended by striking out ''Clerk'' and inserting in lieu thereof ''Chief Administrative Officer''.

(16) The second sentence of section 301 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 831) is amended by striking out ''House Committee on House Administration'' and inserting in lieu thereof ''Committee on House Oversight of the House of Representatives''.

(17) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended—

(A) in subsection (c)(1), subsection (c)(4), and subsection (h), by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''; and

(B) by striking out subsection (j).

(18) Section 3(d) of Public Law 99–652 (40 U.S.C. 1003(b)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 222. PROVISIONS RELATING TO THE PUBLIC HEALTH AND WELFARE.

The provisions of law relating to the public health and welfare, as codified in title 42, United States Code, are amended as follows:

(1) Section 303d. of the Atomic Energy Act of 1954 (42 U.S.C. 2259(d)) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(2) Section 6004(a)(4) of the Solid Waste Disposal Act (42 U.S.C. 6964) is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 223. PROVISIONS RELATING TO PUBLIC PRINTING AND DOCUMENTS.

The provisions of law relating to public printing and documents, enacted as title 44, United States Code, are amended as follows:

(1) Section 101 of title 44, United States Code, is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(2) The third sentence of section 703 of title 44, United States Code, is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(3) Section 730 of title 44, United States Code, is amended by striking out '', Sergeant at Arms, and Doorkeeper'' and inserting in lieu thereof ''and Sergeant at Arms''.

(4)(A) Section 735 of title 44, United States Code, is amended—

*(i) in the section heading, by striking out ''**Members of Congress**'' and inserting in lieu thereof ''**Senators**'';*

(ii) by striking out ''Member 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 sections for 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.''.

(5) The second sentence of section 739 of title 44, United States Code, is amended by striking out ''Doorkeeper'' and inserting in lieu thereof ''Clerk''.

(6) 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''.

(7)(A) The first undesignated paragraph of section 906 of title 44, United States Code, is amended—

(i) in the fifth undesignated subdivision of the matter relating to furnishing of the bound edition of the Congressional Record, by striking out '', Sergeant at Arms, and Doorkeeper'' and inserting in lieu thereof ''and the Sergeant at Arms'';

(ii) in the seventh undesignated subdivision of the matter relating to furnishing of the daily edition of the Congressional Record, by striking out '', Sergeant at Arms, and Doorkeeper'' and inserting in lieu thereof ''and the Sergeant at Arms''; and

(iii) in the eighth undesignated subdivision of the matter relating to furnishing of the daily edition of the Congressional Record, by striking out ''Doorkeeper'' and inserting in lieu thereof ''Clerk''.

(B) The third undesignated paragraph of section 906 of title 44, United States Code, is amended—

(i) in the fourth undesignated subdivision of the matter relating to furnishing of the Congressional Record in unstitched form, by striking out '', Sergeant at Arms, and Doorkeeper'' and inserting in lieu thereof ''and the Sergeant at Arms''; and

(ii) in the twelfth undesignated subdivision of the matter relating to furnishing of the Congressional Record in unstitched form—

(I) by striking out ''to the Secretaries'' and inserting in lieu thereof ''and to the Secretaries''; and

(II) by striking out '', and to the Doorkeeper of the House of Representatives''.

(8) Section 908 of title 44, United States Code, is amended by striking out ''Sergeant at Arms of the House'' and inserting in lieu thereof ''Chief Administrative Officer of the House of Representatives''.

(9) Section 2203(e) of title 44, United States Code, is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

(10) Section 3303a(c) of title 44, United States Code, is amended by striking out ''House Administration'' and inserting in lieu thereof ''House Oversight''.

SEC. 224. PROVISIONS RELATING TO TERRITORIES AND INSULAR POSSESSIONS.

The provisions of law relating to territories and insular possessions, as codified in title 48, United States Code, are amended as follows:

(1) The last undesignated paragraph after the center heading ''MINTS AND ASSAY OFFICES.'' and the center subheading ''GOVERNMENT IN THE TERRITORIES'' 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 seven, and for other purposes'', approved June 22, 1906 (48 U.S.C. 894), is amended by striking out ''Sergeant-at-Arms'' and inserting in lieu thereof ''Chief Administrative Officer''.

(2) Section 35 of the Organic Act of Guam (48 U.S.C. 1421k–1) is repealed.

(3) Section 15 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1596) is repealed.

(4) The last two provisos of section 5 of Public Law 92–271 (48 U.S.C. 1715 note) are repealed.

SEC. 225. MISCELLANEOUS UNCODIFIED PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.

The following miscellaneous uncodified provisions relating to the House of Representatives are amended as follows:

(1) The next to the last undesignated paragraph under the center heading ''HOUSE OF REPRESENTATIVES'' and the center subheadings ''ADMINISTRATIVE PROVISIONS'' and ''HOUSE BEAUTY SHOP'' in the first section of the Legislative Branch Appropriation Act, 1970 (83 Stat. 347) is amended by striking out the last two sentences.

(2) The last undesignated paragraph under the center heading ''HOUSE OF REPRESENTATIVES'' and the center subheadings ''ADMINISTRATIVE PROVISIONS'' and ''HOUSE BEAUTY SHOP'' in the first section of the Legislative Branch Appropriation Act, 1970 (83 Stat. 347) is repealed.

The 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 bill H.R. 2739, the House of Representatives Administrative Reform Technical Corrections Act. This bill was made necessary by the historic reforms following the first Republican majority in over 40 years. One should not be surprised that considerable reforms were put in place at that time, after such a lengthy period of time out of power.

I would comment that the two amendments offered to the original bill are minor in nature. They do not basically affect the substance of the bill, and so the substance of the bill is basically that contained in the bill as originally introduced.

On January 4, 1995, the House adopted House rules which significantly restructured the internal administrative and legislative operations of the House. Two House officer positions, that of the Doorkeeper and the Postmaster, were abolished, and a new House officer, the Chief Administrative Officer, was created.

Based on the authority of the Committee on House Oversight under House rules, the committee directed that operational and financial responsibility for various House functions be assigned to the appropriate House officers. For example, the House Finance Office was assigned to the Chief Administrative Officer, and that has led to a complete restructuring of the Finance Office which is still ongoing, as well as changes in the House financial management system. The House Document Room, which was formerly assigned to the Doorkeeper, was assigned to the Clerk.

The committee then began the process of reviewing the statutes relating to the administrative and legislative operations of the House, and it soon became clear that there had never in the history of the House been a comprehensive revision of these statutes. Therefore, the committee began the process of cleaning out the cobwebs.

Many of the statutes technically in effect date back to the last century. For example, among the statutes repealed by this bill are the provisions relating to contracting for horses and wagons for the House. As someone who is intensely allergic to horses, I am pleased to see that section repealed.

The committee considered a total of 414 statutes, a very sizable amount. Of these, 65 will be repealed outright by this particular bill.

On August 3, 1995, the committee issued committee order No. 41 which created the Members' representational allowances or MRA. This committee order combined into the MRA the clerk hire allowance, the official expenses allowance, and the official mail allowance, as recommended by the auditing firm of Price-Waterhouse following the first-ever House audit. This makes all Members responsible and accountable for the expenditures in their office, and they have complete authority in the manner in which they allocate the funds within these various accounts which are now combined into one account.

Following creation of the Members' representational allowances, the committee adopted regulations for expenditures from the MRA. These regulations are collectively known as the Congressional Handbook. These regulations govern all expenditures from allowances provided to pay for clerk hire, official expenses, and official mail during the 104th Congress.

Since January 3, 1995, the committee has granted no exceptions to any of its regulations, and that is very important to note because under the potpourri of different regulations and statutes we had accumulated over the more than 200-year operation of the House, many were so cumbersome and unworkable that exceptions became the rule rather than the exception.

Under the administration of the current chairman of the House's Committee on Oversight, I note that the chairman, Mr. THOMAS, vowed that there would be no exceptions, and that the rules would be rewritten to take into account the changing nature of the House of Representatives and to ensure that no exceptions would be necessary. He has fulfilled his commitment on that count.

Generally, title I of the bill contains provisions relating to allowances and accounts in the House of Representatives and other administrative matters. Title II of the bill contains technical and conforming amendments and repeals relating to administrative reforms.

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. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Michigan [Mr. EHLERS], who, by the way, is serving our committee and this House extremely well in a number of areas, has accurately described the history and purpose of the bill, and I have nothing further to add except that I hope the Senate will pass this bill as a matter of comity.

However, I would note that the Chief Administrative Officer has just submitted an overall increase in his budget requests for next year of 32 percent. Unfortunately, that does not address the cost shift to Members' representational allowances of some $12,000 to $15,000 per year resulting from the elimination and privatization of services previously provided by the CAO.

This bill does make permanent the in-house reforms of the Republican Contract With America. As a purely technical matter, that is appropriate. But all should be aware that these administrative reforms may ultimately bring additional costs to the taxpayer.

Many Members have expressed dissatisfaction about the deterioration of some services and about the incorrect or inconclusive information being provided by some of the CAO's operations. Others have questioned whether privatizing various functions and eliminating others will result in savings to the taxpayer or simply additional cost-shifting to Members' representational allowances.

We should all be open to an examination of these questions. In the end, we should be guided by whether our constituents will have a Federal legislature with sufficient resources to respond to them when they call. Otherwise taxpayers may end up paying more and getting less in service from their Member of Congress.

This bill will result in a statute which combines Member allowances and provides for more complete and timely public disclosure, both of which are, of course, admirable goals. This would be an appropriate time for an assessment of the impact of these administrative reforms on Members' resources, those that are needed to serve their constituents, especially as Government downsizes at all levels. Again, we should be wary that under the guise of reform we do not end up costing the taxpayer more money while hindering the ability of Members to fully perform their constitutional, legislative and representational functions.

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

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

Mr. Speaker, in brief response to the comments of the gentleman from California [Mr. FAZIO], let me say I certainly appreciate his work, not only as the ranking member on the Committee on House Oversight, but also as the ranking member of the Subcommittee on Legislation of the Committee on Appropriations.

He made reference to some of the changes that we have made and the increased costs that may accrue, as well as perhaps the inability of Members to perform their functions as well as they should in responding their constituents. Let me assure the gentleman from California that I am certainly, as a member of the Committee on House Oversight, very sensitive to concerns about being able to serve the needs of our constituents.

Clearly, if any of the actions taken would in any way interfere with our ability to represent our constituents, I am sure the Committee on House Oversight would be willing to consider adjustments on that score. At the same time, I would point out that we have made many changes beyond those contained in this legislation.

I had not planned to discuss those here on the floor, but I think it is very important to recognize that there are many changes taking place with, in fact, with affect the budget in one way or another, but will have the net effect of aiding Members in representing their constituents.

Mr. Speaker, I would simply say that one area I am very familiar with is the area of computerization. In that case we are trying to, in some ways, centralize the computer operation and make it far more efficient, and enable members and staff to do much more in the House of Representatives at lower cost. This is going to result initially in some additional costs in the House information resources budget. It will also eventually result in lower costs in both the Members' budgets in HIR's budget.

I think, on balance, the changes are positive and that we will see an increase in the ability of the Members to represent their constituents more effectively, through the changes that are made. At the same time, there may be some temporary dislocations. If there are, we will certainly address those in the Committee on House Oversight.

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 actions to impair 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 we 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. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. I simply want to say that the gentleman from Michigan [Mr. EHLERS] has made

a great contribution, particularly in the effort to further the computerization, the dignitization of this institution. I think we will all be better off as a result.

My concerns really are not in the area where increased expenditures will be required to bring about this communications revolution for the House of Representatives. It is really more the need to monitor carefully any additional costs that accrue to Members as a result of getting the same services that used to be provided by central agencies, now on a direct basis, often with the private sector, or others who are doing work on a contractual basis for the House of Representatives providing the services. Mr. Speaker, I think the gentleman from Michigan shows an openness to continue to review these matters, so that Members can continue to have at least as many resources to focus on the needs of their constituents.

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 was 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 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 against consideration of the bill are waived except those arising under section 425(a) of the Congressional Budget Act of 1974. General debate shall be confined to the bill and shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No other amendment shall be in order except the amendments printed in part 2 of the report of the Committee on Rules and amendments en bloc described in section 2 of this resolution. Each amendment printed in part 2 of the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, 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 in the House or in the Committee of the Whole. All points of order against amendments made in order by this resolution are waived except those arising under section 425(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 postponed question that immediately 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 amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. 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 of the Committee on Rules accompanying this resolution that were not earlier disposed of or germane modifications of any such amendments. Amendments en block offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in 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 the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DREIER] is recognized for 1 hour.

MODIFICATIONS TO CERTAIN AMENDMENTS PRINTED IN HOUSE REPORT 104–483

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 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 shall be in order for the designated proponent of the amendment numbered 19 in part 2 of House Report 104–483 to offer his amendment in a modified form that strikes from title V all except section 522 of subtitle D.

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

There was no objection.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON]. All time yielded is for the purposes of debate only.

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

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

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 is a modified closed rule providing for comprehensive consideration of H.R. 2202, legislation addressing two critical national issues: Getting control of illegal immigration, and improving our system of legal immigration.

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 force for change, growth, and prosperity. This rule provides for 2 hours of general debate, equally divided between the chairman and ranking minority member of the Committee on

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 check the validity 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 provides 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 postpone votes 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 that the President, 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 will never support a President that is soft on illegal immigration. Illegal immigration might just be taking center stage in Washington today, but the issue is like an overnight sensation in Hollywood. This is a problem that has been building up for years and years. A decade ago my colleague, the gentleman from Glendale, CA [Mr. MOORHEAD], who is retiring after 24 years of highly distinguished service, offered amendments to strengthen the Border Patrol when Congress last addressed immigration reform.

Many Members of Congress, especially the Members from California, like Mr. KIM, Mr. BILBRAY, Mrs. SEASTRAND, Mr. RIGGS, Mr. GALLEGLY, and others, have worked for years to address 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 maintain one of 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.

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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 give 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. BERMAN] 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.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 15, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	59	61
Modified Closed [3]	49	47	24	25
Closed [4]	9	9	13	14
Total	104	100	96	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 15, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 15, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Glens 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 27,938, 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 legal 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 which 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 long hours spent on this legislation.

And I also owe thanks to the chairman of that full committee, the gentleman from Illinois, Mr. HENRY HYDE, and his ranking member, the gentleman from Michigan, Mr. CONYERS for perseverance under difficult circumstances.

Mr. Speaker, any rule that does not make in order every amendment requested is going to be unpopular with some. But given the need to finish the bill on the floor this week, the Rules Committee has come up with a reasonable solution. I ask for a ''yes'' vote on the motion for the previous question, and a ''yes'' vote on adoption of this balanced rule on the immigration bill.

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

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

Mr. Speaker, H.R. 2202, the Immigration in the National Interest Act, which this modified closed rule makes in order, is one of the most important pieces of legislation we shall consider this year. There is no question that U.S. immigration policy needs to be revised and improved to respond to our national interests and this bill is a sensible and measured response to that critical challenge.

I, too, commend our colleagues from Texas, Mr. SMITH, the chairman of the Immigration Subcommittee, and the ranking member of the subcommittee, Mr. BRYANT, for their outstanding work in bringing this bipartisan 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 would affect many aspects of life 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 laws we have already enacted to prohibit the hiring of individuals who have entered the United States in violation of our border and our immigration laws; the serious stress that population growth fueled by immigration is creating for our country; 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 by 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 task force 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 Judiciary 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 complain 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 labor practices.

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.

□ 1630

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, 32 in total, on a wide range of issues. One of the most important issues, Mr. Speaker, the amendments will address is the bill's employment 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. When Congress 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 mulitmillion-dollar underground industry, in counterfeit and fraudulent Social Security cards, green cards, voter registration cards, and the 26 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 widescale 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, improving employer sanctions is essential, because we cannot obviously stop those immigrants from settling here permanently simply by improving border control.

There will be three 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. Establishing such a card is, I believe, 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 bill's 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 amendment to 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 the legal 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 so-called 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 worse. The 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, a 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 are counted, immigration now accounts for more than 50 percent of recent growth in the United States.

Post-1970 immigrants and their descendants have been responsible for U.S. population increases of nearly 25 million, half the growth of those years. In other words, much of what demographers consider our natural growth rate is actually the result of our Nation's large number of immigrants. Those numbers have led the Census Bureau to forecast much higher population growth over the coming decades than in the past. As recently as 1990, the bureau assumed the population of the United States would peak about 45 years from now and then decline to and level off at about 300 million, about 300 million, Mr. Speaker, by the year 2050. But as a result of unexpected rates of immigration, the Census Bureau revised its figures just 2 years ago by adding another 92 million to the number of people projected for the year 2050. But that projection is probably much too low because the bureau assumes a net immigration rate of about 820,000 a year, at least 400,000 below today's annual level. And even with that conservative assumption about immigration, the Census Bureau estimates about 93 percent, 93 percent of the population growth by the year 2050 will result from immigration that has occurred since 1991.

The really frightening change in the Census Bureau's 1994 forecast is that it now assumes the population of this country will not level off a few decades from now as was thought would be the case and as recently as 1990, but will continue to grow unabated into the late 21st century.

Those of us who represent communities where large numbers of immigrants have settled have long felt the effects of our Nation's high rate of immigration, the highest in the world. Our communities are being overwhelmed by the burden of providing educational, health, and social services for the newcomers. With a population of half a billion or more, it will be extremely difficult to solve our most serious environmental problems, such as air and water pollution, water disposal, waste disposal and loss of our arable land. But the challenges of having our population double our current size will go far beyond dealing with simply environmental problems. With twice as many people, we can expect to have at least twice as much crime, twice as much congestion, twice as much poverty. We will also face demands for twice as many jobs, twice as many schools, twice as much food at a time when many of our communities are already straining now to educate, house, protect, provide services for the people we have right now, Mr. Speaker. How will they begin to cope with the needs and problems of twice as many people?

The legal immigration provisions of this bill constitute a relatively modest response to the enormous problems our children and grandchildren will face in the next century if we do not reduce the enormous number of new residents the United States accepts each year beginning now.

So I urge Members, Mr. Speaker, to reject the Chrysler-Berman-Brownback amendment when that proposal is offered.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my dear friend and Committee on Rules colleague, 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.)

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 am proud to be a cosponsor. This is about the failure of the Federal Government to control our borders and the impact that failure has had on our society. Although I agree that the issues of illegal and legal immigration are distinct, I know that they are closely related. All immigration is out of control. We cannot consider either legal or illegal in a vacuum without looking at the other—a conclusion with which many Americans agree. In recent weeks the Wall Street Journal reported that 50 percent of Americans surveyed oppose any legal immigration. Such views are born of years of watching the system fail. Mr. Speaker, the problems of illegal immigration are readily definable. Today more than one quarter of all Federal prisoners are illegal immigrants; fraudulent employment and benefit documentation is rampant; and criminal aliens linger in our country at significant taxpayer expense. Well, H.R. 2202 doubles the number of Border Patrol agents; dedicates more resources to prosecuting illegal aliens; streamlines the rules for removal of illegal and criminal aliens; and strengthens penalties against those who disobey orders to leave. H.R. 2202 also clamps down on illegal aliens accessing public benefits. And it implements a program to address a major incentive of today's illegal immigration—the promise of jobs—by setting up a 1–800 number for employers to call and verify citizenship status. This provision does not—repeat, does not—create a ''Big Brother is watching you'' system with a new national identity card. And this provision is not an unfair burden on employers. In fact, employers who have tried it have given it rave reviews.

When it comes to legal immigration, there are also serious problems. Today there are approximately 1.1 million cases pending in the system, which can translate into a 40-year waiting period. Those who get caught up in this bureaucratic nightmare suffer from prolonged separation from their families and uncertainty about their futures. It's no surprise that they get frustrated and seek to jump the line. H.R. 2202 increases the percentage of immigrants admitted on the basis of needed skills and education. It places emphasis on core family units, favoring ''nuclear family'' admission over ''extended family'' admissions. And it guarantees a way for bona fide refugees to enter our country in an orderly manner.

Immigrants have contributed immeasurably to the greatness of this Nation. This legislation doesn't close the door—but it does seek to balance the generous nature of Americans with the reality of limited resources. That is a laudable result.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I take the well to regrettably indicate that I do not intend to vote for this rule, and I do intend to support the gentleman from California [Mr. BEILENSON] in his motion, because I think the Committee on Rules made a major mistake in deciding which amendments they were going to allow this House to vote on.

We have a very serious issue facing this country with respect to refugees, and I am talking about legal refugees, not illegal refugees. The problem is that the U.S. Government makes a foreign policy decision to allow thousands and thousands and thousands of refugees to come into this country and then it dumps the cost of educating and training and supporting those refugees onto local units of government.

Now, I think that ought to stop. So I offered an amendment before the Committee on Rules which would simply say that if the Federal Government is going to make a foreign policy decision to allow refugees into this country, that they then ought to pay for the cost of educating and training them and providing worker training and providing language training so that a foreign policy decision of the U.S. Government does not become an unfair burden on local taxpayers.

Now, Gov. Pete Wilson of California has been making this point strenuously for years with respect to immigrants. I think the point is equally correct with respect to refugees. So my amendment would have required that Uncle Sam

pay for the costs of those refugees for the first 3 years rather than dumping it off on the local governments, and it would have required something which both the Bush administration and the Clinton administration tried to do but which they were blocked from doing by the court. And that is to require that, for the first year, those refugees be enrolled in intensive language training programs and job training programs so that they do not become long term burdens to local taxpayers.

□ 1645

I see absolutely nothing whatsoever wrong with that amendment, and I would point out this is not a new idea. Catholic Charities tested this approach in Chicago and they reduced the long-term percentage of refugees who remained on welfare by astounding percentages. They tried the same thing in San Diego and had similar very successful results. They tried it in Florida and also had very successful results.

So what the amendment would have tried to do is simply take a proposal which has already been tested at the local level in pilot projects and implement it, so that we require for any refugee that comes into this country for the first year, rather than marching them right into the local welfare office, as now occurs, that what you do is instead put them in a private program run by local PVO's to teach them job training and to teach them English. The long-term savings of that cannot be doubted. For the life of me, I do not understand any substantive reason why the Committee on Rules did not make that amendment in order.

We can talk all we want about cleaning up the immigration and refugee problems that this country faces, but until this Congress recognizes that they have absolutely no moral right to stick local property taxpayers with the cost of foreign policy decisions, this Congress is not living up to its job in dealing with major problems presented to local governments by actions of the Federal Government.

I do not see, for instance, why local school districts should be burdened with the inordinate cost of providing education and language training to legal refugees, rather than having the Federal Government meet the costs, since the Federal Government made the decision to require those costs to be incurred by somebody in the first place.

This is a case of the Federal Government, in my view, bugging out on its responsibilities to both the refugees they allow into this country and to the local communities and school districts who get hit with the consequences; and I think it is also a case in this instance of the Congress itself bugging out on its responsibilities to correct the situation, which is why I intend to support the amendment of the gentleman from California, if given that opportunity.

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 owe 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.

The illegal immigration we deal with by adding Border Patrol, by forward deploying those Border Patrolmen to the border, by putting in roads, and by putting in a triple fence, that will make it more difficult for smugglers to move people across the southern border of the United States.

The legal immigration we bring some degree of order to by bringing in accountability. That means when people sponsor other people, immigrants, to come to this country, the sponsor has to give some fiscal accountability. That person cannot just come in and get on welfare and bog our system down to the degree of $28 billion a year which the present legal immigrants are costing the system.

So it is important that we deal with these two questions together. It is important that we bring order to illegal immigration and to legal immigration. The gentleman from Texas [Mr. SMITH] has done an excellent job of balancing these competing interests and giving us an excellent package. We should vote for the rule and for the bill.

Mr. BEILENSON. 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 general I would say that there are 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 politics in this Chamber, but it is a little too much.

The fact that our subcommittee chairman, Mr. BRYANT, only got one small amendment, the gentleman from California, Mr. BECERRA, who has strong views on this issue, 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. SMITH] and 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 that 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 not deserve asylum. 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 right way. 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 when the INS caught up 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 some of these 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 it, and that is one of the reasons I will support the gentleman's amendment to modify the rule and allow that amendments like this one, carefully thought out, reasonable, dealing 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 pounding our Nation, but the Rules Committee did not make this amendment in order.

My amendment would have simply applied the employer 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 stretched 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 fake 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 includes 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 Senate's provision. If we truly want to get serious about stemming the tide of illegal immigration, we must eliminate the magnets which draw them here.

There are free enterprisers who claim not to care if illegal aliens come here to work.

But there is a dynamic at play that needs consideration. Many illegal immigrants work at wages so low even the illegal immigrants wouldn't accept the job—if not for the health care, education and other benefits provided by the taxpayers.

Government benefits subsidize the exploitation on illegals. As it turns out American taxpayers and illegal aliens are being exploited by avaricious businessmen who are not offering a living wage. Correcting the error of providing benefits will help solve the job problem as well.

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

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

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 essential 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 appropriate access to international 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 clogs family members such as parents and some children. This bill fails to protect American workers in the legal immigration provisions. Last, it fails to recognize the role that naturalization can serve to advance the Nation's immigration policy.

But what really, really is the most dramatic and in a way hypocritical part of this proposal is the provision on guest workers. We have a new agricultural guest worker program. At the same time we are saying no to immigration, we are saying it is OK to bring guest workers into the country.

What this provision would do is it would increase illegal immigration, it would reduce work opportunities for American citizens and other legal residents, it would depress wages and work standards for U.S. farm workers, and it is not a sustainable solution to any labor shortage which might develop.

Mr. Speaker, this is an important bill because it strikes at the core of the men and women in this country. We are a Nation of immigrants. Let us do this bill right, let us do it humanely, let us try to be efficient about it. The first thing we should do is separate legal immigration and illegal immigration. They are two different parts of the issue, of our society, of our morals. And then let us also be consistent. Let us find ways to deal with deterring illegal immigration, finding ways to improve the legal immigration program, but not go ahead and start a guest worker program which is totally antithetical to what we are trying to do.

Historically, our Nation has made few distinctions between legal immigrants and American citizens. Instead we have always drawn a clear line between legal immigrants and undocumented aliens.

Our current debate, however, combines legal and illegal immigration and focuses mainly on the economic outcomes while neglecting our social, cultural, and moral goals.

Despite the fact that the majority of nonrefugee immigrants of working age use welfare far less than their American counterparts, and that the Federal Government spends less on immigrants than on citizens, this bill denies legal residents the same benefits as other Americans.

Too many people wrongly believe 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 also start businesses, purchase goods and services, and create jobs, which is essential for the well-being of our economy.

The Immigration in the National Interest Act of 1995 treats legal and illegal immigration as if they were the same issue, places extreme income restrictions and eliminates family preference categories which will permanently keep American families apart.

Making good and fair policy requires clear separation of these two distinct parts of U.S. immigration policy.

□ 1700

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

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 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 respond to the concerns of the American people and reform our immigration laws.

The problems caused by illegal immigration are obvious. But a poorly constructed legal 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 or to bring elderly family members to the United States to retire at the taxpayer's expense. 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 all economic strata, as well as ethnic and social 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 in the National Interest 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 in the rule today 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 on the floor for debate, some 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, a child, a 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 will allow up to 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 try 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 California colleague 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 my 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 on the Judiciary 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-Berman-Brownback 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 and are actually moving two separate bills forward. But this amendment would not do that.

Mr. Speaker, what this amendment does is kill legal immigration 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 Pombo amendment which sets up an entirely new program with 250,000 new nonimmigrants 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 immigrants to fraudulently obtain jobs and take those jobs away from our citizens who need them.

Mr. Speaker, we must act quickly and decisively or the economic and social consequences for this country could be devastating. I urge my colleagues to support this bill and this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentlewoman from Miami, FL [Ms. ROS-LEHTINEN], who is here on the floor with her very able assistant Patty.

Ms. ROS-LEHTINEN. Mr. Speaker, I am an immigrant to this country. I arrived here in 1960 as a refugee from a tyranny that still rules the country of my birth, Cuba.

Immigration is an issue that has caught this country by storm, and the problems created by a growing number of illegal immigrants as well as by the 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 needed 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 of Texas. 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 second would promote 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. OBEY].

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, to strengthen the weak sanctions 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.

Mr. Speaker, 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 No. 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. 1324(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 PAPERWORK VIOLATIONS.—Section 274A(e)(5) (8 U.S.C. 1324a(e)(5)) is amended by striking ''$100'' and ''$1,000'' and inserting ''$200'' and ''$5,000'', respectively.

(c) INCREASED CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) (8 U.S.C. 1324a(f)(1)) 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 VIOLATIONS.

(a) EMPLOYER SANCTIONS.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

''(10) 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 Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act of 1993 (29 U.S.C. 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.''.

(b) ANTI-DISCRIMINATION.—Section 274B(g) (8 U.S.C. 1324b(g)) is amended by adding at the end the following new paragraph:

''(4) 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 Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act 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.''

(c) Section 274C(d) (8 U.S.C. 1324c(d) is amended by adding at the end the following new paragraph:

''(7) 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 violence of any of the following statutes:

''(i) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act, (29 U.S.C. 1801 et seq.), pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act 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.''

(d) 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. 410. INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 274(g)(2)(B)(iv) (8 U.S.C. 1324(g)(2)(B)) 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 ''$8,000'', 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 ''$200'' and ''$5,000'', respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to unfair immigration-related employment practices occurring on or after the date of the enactment of this Act.

SEC. 411. RETENTION OF EMPLOYER SANCTIONS FINES FOR LAW ENFORCEMENT PURPOSES.

(a) IN GENERAL.—Section 286(c) (8 U.S.C. 1356(c) is amended by striking the period at the end and inserting the following: ''and that all monies received during each fiscal year in payment of penalties under section 274A in excess of $5,000,000 shall be credited to the Immigration and Naturalization Service Salaries and Expenses appropriations account that funds activities and related expenses associated with enforcement of such section and shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendment 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(e)(2) (8 U.S.C. 1324(e)(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 inserting after subparagraph (B) the following new subparagraph

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place

prior to the filing of a complaint in a case under paragraph (3).''.

(2) DOCUMENT FRAUD CASES.—Section 274C(d)(1) (8 U.S.C. 1324(A)(3)(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 inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—(1) The Immigration and Nationality Act is amended by inserting after section 293 the following new section:

''SUBPOENA AUTHORITY OF SECRETARY OF LABOR

''SEC. 294. IN GENERAL.—The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in section 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 293 the following new item:

''Sec. 294. Subpoena authority of Secretary of Labor.''.

NO. 34, TO BE OFFERED BY MR. OBEY OF WISCONSIN

At the end of subtitle B of title VIII insert the following new sections:

SEC. 837. EXPANSION OF PERIOD AND SCOPE OF RESPONSIBILITY OF SPONSORING AGENCY.

(a) SPONSORING AGENCY RESPONSIBLE FOR FIRST 12 MONTHS.—

(1) IN GENERAL.—Section 412(a)(7)(C) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(7)(c)) is amended by adding at the end following: ''Such responsibility shall extend over the 12-month period beginning with the first month in which such refugee has entered the United States and shall include responsibility for health insurance.''.

(2) INCREASE IN GRANT AMOUNTS TO REFLECT ADDITIONAL RESPONSIBILITIES.—The grant amounts provided under section 412(a) of the Immigration and Nationality Act for refugees who enter the United States on or after October 1, 1996, shall be increased by such amount as may be necessary to permit sponsoring agencies to assume the additional responsibilities required under the amendment made by paragraph (1), including providing greater case management in order to facilitate refugees' promptly securing employment and assimilating into the community.

(b) LIMITATION ON REFUGEE CASH AND MEDICAL ASSISTANCE.—Section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding any other provision of law, during the first 12 months of such 36-month period, during which the sponsoring agency is responsible under subsection (a)(7)(C) for meeting basic needs (including health insurance), only elderly and disabled refugees are eligible for any Federal or State program of cash or medical assistance.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to refugees who enter the United States on or after October 1, 1996.

SEC. 3. EDUCATIONAL IMPACT AID.

(a) IN GENERAL.—Section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Education is authorized to make grants, and enter into contracts, for payments to local educational agencies which are identified as being heavily and disproportionately impacted by groups of refugees that are historically dependent on welfare or otherwise historically more difficult to assimilate into the community.

''(B) The amount of payment to a local educational agency shall be based on the number of refugees served by the agency and the average per pupil costs in the State in which the agency is located.

''(C) Funds provided under this paragraph may be used to pay for educational services for refugees, including purposes described in section 7307 of the Elementary and Secondary Education Act of 1965.

''(D) The number of refugees shall be computed under this paragraph without regard to the period of time in which the refugees have been in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning with fiscal year 1997.

NO. 35, TO BE OFFERED BY MR. BRYANT OF TEXAS

Amend section 806 to read as follows:

SEC. 806. CHANGES RELATING TO H–1B NONIMMIGRANTS.

(a) ATTESTATIONS.—

(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, and''.

(2) DISPLACEMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following new subparagraph:

''(E)(i) 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 application, and within 90 days before and after the filing of a petition for 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

''(III) an alien authorized to be so employed by this Act or by the Attorney General.

''(iii) For purposes of this subparagraph, the term 'laid off', with respect to an employee, means the employee's loss of employment, other than a discharge for cause or a voluntary departure or voluntary retirement.''.

(3) RECRUITMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraph (2), 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—

''(i) 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

''(ii) 100 percent of the prevailing wage level for individuals in such employment in the area of employment, whichever is greater, based on the best information available as of the date of filing the application, and offering the same benefits and additional compensation provided to similarly-employed workers by the employer.''.

(4) DEPENDENCE ON H–1B WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) Whether the employer is dependent on H–B workers, as defined in clause (ii) and in such regulations as the Secretary of Labor may develop and promulgate in accordance with this paragraph.

''(ii) For purposes of clause (i), an employer is 'dependent on H–1B workers' if the employer—

''(I) has fewer than 41 full-time equivalent employees who are employed in the United States and employs four or more nonimmigrants under section 101(a)(15)(H)(i)(b); or

''(II) has at least 41 full-time equivalent employees who are employed in the United States, and employees nonimmigrants described in section 101(a)(15)(H)(i)(b) in a number that is equal to at least ten percent of the number of such full-time equivalent employees.

''(iii) In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer under this subparagraph. Aliens with respect to whom the employer has filed such an application shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b), under this paragraph.''.

(5) JOB CONTRACTORS.—(A) Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) through (4), is further amended by inserting after subparagraph (G) the following new subparagraph:

''(H) In the case of an employer that is a job contractor (within the meaning of regulations promulgated by the Secretary of Labor to carry out this subsection), the contractor will not place any H–1B employee with another employer unless such other employer has executed an attestation that the employer is complying and will continue to comply with the requirements of this paragraph in the same manner as they apply to the job contractor.''.

(B) Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following new subparagraph:

''(E) The provisions of this paragraph shall apply to complaints respecting a failure of another employer to comply with an attestation described in paragraph (1), that has been made as the result of the requirement imposed on job contractors under paragraph (1)(H), in the same manner that they apply to complaints of a petitioner with respect to a failure to comply with a condition described in paragraph (1) by employers generally.''.

(b) SPECIAL RULES FOR EMPLOYERS DEPENDENT ON H–1B WORKERS.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following new paragraph:

''(3)(A) No alien may be admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the employer who is seeking the services of such alien has attested under paragraph (1)(G) that the employer is dependent on H–1B workers unless the following conditions are met:

''(i) The Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that the employer who is seeking the services of such alien is taking steps described in subparagraph (C) (including having taken the step described in subparagraph (D)).

''(ii) The alien has demonstrated to the satisfaction of the Secretary of State and the Attorney General that the alien has a residence abroad which he has no intention of abandoning.

''(B)(i) It is unlawful for a petitioning employer to require, as a condition of employment by such employer, or otherwise, that the fee described in subparagraph (A)(i), or any part of it, be paid directly or indirectly by the alien whose services are being sought.

''(ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to a civil penalty of $5,000 for each violation, to an administrative order requiring the payment of the fee described in subparagraph (A)(i), and to disqualification for 1 year from petitioning under section 204 or 214(c).

''(iii) Any amount determined to have been paid, directly or indirectly, to the fund by the alien whose services were sought, shall be repaid from the fund or by the employer, as appropriate, to such alien.

''(C)(i) An employer who attests under paragraph (1)(G) to dependence on H–1B workers shall take timely, significant, and effective steps (including the step described in subparagraph (D)) to recruit and retain sufficient United States workers in order to remove as quickly as reasonably possible the dependence of the employer on H–1B workers.

''(ii) For purposes of clause (i), steps under clause (i) (in addition to the step described in subparagraph (D)) may include the following:

''(I) Operating a program of training existing employees who are United States workers in the skills needed by the employer, or financing (or otherwise providing for) such employees' participation in such a training program elsewhere.

''(II) Providing career development programs and other methods of facilitating United States workers in related fields to acquire the skills needed by the employer.

''(III) Paying to employees who are United States workers compensation that is equal in value to more than 105 percent of what is paid to persons similarly employed in the geographic area.

The steps described in this clause shall not be considered to be an exhaustive list of the significant steps that may be taken to meet the requirements of clause (i).

''(iii) The steps described in clause (i) shall not be considered effective if the employer has failed to decrease by at least 10 percent in each of two consecutive years the percentage of the employer's total number of employees in the specific employment in which the H–1B workers are employed which is represented by the number of H–1B workers.

''(iv) The Attorney General shall not approve petitions filed under section 204 or 214(c) with respect to an employer that has not, in the prior two years, complied with the requirements of this subparagraph (including subparagraph (D)).

''(D)(i) The step described in this subparagraph is payment of an amount consistent with clause (ii) by the petitioning employer into a private fund which is certified by the Secretary of Labor as dedicated to reducing the dependence of employers in the industry of which the petitioning employer is a part on new foreign workers and which expends amounts received under this subclause consistent with clause (iii).

''(ii) An amount is consistent with this clause if it is a percent of the value of the annual compensation (including wages, benefits, and all other compensation) to be paid to the alien whose services are being sought, equal to 5 percent in the first year, 7.5 percent in the second year, and 10 percent in the third year.

''(iii) Amounts are expended consistent with this clause if they are expended as follows:

''(I) One-half of the aggregate amounts are expended for awarding scholarships and fellowships to students at colleges and universities in the United States who are citizens or lawful permanent residents of the United States majoring in, or engaging in graduate study of, subjects of direct relevance to the employers in the same industry as the petitioning employer.

''(II) One-half of the aggregate amounts are expended for enabling United States workers in the United States to obtain training in occupations required by employers in the same industry as the petitioning employer.''.

(c) INCREASED PENALTIES FOR MISREPRESENTATION.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in subparagraph (C) in the matter before clause (i), by striking ''(1)(C) or (1)(D)'' and inserting ''(1)(C), (1)(D), (1)(E), or (1)(F) or to fulfill obligations imposed under subsection (b) for employers defined in subsection (a)(4)'';

(2) in subparagraph (C)(i), by striking ''$1,000'' and inserting ''$5,000'';

(3) by amending subparagraph (C)(ii) to read as follows:

''(ii) the Attorney General shall not approve petitions filed with respect to that employer (or any employer who is a successor in interest) under section 204 or 214(c) for aliens to be employed by the employer—

''(I) during a period of at least 1 year in the case of the first determination of a violation or any subsequent determination of a violation occurring within 1 year of that first violation or any subsequent determination of a nonwillful violation occurring more than 1 year after the first violation;

''(II) during a period of at least 5 years in the case of a determination of a willful violation occurring more than 1 year after the first violation; and

''(III) at any time in the case of a determination of a willful violation occurring more than 5 years after a violation described in subclause (II).''; and

(3) in subparagraph (D), by adding at the end the following: ''If a penalty under subparagraph (C) has been imposed in the case of a willful violation, the Secretary shall impose an additional civil monetary penalty on the employer in an amount equalling twice the amount of backpay.''.

(d) LIMITATION ON PERIOD OF AUTHORIZED ADMISSION.—Section 214(g)(4) (8 U.S.C. 1184(g)(4)) is amended—

(1) by inserting ''or section 101(a)(15)(H)(ii)(b)'' after ''section 101(a)(15)(H)(i)(b)''; and

(2) by striking ''6 years'' and inserting in lieu thereof ''3 years''.

(e) REQUIREMENT FOR RESIDENCE ABROAD.—Section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by inserting ''who has a residence in a foreign country which he has no intention of abandoning,'' after ''212(j)(2),''.

(f) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

(2) The amendments made by subsection (d) shall apply with respect to offenses occurring on or after the date of enactment of this Act.

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. 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 looked at questions like 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 down at 1600 Pennsylvania Avenue has stood in the way of our attempts to deal responsibly with this.

Mr. BEILENSON. Mr. Speaker, would my friend yield on that subject?

Mr. DREIER. Mr. Speaker, I am trying to give my closing remarks.

Mr. BEILENSON. They are the same as your opening remarks, I would say to my friend. I want to say this only in fairness. As the gentleman well knows, this is a bipartisan issue that many of us on both sides have been working hard together on. And I really think it is fair to point out that the gentleman's comment about the President, his position, is unfair and uncalled for.

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This is the first administration in history that has tried to help us do something about illegal immigration. Neither he, nor we, have been entirely successful.

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 of illegals. 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. RIGGS). The gentleman from California [Mr. DREIER] declines to yield to the gentleman from California [Mr. BEILENSON].

Mr. DREIER. Mr. Speaker, I appreciate the very kind remarks from my friend from Los Angeles.

Mr. Speaker, I am stating the facts as to what this administration has done. The President stood here in his State of the Union message and said he is what my friend, 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 he can sign this legislation and so that he will be able to be exactly what my friend, the gentleman from California [Mr. BEILENSON], claims that he is. Unfortunately he has not been that 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 facing the 104th 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 54-member, 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 overstays. I want to again thank the chairs of those groups, Representatives ROYCE, DEAL, GOSS, MCCOLLUM, CONDIT, and GOODLATTE for all their hard work.

In order to obtain a first-hand 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 6 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 crisis. 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–GA).
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).
John Duncan (R–TN).
Bill Archer (R–TX).
Bob Goodlatte (R–VA).
John Shadegg (R–AZ).
Tony Beilenson (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).
Jan Meyers (R–KS).
Bill Emerson (R–MO).
Joe Skeen (R–NM).
Marge Roukema (R–NJ).
Susan Molinari (R–NY).
Frank Cremeans (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 at 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 and relevant congressional committees by June 30, 1995. Chairman Gallegly was asked by the Speaker to develop recommendations to end illegal entry and to encourage those residing in our country illegally 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 immigration policy that need to be reformed: Border Enforcement, Chaired by Congressman Royce (R–CA); Workplace Enforcement, Chaired by Congressman Deal (R–GA); Public Benefits, Chaired by Congressman Goss (R–FL); Political Asylum, Chaired by Congressman McCollum (R–FL); Deportation, Chaired by Congressman Condit (D–CA); and Visa Overstays, Chaired by Congressman Goodlatte (R–VA). These working groups made specific recommendations to the entire Task Force.

This report represents the findings and recommendations agreed to by the members of the Immigration Reform Task Force, as requested by the Speaker. Members who were not in agreement with recommendation of the Task Force were invited to present dissenting views. They are included in Appendix II of this report. The recommendations contained within this report are to serve as the basis 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. Only the federal government can pass, implement, and enforce immigration laws.

America is also often described as a ''land of opportunity.'' While that is also true, our nation is not a nation of unlimited resources. The impact of illegal immigration is profound: it severely affects certain local, state and federal budgets; it increases the crime rate and threat to public safety; it displaces American workers; and it is linked to narcotics trafficking. But most of all, illegal immigration is in itself against the law.

This report discusses 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), the last major attempt by Congress to deal with 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 procedures necessary to accomplish the two principal objectives identified by the Speaker—to prevent illegal entry and to identify, apprehend and remove illegal aliens already in this country. The Congressional 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 goals and put an end to illegal immigration.

Preventing and Deterring 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. Lax 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 include:

Merge Customs enforcement with INS enforcement at ports of entry to overcome management deficiencies and streamline operations.

Double the number of border patrol agents stationed at the border to 10,000 in three years.

Form a mobile border patrol response team so that INS is prepared and can respond to emergency situations.

Construct triple barrier 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.

For illegal aliens caught re-entering the country twice within one year, the INS would have the ability to seize assets.

Mandatory prosecution and full sentencing of all illegal aliens caught re-entering the United States over 2 times.

Increase penalties for immigrant smuggling so that first offenses carry fines and a minimum of three years imprisonment, assessed on a per immigrant (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 country of citizenship. Task Force recommendations in this area include:

Implement an aggressive campaign against fraudulent documents by creating an interstate database of birth and death records and standardizing birth certificates.

Increase criminal penalties for possession and production of fraudulent documents from five years to fifteen years.

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 a tamper-proof social security card.

Increase penalties on businesses who hire illegal aliens.

Deny all federal public benefits to illegal aliens except 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 and services, with penalties.

Allow states to notify INS of the presence of illegal aliens so that INS can apprehend and deport such individuals.

End birthright citizenship to children of illegal immigrants.

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 be equipped, 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 key recommendations by 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 inadmissable 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 excludable, placing them in the same position as aliens who attempt to enter illegally at a port of entry.

Require detention of all criminal aliens.

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 our country.

Develop computerized system to identify visa overstays to increase deportations of long-term violators.

Deny long-term visa overstays from receiving future visas.

Tighten visa issuance procedures in problem countries.

Eliminate consulate shopping for persons seeking visas to improve screening of visa applicants.

Restrict visa waiver program to countries with low visa overstay rates.

This strategy also includes long overdue political asylum reforms. Simply put, the abuse in this system has to be stopped. Persons with valid claims who are fleeing persecution abroad need to be processed and approved quickly. On the other hand, those

with fraudulent applications need to be adjudicated and returned overseas without tying up our courts for years. Key recommendations are:

Provide procedures for expedited exclusion of persons claiming asylum.

Streamline present exclusion procedures and decrease length of asylum process.

Deny political asylum to alien terrorists.

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, with 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 precleared to review the classified information, but who could not discuss that vital 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 arriving at the border without 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 truly 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 these 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 in the 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 filed 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 nonimmigrant foreign workers to do their jobs. It was contrary to good public policy when it was enacted—and I voted against it—and it is contrary to good public policy now.

My amendment will protect skilled U.S. workers from being laid off to benefit foreign workers. It will require employers to recruit U.S. workers who have the skills for these jobs. it will require employers to help train U.S. workers who want these jobs. And, it will give U.S. workers a better shot at getting those jobs. H.R. 2202 does none of this.

And, don't be fooled by assertions that my amendment will somehow cause America to lose its competitive edge, that we won't be able to get the best and the brightest brains from around the world. The Department of Labor reports that 50 percent of all H–1B workers brought in are physical and respiratory therapists 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 ayes appeared to have it.

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 period of time within 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:

[Roll No. 68]

YEAS—233

Allard	Dreier	Largent
Archer	Duncan	LaTourette
Armey	Dunn	Laughlin
Bachus	Ehlers	Lazio
Baker (CA)	Ehrlich	Leach
Baker (LA)	Emerson	Lewis (CA)
Ballenger	English	Lewis (KY)
Barr	Ensign	Lincoln
Barrett (NE)	Everett	Linder
Bartlett	Ewing	Livingston
Barton	Fields (TX)	LoBiondo
Bass	Foley	Lofgren
Bateman	Forbes	Longley
Bereuter	Fowler	Lucas
Bevill	Fox	Manzullo
Bilbray	Franks (CT)	McCollum
Bilirakis	Franks (NJ)	McCrery
Bliley	Frelinghuysen	McDade
Blute	Frisa	McHugh
Boehlert	Funderburk	McInnis
Boehner	Gallegly	McIntosh
Bonilla	Ganske	McKeon
Bono	Gekas	Metcalf
Boucher	Geren	Meyers
Brewster	Gilchrest	Mica
Browder	Gillmor	Miller (FL)
Brownback	Gilman	Molinari
Bunn	Goodlatte	Montgomery
Bunning	Goodling	Moorhead
Burr	Goss	Morella
Burton	Graham	Myers
Buyer	Greenwood	Myrick
Callahan	Gunderson	Nethercutt
Calvert	Hall (TX)	Neumann
Camp	Hancock	Ney
Campbell	Hansen	Norwood
Canady	Hastert	Nussle
Castle	Hastings (WA)	Oxley
Chabot	Hayworth	Packard
Chambliss	Hefley	Parker
Chenoweth	Heineman	Paxon
Christensen	Herger	Petri
Clinger	Hilleary	Pombo
Coble	Hobson	Portman
Coburn	Hoekstra	Quillen
Collins (GA)	Horn	Quinn
Combest	Houghton	Ramstad
Condit	Hunter	Regula
Cooley	Hutchinson	Richardson
Cox	Hyde	Riggs
Cramer	Istook	Roberts
Crane	Johnson (CT)	Rogers
Crapo	Johnson, Sam	Rohrabacher
Cremeans	Jones	Ros-Lehtinen
Cubin	Kasich	Roth
Cunningham	Kelly	Roukema
Davis	Kim	Royce
Deal	King	Salmon
DeLay	Kingston	Sanford
Diaz-Balart	Klug	Saxton
Dickey	Knollenberg	Scarborough
Doolittle	Kolbe	Schaefer
Dornan	LaHood	Schiff

Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—152

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Coleman
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Evans
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran
Murtha
Neal
Oberstar
Obey
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thurman
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—46

Bishop
Bryant (TN)
Chrysler
Clay
Clyburn
Collins (IL)
Costello
Dellums
Durbin
Eshoo
Farr
Fawell
Filner
Flanagan
Gutierrez
Hayes
Hoke
Hostettler
Hoyer
Inglis
Johnston
Kennedy (MA)
Latham
Lightfoot
Lipinski
Maloney
Martini
Meehan
Moakley
Nadler
Olver
Peterson (FL)
Porter
Pryce
Radanovich
Rangel
Rush
Stokes
Talent
Thompson
Thornton
Torres
Torricelli
Walker
Waters
Waxman

□ 1736

The Clerk announced the following pair: On this vote:

Mr. Radanovich for, with Mr. Filner against.

Mr. PAYNE of Virginia changed his vote from ''yea'' to ''nay.''

Mrs. SEASTRAND changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

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.

PERSONAL EXPLANATION

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.''

PERSONAL EXPLANATION

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 (Mr. RIGGS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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.

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.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2937, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 43, not voting 38, as follows:

[Roll No. 69]

YEAS—350

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley

Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walsh
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—43

Baesler
Barr
Brownback
Campbell
Christensen
Coburn
Conyers
Cooley
Ensign
Gordon
Green
Gutknecht
Hall (TX)
Hastings (FL)
Jacobs
Kanjorski
Klug
Lincoln
Lofgren
McKinney
McNulty
Meek
Metcalf
Mollohan
Neumann
Orton
Owens
Ramstad
Royce
Sanford
Scarborough
Schroeder
Sensenbrenner
Shadegg
Stenholm
Tiahrt
Volkmer
Wamp
Waxman
White
Whitfield
Williams
Yates

NOT VOTING—38

Ackerman
Bishop
Bryant (TN)
Chrysler
Clay
Clyburn
Collins (IL)
Dellums
Durbin
Fawell
Filner
Flanagan
Gutierrez
Hayes
Hoke
Hostettler
Inglis
Johnston
Kennedy (MA)
Latham
Lipinski
Maloney
Meehan
Moakley
Murtha
Nadler
Peterson (FL)
Porter
Pryce
Radanovich
Rangel
Rush
Stokes
Thompson
Thornton
Torricelli
Walker
Waters

□ 1756

Messrs. ENSIGN, 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 was 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.

PERSONAL EXPLANATION

Mr. LATHAM. Mr. Speaker, on rollcall No. 69, I was unavoidably detained. Had I been present, I would have voted ''yea.''

□ 1800

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. GILMAN] 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. Pursuant to clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 14, answered ''present'' 7, not voting 41, as follows:

[Roll No. 70]

AYES—369

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOES—14

Combest
Conyers
Danner
Houghton
Kanjorski
Matsui
McDermott
Minge
Pickett
Sawyer
Serrano
Watt (NC)
Yates
Young (FL)

ANSWERED ''PRESENT''—7

Becerra
de la Garza
Kaptur
LaFalce
Mink
Skaggs
Woolsey

NOT VOTING—41

Ackerman
Bishop
Bryant (TN)
Chrysler
Clay
Clyburn
Collins (IL)
Dellums
Doolittle
Durbin
Fattah
Fawell
Filner
Flanagan
Gilchrest
Gutierrez
Hayes
Hoke
Hostettler
Inglis
Johnston
Kennedy (MA)
Lipinski
Maloney
Meehan
Moakley
Murtha

Nadler	Rangel	Thornton
Peterson (FL)	Rush	Torricelli
Porter	Stokes	Walker
Pryce	Taylor (NC)	Waters
Radanovich	Thompson	

□ 1810

The Clerk announced the following pair:

On this vote:

Mr. Radanovich and Mr. Rangel for, with Mr. Dellums 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 invasion, missile 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. 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 to 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 naval blockade by the People's Republic of China.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, earlier today I was unavoidably detained because the 1-hour flight from New York took 4. I consequently missed three rollcall votes. Had I been present for rollcall No. 68 on the previous question, I would have voted ''no''; had I been present for rollcall No. 69 on the Travel Office Reimbursement, I would have voted ''yes''; had I been present for rollcall No. 70, the Defense of Taiwan Resolution, I would have voted ''yes.''

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 in the National Interest Act of 1995; "yes" on rollcall vote 69, H.R. 2937, reimbursement of Former White House Travel Office employees; and "yes" on rollcall vote 70, House Concurrent Resolution 148, a sense of the congress regarding military stability in the Taiwan Strait and the defense of Taiwan."

IMMIGRATION IN THE NATIONAL INTEREST ACT

Mr. SPEAKER pro tempore. Pursuant to House Resolution 384 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2202.

□ 1813

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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 with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Texas [Mr. SMITH] will be recognized for 60 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 60 minutes.

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

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 he who has been captain of the ship, and it is his steady hand at the helm who has brought us to these shores tonight.

□ 1815

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

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. Still others enter 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 unifying 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 immigration—removing 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 multinational executives and managers by placing these two immigrant categories in a new high priority—second preference—exempt from time consuming labor certification requirements. We restored a national interest waiver of labor certification requirements and delineated specific criteria for its exercise. In addition to adopting these two amendments which 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 up to 50 percent. 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 bill restored a modified 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 but have high demand for diversity visas. The program will help to compensate for the fact that nationals of many countries—such as Ireland—generally have not been eligible to immigrate on the basis of family reunification.

This week we have the opportunity to pass legislation that will give us needed tools to address illegal immigration and facilitate a more realistic approach to legal immigration. Our final work product should include an employment verification mechanism, because America's businesses cannot effectively implement the bar against employing illegal aliens without some confirmation mechanism. H.R. 2202 appropriately gives expression to the utility of reviewing immigration levels periodically, but we need to adopt an amendment by the gentleman from Kansas [Mr. BROWNBACK] and the gentleman from Illinois [Mr. GUTIERREZ] that deletes language in the bill imposing a sunset on immigrant admissions in the absence of reauthorization because such a provision can create serious potential hardships for families and major disruptions for American businesses.

There are two other amendments I wish to comment on briefly at this time. An amendment by the gentleman from Florida [Mr. CANADY] will require that employment-based immigrants and diversity immigrants demonstrate English language speaking and reading ability. I plan to support it because I believe that our common language is an essential unifying force in this pluralistic society and a key to success in the American work force. An amendment by the gentleman from Wisconsin [Mr. KLECZKA] reimburses fees to Polish nationals who applied for the 1995 diversity immigrant program without being selected. Such recompense is entirely appropriate because the State Department erred in its handling of applications from nationals of Poland.

This omnibus immigration reform legislation, introduced by the gentleman from Texas, LAMAR SMITH, chairman of the Subcommittee on Immigration and Claims, makes major needed changes in the Immigration and Nationality Act. A number of the bill's provisions are consistent with recommendations made by the Congressional Task Force on Immigration Reform, chaired by the gentleman from California, ELTON GALLEGLY, as well as by the U.S. Commission on Immigration Reform, chaired by our former colleague, the late Barbara Jordan. I also note that the administration finds itself in agreement with significant portions of the bill before us. The extent of bipartisan interest in achieving immigration reform must not be overlooked as Members debate this legislation.

The Committee on the Judiciary, during a long markup on nine different days, improved provisions on both illegal and legal immigration. We favorably reported H.R. 2202 as amended by a recorded vote of 23 to 10.

Immigration reform is very high on the list of national concerns—underscoring the importance of our task this week. I fully recognize the complexity of this issue—socially, economically, and emotionally. These are problems that generate strongly held views. Nevertheless, I am confident that this House will debate these matters with civility, patience and good will. The 104th Congress can make a major contribution toward solving our nation's immigration problems and active consideration of H.R. 2202 represents a forward step in that direction.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, on the other side of the aisle from me is the ranking minority member of the Subcommittee on Immigration, my friend and colleague, the gentleman from Texas, [Mr. JOHN BRYANT]. He has been an equal partner in this effort to reform our immigration laws, and I want to thank him as well.

Mr. Chairman, we now begin consideration of immigration legislation that reduces crime, unites families, protects jobs, and eases the burden on taxpayers. A sovereign country has a profound responsibility to secure its borders, to know who enters for how long and why. Citizens rightfully expect Congress to put the national interest first.

In approving the Immigration in the National Interest Act, Congress will provide a better future for millions of Americans and for millions of others who live in foreign lands and have yet to come to America. This pro-family, pro-worker, pro-taxpayer bill reaffirms the dreams of a nation of immigrants that has chosen to govern itself by law.

Immigration reform of this scope has been enacted by only three Congresses this century. The consideration of this bill is a momentous time for us all.

As the debate goes forward, my hope is that the discussion on the House floor will mirror the high level of debate evident when the Committee on the Judiciary considered this legislation earlier this year. Even though there were disagreements over many issues, the complex and sensitive subject of immigration reform was dealt with rationally and with mutual respect for each others positions. This is not to say that feelings about immigration do not run high. But it would be just as unfair, for example, to call someone who wanted to reform immigration laws anti-immigrant as it would be to call someone who opposed immigration reform anti-American.

The Immigration in the National Interest Act addresses both illegal and legal immigration. As a bipartisan Commission on Immigration Reform and the administration also have concluded, both are broken and both must be fixed. To wait any longer would put us on the wrong side of the strong feelings of the American people, on the wrong side of common sense, and on the wrong side of our responsibility as legislators.

Illegal immigration forces us to confront the understandable desire of people to improve their economic situation. Illegal aliens are not the enemy. I have talked with them in detention facilities along our southern border. Most have good intentions. But we cannot allow the human faces to mask the very real crisis in illegal immigration.

For example, illegal aliens account for 40 percent of the births in the public hospitals of our largest State, California. These families then are eligible to plug into our very generous government benefit system. Hospitals around the country report more and more births to illegal aliens at greater and greater cost to the taxpayer.

I would like to refer now to a chart and draw my colleagues' attention to the one that is being put on the easel right now. Over one-quarter of all Federal prisoners are foreign born, up from just 4 percent in 1980. Most are illegal aliens that have been convicted of drug trafficking. Others, like those who bombed the World Trade Center in New York City or murdered the CIA employees in Virginia, have committed particularly heinous acts of violence.

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 in pain and suffering 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 each year. Fraudulent documents 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 patrol agents, increases interior enforcement, expedites the deportation of illegal aliens, and strengthens penalties. The goal is to 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 to work, to produce, to contribute to our communities. My home State of Texas has thousands of legal immigrants 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 flagrant abuse of 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 I refer to now shows 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.

It is sometimes said that immigrants pay more in taxes than they get in welfare benefits. However, taxes go for more then just welfare. They go toward defense, highways, the national debt, and so on. Allocating their taxes to all Government programs, legal immigrants cost taxpayers a net $25 billion a year, according to economist George Borjas. His study also found that unlike a generation ago, today immigrant households are more likely to receive welfare than native households.

One-half of the decline in real wages among unskilled Americans results from competition with unskilled immigrants, according to the Bureau of Labor Statistics. Most adversely impacted are those in urban areas, particularly minorities. As the Urban Institute says, ''Immigration reduces the weekly earnings of low-skilled African-American workers.''

Significantly, wage levels in high immigration States, like California, Texas, New York, Florida, and Arizona, have declined compared to wages in other States, the Economic Policy Institute reports. Over half of all immigrants have few skills and little education. They often depress wages, take jobs away from the most vulnerable among us, and end up living off the taxpayer. Admitting so many low-skilled immigrants makes absolutely no sense.

Those who favor never-ending record levels of immigration simply are living in the abstract. But most Americans live in the real world. They know their children's classrooms are bulging. They see the crowded hospital emergency rooms. They sense the adverse impact of millions of unskilled immigrants on wages. They feel the strain of trying to pay more taxes and still make ends meet.

The Immigration in the National Interest Act fixes a broken immigration system. With millions of immigrants backlogged, priorities must be set.

I would like to point to the chart that shows to my colleagues that under this bill the number of extended family members is reduced in order to double the number of spouses and minor children admitted, which will cut their rate in half.

Greater priority is also given to admitting skilled immigrants, while the number of unskilled immigrants is decreased. Current law, which holds the sponsors of immigrants financially responsible for the new arrivals, is better enforced. This should reverse the trend toward increased welfare participation.

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 America's continued generosity 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.

Our approach to reducing 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. 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 do not fix a broken immigration system. Congress must act now to put the national interest first and secure our borders, protect lives, unite families, save jobs, and lighten the load on law-abiding taxpayers.

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.)

□ 1830

Mr. GALLEGLY. Mr. Chairman, I rise in strong support of H.R. 2202, the Immigration in the National Interest Act.

I first joined this body nearly 10 years ago, about the time I began talking about the need for the Federal Government to bring badly needed reforms to our Nation's immigration laws. Unfortunately, for many of those years I felt like I was talking to myself.

That is clearly no longer the case. Immigration reform is an issue on the minds of nearly all Americans, and nearly all express deep dissatisfaction with our current system and the strong desire for change. Today, we begin the historic debate that will deliver that change. I truly believe that the bill before us represents the most serious and comprehensive reform of our Nation's immigration law in modern times. It also closely follows the recommendations of both the Speaker's Task Force on Immigration Reform, which I

chaired, and those of the Jordan Commission.

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 the balance of 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 somebody somewhere consulted 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 anxious about 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. This card is brought on by 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. It might be 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, to 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 brought in 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 costed out at 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 may be prohibitive 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 a sponsor earn 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 means that 91 million 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 computers 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. This 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 the rich. I do not know 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 and cartel kingpins, people 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 unfavorite 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 that objectionable. I hope that we do not continue the practice.

☐ 1845

We also have a situation in the H–1B employers in which we find that they are bringing in even skilled workers. Example: Computer graduates from India who are displacing American-trained

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 easily. So I would like to discuss and 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 employment 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. Bring more 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 particular measure, 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 that provision 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 we required of 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 as a result of 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 has to be solvent before they can sponsor an immigrant coming 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 3 years. If it does not work, we will not 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 of someone to find out whether they are eligible to work. The whole point of the verification system, of course, is to reduce the fraudulent use of use of fraudulent documents, protect jobs for American citizens and legal immigrants already in this country, and help reduce discrimination at the workplace.

The error rate that the gentleman mentioned was not an error rate. It is called a secondary verification rate, and sometimes it ranges from 17 to 20 percent, as was mentioned. But this is just simply showing that the system works. Those are the times when there was not a person with the right 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 free market approach to labor in this country, but I want to say to him that that is exactly why I drew up some of the figures I did about the unskilled in this country, when we continue to allow hundreds of thousands of individuals to gain entry to our country who do not have skills and do not have education. As the gentleman said, they are going to compete directly with our own citizens and own legal immigrants who are unskilled and uneducated, and that is why we see so often in the urban areas that wages are depressed and jobs are lost as a result.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, immigration reform, unfortunately, is one of those hot button issues that politicians use for their own purposes. However, here on the floor of the House of Representatives, we should not be politicians, but rather we should be legislators. It seems to me, we should shoulder the responsibility the Constitution gives us to determine what our immigration policy should be and to enact the laws which implement such policy.

H.R. 2202 says our immigration policy should be ''In the National Interest''—that immigration should benefit the country as a whole. According to the Roper poll in December 1995, 83 percent of those polled want a reduction in all immigration and 75 percent want illegal aliens removed. H.R. 2202 is a step in that direction.

President Clinton organized a Commission headed by the late Barbara Jordan to study our immigration policies, to see if the current system is working, and to make recommendations if it is not. H.R. 2202 contains over 80 percent of those recommendations—recommendations which include legal and illegal immigration.

The committee will be asked to vote later on to strike some of the sections on legal immigration because they, ''don't belong in a bill about illegal immigration.'' This bill is not about legal or illegal immigration, it is about our national immigration policy—immigration in the national interest. A national interest which is impacted by both legal and illegal immigration.

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 and 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.

To say that jobs, education, or taxpayer financed programs should be for those who are in our country legally is not ''anti-immigrant'' or ''isolationist.'' Rather it says that the Congress is finally serious about regaining control of 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 wan 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 that I have heard 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 means test 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, perhaps coming 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.

□ 1900

How many succeeded in entering the country and stayed is not known, although most estimates agree it is about 300,000 people. The fact of the matter is, though, we have an enormous number of people coming into this county at a very rapid rate.

The basic question that we cannot ignore, and I appeal to those Republicans who are paying attention to certain businesses that are anxious to have more folks in here so they can get cheap laborers, and many Democrats who are concerned about the civil libertarian impact of this, who are concerned about being fair to people as we have always done on our side; I say we cannot responsibly avoid the bottom line conclusion that we have a huge number of people entering the country legally, and a smaller number but a large number entering the country illegally, and it is increasing our population very rapidly.

Perhaps the best speech in this debate has already been made on the rule, when the gentleman from California [Mr. BEILENSON], a member of the Committee on Rules, observed that our current population of 263 million people is going to reach 275 million people in 4 years, more than double the size of the country at the end of the World War II.

The long-term picture of this population situation is even more alarming. Our Census Bureau conservatively 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 on this floor and talk about how to 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 that people who are willing to work 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 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. I offered it in the Committee on Rules and they refused to let us bring it to the floor. We will deal with that probably on the motion to recommit.

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 somebody does not 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 going to have to go along 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, we will 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.

Think of what that 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 where the big numbers are. We either deal with legal immigration or we admit that we are not going to be serious and not going to 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 support, were to succeed, I could 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 could speak 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 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 us 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 in which folks that are trying to 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 801,000,'' not 1 million or 1¼ 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.

I just wanted 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 Department of State, which 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 bottomline 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 question of 800,000 a year, and 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 2.8 million, and from 1991 to 1995 it was 5.3 million, about twice as much, and even by Mr. Berman's 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 say to 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 legal immigration 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 for my own 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. We 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, and just pound 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 more 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 3 minutes 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 legal 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 Nation of ours. So I urge 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 asylum provisions. We have had people claiming political aslym wrongfully 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 credible claim of 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 offer a very simple amendment here shortly that is going to go to that problem on the Social Security card, which will be one of the six cards, one of the six documents that we will have to choose from when you go to seek a job, to show that you are eligible for employment after this bill passes.

I think what we need to do is simply require the Social Security Administration to make the Social Security card, which is the most counterfeited document in the country, be as secure against counterfeiting as the $100 bill and as proofed against fraudulent use as the passport. It would go a long way to cutting down on fraud and it would make employer sanctions work.

Mr. BRYANT of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

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

□ 1915

Mr. BERMAN. First, Mr. Chairman, 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 cut in legal immigration, still recognizes legal immigration. I do not believe that it is motivated by racism or 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 essentially to legalize 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, it essentially ends the 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, 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 backlog 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.

With respect to parents, initially 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 spouses and minor children and 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 will have long-term health 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 guest worker program which would flood this country 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 any other decade 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 such great numbers at the turn of 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 colleague 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 a child per year. 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 quality for.

The increased burden on 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. It costs about $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 specials on TV where a large percentage, over 50 percent, of the children born in Los Angeles and California hospitals are 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 distant relative to many 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 greater good of our country, and as a responsible public official, which I deem myself to be, I know that the time has come that we must do something about the total number of individuals who live in our country, or who will be coming into our country. So I am willing to set that prejudice aside for the time being for the purposes of this debate, not just for the time being but for a final conclusion of a bill that will do something about the sheer weight of numbers that we have of people in this country.

The other prejudice I have, I must confess, is in favor of the bill as it came out of the Committee on the Judiciary. Why am I prejudiced in favor of the bill? It does seek to do exactly what I feel must be done, namely, to corral the gigantic numbers that we can foresee as future residents of our country; to lasso that in so we can control it better is a proper policy target for the Congress of the United States. And so I come to the floor eager, prejudiced against trying to change anything that is in the bill, partly because the chairman of the subcommittee very graciously accommodated many of us when we attempted in committee and succeeded to negotiate with him amelioratory changes that came a long way toward meeting numbers of concerns.

So where are we? I am willing to set aside the prejudice that I have as a son of immigrants and I am willing to set aside the prejudice that I have that this is a bill that should be passed unchanged. I know that we have concerns. I have met some people in the corridors and in the offices all day today concerned about the unification features of the quotas, who are concerned about verification by employers, who are concerned about a great number of things. But one thing we must all agree, we should not allow the separation of the issues of legal and illegal immigration because we are dealing with one great number, and it is that number which we must fashion best for our Nation.

□ 1930

Mr. BRYANT of Texas. Mr. Chairman, I yield 4½ 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, or a brother or sister 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, no—because there is great 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 perhaps 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 Americans prepared to do who are unemployed a good portion of the year, but willing to do. 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 proposal in this 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 even though there is a Supreme Court decision saying children should not pay for 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 services provided by the Federal Government. Why? Well, because they are not yet citizens. So they cannot vote, and most of these folks probably do not give a lot of money to political campaigns. So there is no political risk in going after these folks. I think that is perhaps one of the most onerous things about this debate. That is the one issue that probably will get the fewest votes on behalf of immigrants, because, you know what, there is no support in this House for legal immigrants because 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—works longer hours than most citizens do, is healthier than most citizens, has a longer life span than U.S. 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 is being abrogated as we go this last step of telling folks who are legally here, we 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. SMITH] 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. I do not think they are standing in line to get a job picking fruit in California. We have a shortage of people who want to work.

This bill is long overdue. I rise today in strong support of H.R. 2202, a bill that will take back our borders, save taxpayers billions, and protect jobs for American workers.

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 reside in California—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 State 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 migrants who come to this Nation to take unfair 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 forces 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 GALLEGLY 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 truth to immigration—that 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 this 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 legislation could 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 overstay temporary visas, namely student, tourist, and business visas. This is one of the main reason's that we must tackle the issues of illegal and legal immigration reform together.

Illegal immigration brings with it many costs to the taxpayer: 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 aliens will no longer receive any of these benefits, except for certain emergency medical and nutrition services. Our Nation is faced with an almost $5 trillion debt and annual $200 million deficits. Our limited funds should be spent on law-abiding citizens and taxpayers. Period.

The bottom line is that for too long we have not been enforcing our own laws which prohibit illegal aliens from permanent entry into the United States nor have we made enough effort to address reforms to enforce these laws.

Well, H.R. 2202 finally takes the steps necessary to enforce these very laws. Among other things, this legislation strengthens control of our borders by: Increasing the amount of border patrol agents by 1,000 for the next 5 years, increasing the number of INS officials at ports of entry, acquiring sophisticated alien tracking equipment, issuing border crossing cards, and using closed military bases to detain illegal aliens. It also increases enforcement and penalties against alien smugglers and those engaged in document fraud.

Most importantly, this bill streamlines and expedites procedures for deporting and excluding illegal aliens. Persons making legitimate claims of asylum must get one hearing and one appeal—no more endless delays, appeals, and readjudication of immigration cases.

Under H.R. 2202, those who do not have proper documentation can be removed without further hearing or review. A second important reform requires aliens to apply for asylum within 30 days of arriving 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 administrative review. Finally, an alien 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 TATE, to support a one strike and your out system for illegal aliens who are caught and deported.

The bottom line is that we will never have the necessary money, resources, and manpower to end all 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 of tens of billions of dollars in enforcement and monitoring 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, then 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. Just as my grandparents 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 legal 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 not in need of substantial reform. 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 enter the United States. They played by the rules but they still lost out.

In 1990, Congress enacted the first comprehensive reform of legal immigration since 1965. Family and employment-based preferences were separated and employment-based preferences 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 huge 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.

Therefore, we must reduce legal 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 large numbers of people from overseas.

If we set aside shear numbers and focus on the low skill/education level of many legal immigrants eligible to come to the United States, the impact is even greater. In the New York/New Jersey region 40 percent of foreign-born residents do not have high school diplomas, and 10 percent are unemployed, 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. These individuals drain money from our social service system in the form of public benefits. In fact, they receive $25 billion more in benefits than they pay in taxes. An even more startling fact is that SSI for legal immigrants has increased by 580 percent in the past 12 years. We just cannot afford to continue to provide unlimited services when our own citizens 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 the sponsors being held accountable. If an alien ends up becoming 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 the sponsored immigrant 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 the wages are still far better 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 work will get done.

H.R. 2202 ends the low-skilled preference program in order to keep more low wage jobs available for those without/with only 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 replaced by temporary foreign workers—the H–1B temporary visa program—it does not go far enough in making sure that employers don't hire illegal aliens/unauthorized workers to cut costs. Just as we require illegal and legal aliens to abide by the law, so too much employers.

The original legislation, as passed by the Judiciary Committee, contained a worker phone verification pilot program under which employers in the five States with the highest number of illegal aliens would be required to verify the eligibility of a prospective employee with their Social Security number. The purpose of the system was to make it easier for employers who continue to struggle understanding the employer enforcement requirements of the Immigration Reform and Control Act of 1986 [IRCA].

Under IRCA, employer sanctions are imposed on any employer who knowingly hires an illegal alien unauthorized to work in the United States. Employers are required to verify eligibility and identity by examining up to 29 documents and completing an INS I–9 form. In enforcing these measures, employers are allowed a good faith defense and are not liable for verifying the validity of any documents, but instead are only responsible for determining if the documents appear to be genuine.

However, increased numbers of fraudulent documents—Social Security cards, birth certificates, green cards, and work authorization cards—have made it difficult for employers to weed out illegal aliens. And, INS has 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/illegal workers.

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 computer system could either be used against an employer as evidence of hiring an illegal alien or 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 faulty information which cannot be resolved within a 10-day period, than 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 400,000 illegal aliens who enter our country every year. 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 most recent ruling. Through congressional action, each State can decide whether or not it wants to divert resources away from educating the children of its hardworking 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 legislation. Congressman SMITH 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 antiterrorism bill without the ability to designate groups as terrorist. Well, we have already done that, so let us not do it again. Do not take the teeth out of this bill.

Support all of H.R. 2202.

Mr. BRYANT 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 reform and I am gratified 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 commend LAMAR SMITH and JOHN 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 manner. I am not opposed to immigrants coming to America seeking a better life, for I am a descendent of Swedish immigrants. And while I believe that the majority of immigrants have made, and continue to make, significant contributions to our society, 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 denied public benefits, makes 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 to 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 believe this amendment is 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—jobs. I firmly believe that 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.

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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 community in this Nation has felt the impact of these violations. The increased costs of indigent care in our hospitals and emergency rooms, and the rise in property taxes to pay for education costs and social benefits are but a few of the costs associated with the violations of our immigration laws.

At a time when we are struggling to provide health care, education, and social services to our own citizens, we cannot justify the depletion of our tax dollars for those who are illegally in our country. The public is correct in demanding that we act to stop these abuses. In my congressional district, Dalton and Whitfield County, GA have acted to form the first joint local-Federal task force on illegal immigration. But it is our job to act on this legislation, since the enforcement of immigration laws is the exclusive responsibility of the Federal Government.

I rise to support this bill. Our current system is broken and needs to be fixed. The double magnets of jobs and social benefits are drawing illegal immigrants at unprecedented levels. We must not continue to reward those who break our laws. To do so cheapens our citizenship, fosters disrespect for our laws, and undermines our system of government.

It is time to pass meaningful immigration reform. I urge Members to support H.R. 2202.

Mr. BRYANT of Texas. Mr. Chairman, I yield 4½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, today we take up a massive bill to radically alter our Nation's immigration laws in a way that is more responsive to hysteria and prejudice than to reason and fact.

Let there be no mistake: This Nation has every right and obligation to control our borders and to enforce our immigration laws. But absurd boondoggles, like building a giant fence, mindless cruelty, like sending legitimate refugees back to be murdered or tortured by their oppressors, and good old-fashioned Xenophobia, have nothing to do with legitimate protection of our borders.

Immigration has not destroyed this country. New arrivals have long contributed to the social fabric and economic vitality of our communities.

There are some things we should be doing to make life better for all Americans, like strengthening our worker protections laws, or cracking down on abuses of some of the employment-based visa programs. But the majority apparently has no interest in helping working people, only in setting people against each other.

At the very leagues we need to split this bill, as the Senate has done, and not mix legal with 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 did 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 on the spot by an 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, will decide on the spot 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

the spot, and then he would be sent right back.

Now, if you think about it, this is exactly backward. The people who are most in need of political asylum, who are most likely to be tortured or murdered if they are sent back, are the people who fled from a tyrannical foreign government, who fled under the guns of the East German border guards, or fled from the gestapo or the KGB or the Savak or whatever secret police there are in other countries around the world today.

They are precisely the people who are not going to have proper documents, duly stamped, notarized and cross-signed by the gestapo or the KGB or the Savak or by whatever secret police in a separate country. They are the ones we are going to be selecting here to send right back.

My amendment, which unfortunately is not going to be heard on the floor today, would have provided some basic due process, one hearing, one appeal, one opportunity, but a real opportunity for them to show the evidence and have an opportunity to show the reality if it is true they would be persecuted back home. Instead, we are negating that altogether for the most endangered people.

The second amendment would have said that the procedure for expelling, for deporting alien terrorists, people the prosecution believes are terrorists, would have had some basic due process.

Under this bill, as under a provision taken out of the terrorist bill, if someone is an alien, has been here 35 years, not a citizen, an alien, and the Government thinks he is a terrorist, there is a hearing before a judge. But you can use secret evidence. You can use secret evidence without any opportunity to reply, without a summary that gives him the opportunity to make as good a defense as if you did not. And if even that is too dangerous in the opinion of the prosecution, you can use the evidence even without a summary.

In other words, someone can be hauled before a court and say ''We won't tell you what group you allegedly belong to, we won't tell you what we think you did, we won't tell you who is accusing you, we won't tell you what the evidence is, we won't tell you who the witnesses are; go defend yourself.'' Obviously unconstitutional, totally un-American.

At least we should have used the provisions of the Classified Intelligence Procedure Act, which gives basic due process to people we think are atomic spies or Mafia kingpins. That would have given some basic due process. Unfortunately, this was not permitted on the floor. This bill is full of such provisions.

I urge my colleagues to rethink and provide basic due process in any immigration or any other bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this legislation on which the gentleman from Texas [Mr. SMITH] and many others have worked so hard. I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, it is true that we are a nation of immigrants, and we are all proud of that. Immigration has been a good thing for this country. But too much of any good thing can become harmful, even destructive. This is what is happening in our country today in regard to immigration. We are not controlling our borders and we are seeing many harmful effects from that.

One example is that today 25 percent of the inmates in our Federal prisons are foreign born, most of them illegal immigrants. This is a tremendous expense to our taxpayers.

Dr. Donald Huddle of Rice University, who has studied this issue perhaps as much or more than anyone, has estimated that immigrants now cost us at least $51 billion more each year than they contribute, $51 billion. With a national debt of over $5 trillion and our economy on such thin ice, this is a problem that threatens to overwhelm us.

This legislation simply responds to the very strong desire of the people we represent as any democratic legislative body should do. A recent nationwide Roper Poll with an extremely high sampling found that 83 percent of the American people want immigration greatly decreased. The same poll found that only 10 percent felt we should do less in removing illegal immigrants from our country. A columnist for the liberal magazine, the New York Republic, wrote recently that ''Sooner or later, Americans must face reality. It is going to be painful. It is on the Statue of Liberty, 'Give me your huddled masses.' The trouble is the huddled masses need jobs.''

Perhaps the most important thing this bill does, Mr. Chairman, is that it cuts off all sorts of welfare, Medicare and Medicaid benefits to illegal immigrants. Coming here legally to seek opportunity is one thing and can still be done by hundreds of thousands under this bill every year. But coming here illegally to gain welfare benefits is something else altogether and something which the American people want stopped. We are a nation of immigrants, but much more importantly we are a nation of laws. To immigrate here illegally is plain and simply wrong.

One last point, Mr. Chairman: If this bill passes to make our immigration policy more fair and reasonable, we will still be allowing more immigrants in. We will still have more immigration than any other nation in this world. If allowing in the highest number of immigrants of any country in the world is not good enough, then nothing we can do will ever really satisfy the people who oppose this legislation.

Mr. Chairman, I understand that extremely big business is against this bill but the American people are for it, and we should be too. We should pass this legislation.

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 in the 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 controversial 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 as illegal immigrants.

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 refugee. H.R. 2202 and the amendment that Mr. CHRYSLER hopes to offer would eliminate the small number of visas now allocated for brothers and sisters.

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 true refugees, people who have a well-founded fear of persecution, we ought to not cap it, and continue the consultation process.

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

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 serving on this floor that not only has 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 misery that is being imposed on the illegal immigrants. Our freeways are the scene of many people 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 assassinated by the people who make their money smuggling illegal aliens. I have watched as we hear reports of not only agents but six illegals running off a 150-foot cliff because they thought they were chasing for a better life.

Mr. Chairman, I would say to my colleagues on either side of the aisle who think immigration reform is somehow a bad idea, come to my neighborhood. See what this Congress is doing to the citizens and to the immigrants along the border. Mr. Chairman, we have a responsibility to control illegal immigration, and this body does not have a right to walk away from it. I ask my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would like to engage the gentleman in a colloquy.

Mr. Chairman, in H.R. 2202 under section 524 entitled, ''Admission of Humanitarian Immigrants,'' it states, ''The Attorney General shall, on a case-by-case basis and based on humanitarian concerns and the public interest, select aliens for the purpose of this subsection,'' unquote.

It is my understanding that in the interest of giving priority to reunification of nuclear families, this language could include exceptional cases involving sole surviving family members of American citizens, whether or not an individual meets the qualified family categories as set forth in this bill. The section I have referred to, for example, would allow any sole surviving member of an immediate family, including a parent, a sibling, child, or adult son or daughter over 21 years of age, a legal guardian or a charge of an American citizen or legal resident, to be admitted as a special humanitarian case. Am I correct in this assessment, Mr. Chairman?

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. 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 has just mentioned.

Mr. DORNAN. Mr. Chairman, I rise in strong support of the manager's amendment and urge my colleagues to vote in favor of its passage. This amendment is particularly important to States such as my California, which are heavily impacted by criminal aliens. Although it is the responsibility of the Federal Government to enforce immigration policy, State and local governments incur significant costs relating to the incarceration of criminal aliens.

Unfortunately, many local governments heavily impacted by criminal aliens are not, as the 1994 crime bill intended, being financially compensated for these costs. In trying to meet the public safety needs of the community, these local communities are therefore being forced to bear this financial burden on their own.

Mr. Chairman, I am pleased, with the support of my colleagues, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. GALLEGLY], who worked so hard on this excellent bill. My provision has been included in this amendment to clarify the intent of the 1994 crime bill. It would simply ensure that all local governments have the opportunity to apply for the financial compensation they are entitled to for costs associated with incarcerating criminal aliens.

I also strongly support a provision in the amendment that would authorize a pilot project by the INS to identify illegal aliens among those incarcerated by the city of Anaheim and the County of Ventura. Under the proposed pilot program, an INS agent would be stationed in two local government jails to perform front-line documentation and appropriate questioning of criminally charged suspected illegal aliens. By helping to speed up the deportation process, I believe this program has the potential to be a significant benefit to the entire country. I support it strongly.

I rise in strong support of the manager's amendment, and urge my colleagues to vote in favor of its passage.

There are two provisions in this amendment that I believe are particularly important to States, such as California, which are heavily impacted by criminal aliens.

Although it is the responsibility of the Federal Government to enforce immigration policy, State and local governments incur significant costs relating to the incarceration of criminal aliens. And while the 1986 Immigration Reform and Control Act authorized States to receive Federal reimbursement of criminal alien incarceration costs, it was only recently that local governments received similar treatment. In fact, it was the 1994 crime bill that for the first time allowed so-called political subdivisions of a State to be reimbursed for costs associated with incarcerating criminal aliens. This was a very important gain in having the Federal Government recognize its responsibility for criminal aliens.

Unfortunately, many local governments heavily impacted by criminal aliens are not, as the 1994 crime bill intended, being financially compensated for these costs. In trying to meet the public safety needs of their community, these local communities, such as the cities of Santa Ana and Anaheim which are located in my district, are therefore being forced to bear this financial burden on their own.

I am pleased that with the support of our colleagues LAMAR SMITH and ELTON GALLEGLY, who have worked so hard on this bill, a provision has been included in this amendment to clarify the intent of the 1994 crime bill. It would simply ensure that all local governments, including counties, cities, as well as municipalities, have the opportunity to apply for the financial compensation they are entitled to for costs associated with incarcerating criminal aliens.

I also strongly support a provision in the amendment that would authorize a pilot project by the Immigration and Naturalization Service to identify illegal aliens among those incarcerated by the city of Anaheim and Ventura.

A recent 60-day survey conducted by the Anaheim Police Department, located in my district, found that 35 percent of the inmates sent to the Anaheim City Jail were unable to produce documentation that they were in the country legally. Under the proposed pilot program, an INS agent would be stationed in Anaheim's jail to perform front-line documentation and appropriate questioning of criminally charged suspected illegal aliens. This will enhance the relationship between INS officials and local law enforcement and help speed up the deportation process for criminal aliens. And I believe that, if successful, the program has the potential to be a significant benefit for the entire country.

Like the many other measures contained in the manager's amendment, these are critical provisions that deserve our support. I urge a ''yes'' vote on the manager's amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER], a longstanding advocate of good secure fencing.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me and also thank him for his leadership and statesmanship in putting together what has been a very difficult bill but

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 today. I am reminded 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 impediment 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 successfully held the line in El Paso. This triple fence, along with forward deployed 10,000 Border Patrolmen, will help to cut off those 12 smugglers' corridors across the Southwest.

Each place where we have an urban population on each side of the border, whether it is San Diego, Tijuana or El Paso or Brownsville, TX, in Juarez 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. DORNAN. Mr. Chairman, will the gentleman yield?

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

Mr. DORNAN. 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 briefing, flew 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 will.

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 because they want action in their behalf. Who were we representing before? I mean, it was incredible. I could not figure out why people were voting the way they were. Whose interest was being represented?

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 people who live in foreign countries. But that 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, 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. Yeah, we love older people from other countries. We love humanity, but we do not want senior 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 our people 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 expecting 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 that.

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] just 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 immigrant advocate groups 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 here now. We have passed legislation 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 would like to 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 watch 2 years ago and with a Democratic President, for the first time in the history of this country we got a President who was willing to give moneys 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 would not have to work with 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.

So certainly we have to acknowledge that there have been efforts, and hopefully we will recognize that they have been bipartisan efforts, not only by one particular party or another.

Mr. BRYANT of Texas. Mr. Chairman, let me say we are trying to get a bill passed out here, and the gentlemen are not helping us do that by starting this argument. But OK, go ahead.

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

Mr. BRYANT of Texas. 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 a border 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 see it. In the 1986 Immigration 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 conclude 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 just 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 aimed 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 they now reside, of course. And after that conflict was concluded, of course, and came to a bitter conclusion, they, many of them, had to flee their homeland because of fear of retribution and, in fact, retribution that did occur.

They often had fought in that conflict longer than U.S. military personnel, assisting U.S. military personnel, and many of them lost their lives. In fact, 10,000 to 20,000 Hmong lost their life in that conflict in Southeast Asia. In the process of losing their lives they saved many other lives.

But today there are many that are in the United States, have served in this capacity, but are having a great deal of difficulty, because historically the Hmong did not have a written language, and, as a consequence of the chaos, and so forth, and the rural nature of their culture, they were unable to gain a education. So the consequence today is that even though repeatedly, with a lot of tutorial help, they make an effort to pass the citizenship test; they are here as legal residents, of course; they are unable do so.

So what we are trying to do here is to extend this honor to them to gain citizenship. I think some have gained it on their own. Many are elderly; some are not. But there are the spouses that have lost their husbands.

In the past, of course, I think the history of our Nation is, if one serves in the U.S. military uniform, even though they are a Nam national, they are not a U.S. citizen, they can gain citizenship through that means. What we are trying to do here is to extend that opportunity to this small group, really today, for this specific purpose.

So I wanted to give some examples of types of persons that were involved and where they live. I was looking through this, and I realize that one of them lived near the Vento homestead on Burr Street in St. Paul, and someone that had fought for 15 years in this conflict, had fought, in fact, in the French conflict before that, and he wrote here, ''I arrived in the United States on September 26, 1986, after 10 years in a refugee camp.''

So the total service here in terms of conflict and military service to the United States, of course, was 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.

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, again was in a refugee camp, Lee Pao Xiong, and he has lived or came here in 1987, is a U.S. citizen.

So what we are trying to do is waive, because they spent time in refugee camps, to also waive the residency requirement. Not a large number of people, but a justice and a very good provision, and I really appreciate my colleague's support for the provision.

Mr. Chairman, I include the following material in the RECORD:

BIOGRAPHIES—MN HMONG VETS WHO ARE NOT CITIZENS

Wa Chi Thao, St. Paul, Minnesota; date of birth: 6/15/1950; place of birth: Xieng Khouang, Laos.

Military Service from 1961–1975 (14 years).

My commander was Yang Chong and my sergeant was Shong Leng Xiong. I also worked under General Vang 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 Sous near Vietiane; Mt. Pher Bia, where my wife died in combat; Phon Sou; Thong Hai Hien, many people died and injured; Kham Houng Sat Chout Tham Lien; Moung Mount; Phon San. We rescued a down American pilot, but it was sad that both the pilots were died due to the crash. We however, recover 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 on 1975 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 depressing 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.

I feel very happy here and I want to be a citizen of this great nation, but it very hard because I don't know English. I have served for the US for 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.

Lieutenant Lao Pao Xiong, 2917 18th Ave. S., Minneapolis, MN 55407;

Military Service from 4/19/60–5/15/75.

Date of birth: 8/16/45.

Place of birth: Phou Sam, Laos.

Injuries: Hit by a grenade to the right side.

Combat sites: Nam Kham; Xieng Khouang; Ban Soun; many 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 U.S. on August 21, 1988. I want to become a citizen of the United States. I have worked for the U.S. 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. Bruce Vento of Minnesota. Without this bill my family have no hope of becoming citizen of U.S., which where our is and where we want to live until our last days on earth.

Commander Thong X. Thao, 1248 Margaret Ave., St. Paul, MN 55106.

Date of birth: 10–5–40.

Place of birth: Long Cheng, Xieng Khouang, Laos.

Years in secret war: 1961–1975.

Injuries in combat: Hit by a piece of grenade.

Combat sites: Phou Pha Loui; Lam Xieng—where I was injured; Long Cheng; Lam Phon Moung; Boune Loung.

After 1975: I went through Vietiane (capital of Laos) on 5–18–75 and arrived in Xieng Mai, Thailand on 5–19–75. I went to Nam Phong on 5–26–75 then to Ban Vinai Refugee Camp. On June 28, 1978, I went to Kong Thet for five months. I have been working since 1978 at many places. Right now, I work at Marsden as a janitor.

I want to be a citizen of the U.S. very much. I have been here for many years and I want to have the same rights as other citizens here do. I hope that you will support the Amendment to H.R. 2202 as offered by Rep. Bruce Vento of Minnesota. I need this bill to pass, so I can become a citizen. I have fought 14 years of my life for the United States. Learning the English language is something I want to do, but it is hard to learn. I highly support this amendment. I hope the U.S. government will support it too.

Sergeant Da Por Vang, 946 Burr St., St. Paul, MN 55101.

Soldier in secret war: I also fought with the French from 1934–50. In 1961, I began working with the US and General Vang Pao until 1975.

Battle sites: Xieng Khouang; Moua Loung; Nan Khan, Long Hae.

After 1975: I was a Sky Soldier-Chao Fa until 1983. I defended my family and my country although the support wasn't there anymore.

Refugee camp: I stayed in Ban Vinai for about 7 months and then I went to Chaing Khan for about 2 years.

United States: I arrived in the US on September 26, 1986. I am very old now. I cannot learn a new language and culture. Life is very hard and depressing. I have live almost a century.

I have no where else to go. I want to become a citizen of the US because my family is here. I want to live here for the rest of my life. I want the government to support the Amendment H.R. 2202, as reported and offered by Rep. Vento of Minnesota. I do not know English. Without this bill, I have no home, no country to belong to.

Major Lee Pao Xiong, 488 Lafond Ave, St. Paul, MN 55103.

Military service from 1961–1975.

Date of birth: 12/31/1946.

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 Loung; Phon Savan.

I worked with 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 without any help from 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 become a citizen of the US, but it hard to learn English language now that I am old in age.

I want the government to support the Amendment to 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 this country.

Bao Yang, 530 16th St. N., Wisconsin Rapdis, WI 54494.

Military Service from 1969–1975.

Date of birth: 1/2/1949.

Place of birth: Monang Lon He Xieng Khouang, Laos.

My husband was a soldier for the U.S. from 1969–1975. He died on 1/19/93.

After 1975: We lived in fear in Laos, moving from place to place until 1979. On April 1, 1979, we started to go on to Thailand. We came to Nong Knai Refugee Camps for four months, Then, we were transferred to Ban Vinai for 10 months.

United States: On May 2, 1980, we went to Kong Thet for 2 months. We came to the U.S. on July 25, 1980. We came directly to Edina, Minnesota.

I want to be a citizen of the United States. I want to live here for the rest of my life. It is my home now. My husband and many people in my family have work for the U.S. in the secret war in Laos. I want to be a citizen here and participate in the country.

I hope you will pass the Amendment H.R. 2202 as offered by Rep. Bruce Vento of Minnesota. I am doing this not for myself but my husband who does not fortunate enough to live to see this amendment pass. He worked many years for the U.S. please support this amendment, so we can have a country to belong to.

Sgt. Seng Thao, Minneapolis, Minnesota.

Military Service from 1968–5/15/1975.

Date of birth: 10/10/54.

Place of birth: Nam Qhuam–Vang Vieng, Laos.

When I begin training to be a soldier, I were only 14 years old.

Injuries in combat: bullet to the left shoulder; bullet through the right foot between 2 toes.

After 1975, I still had to defend my family, relatives, and my village until 1979. In 1979, my family took the voyage to Thailand. My family suffered great danger when we were taken to a concentration camp in Thailand. The people abused us and put us through so much suffering when they took everything that we had. They used knives and guns to make us give them everything that we had. We were finally taken to Ban Vinai Refugee Camp four days later and stayed there for 6 months, until we came to the United States.

In the United States: I came to the U.S. on May 21, 1980. I went to school for one year. School was hard to concentrate on, because the war I have no education background. English is hard to learn, especially if you have no basic education. Right now, I'm working at Riverview Packaging, Inc. in Minneapolis Minnesota.

Citizenship: I went to take my citizenship test on April 9, 1994. I passed only one test of the citizenship test. I would like to be a citizen of this great country here very much. I have lived in Minnesota here for all my life in the United States. I want my all family to be citizens of this great nation, because this is my home now.

I hope you will support the amendment to H.R. 2202, as Reported and Offered by Rep. Bruce Vento.

Captain Neng Mai Xiong, 761 Rose Ave. E., St. Paul, MN 55106.

Date of birth: 2–18–1944.

Place of birth: Sa Mang, Laos.

Years in the secret war: Stationed at Pho So (Site 57): 1/1960 to May 20, 1975. I was a radio operator.

Moung Phan, Site No. 236; Nong Chaing Na Seun, Site No. 214; Nam Yeu, Site No. 118 A; Xieng Lomg, Site No. 69 A; Sayaboury Lima, Site 23; Phon Haua Moui, Site 67; Hoi Phoui, Site 155.

Rank 1960–ADC, 1962–SGC—radio operator, 1970–1975—Commander, company 227B; Captain

Battle sites: Boua Loung, Site 32; Xieng Khouang, Site 75.

After 1975: I became a Sky Soldier-Chao Fa. I was taken into a work camp by the communist in 1979, my family got out of the communist training work camp and stayed at Kiao Nya until 1989. In 1989, I came to Vietiane, Capitol city of Laos and then got my passport to the United States.

Xia Shoua Thao, St. Paul, Minnesota.

Military Service from 1964–1975.

Date of birth: 2/1/47.

Place of birth: Vang Vieng, 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 PhouKong; Tha Vieng, Xieng Khoung; Phousau, Hat Ban Phoun; Ban Tha; Maing Hien naKham; Phou Ka Xieng Khoung Thoug Hailtien; Phou Pa Sai Kham 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 Pheeb; Ban Soun Na Seu; Phou Kham. For 3 years, we fought against the communist without any kind of government help.

Refugee camp: We defend 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 make 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 like me. I worked part-time at Dept. of Natural Resource as a janitor. I became very sick and could not work any more.

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 do not know 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 2½ minutes to the gentleman from California [Mr. COX], chairman of the policy committee.

Mr. COX of California. Mr. Chairman, I rise in support of the Immigration in the National Interest Act, and I want to congratulate 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 by 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.

Prop 187 was simple. It denied welfare and social service benefits to illegal aliens. This bill will fulfill that promise 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 add sufficient Border Patrol agents, 10,000 of them, so 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 sponsorship 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 instance 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 criminally 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. It is, in fact, a bipartisan effort, and it is long overdue.

Mr. BRYANT 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 4½ minutes.

Mr. BECERRA. Mr. Chairman, I would like to spend the remainder of the time that we have on this side 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 mention one of the principal areas of concern that is in the minds of a number of Members on both sides of the aisle, and that is, of course, the system that requires employers to conduct checks, verification processes, and I understand that the chairman has changed the bill so it no longer is a mandatory verification system, but now a voluntary system, voluntary for the employers, not voluntary for those who are seeking employment.

The concern, of course, is that there are some very glaring statistics that must be dealt with. I know the chairman had 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 a 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 or as low as 5 percent, and we are talking about 66 million job transactions in 1 year, that is well over 3 million people 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 that the gentleman from Texas [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 bill. 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 I go through the hassles of trying to verify your status if I can get a good, qualified American who is just as qualified?''

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We put into the bill, with the help of the chairman of the subcommittee, an amendment that said let us put in a checker system, a tester program, so we would have a system where someone could act as a qualified applicant for a job, go to the employer, present himself or herself and, although acting as a checker or tester, check to find out if this employer is automatically discriminating against some people who may look or sound foreign. We got that accepted in subcommittee. It stayed in the full committee. Now it is out. We had what I thought was good bipartisan compromise which now is out.

Mr. Chairman, I would like to engage the chairman in a colloquy as to why we see that particular tester provision stricken from the bill, which would help prevent discrimination against American citizens and those legally entitled to work in this country.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Texas.

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 provisions, so 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 tester 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. GOODLATTE], to my knowledge the only Member who was a practicing immigration attorney before he came to this Chamber.

Mr. GOODLATTE. 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 Ireland after World War II. I daresay 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 a legal immigration problem 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, a serious problem with people who enter legally but then get fraudulent documents to remain here.

It has provisions to expedite the removal of deportable aliens. It has the authority for the Attorney General to designate to State and local governments the ability to assist in apprehending those who are illegally here. It has a very excellent employer verification program.

I will support the amendment that makes that mandatory on a trial basis in five of the seven States that have the largest problem with illegal immigration. This bill reforms our agricultural worker program, and it has restrictions on benefits to aliens. It is an outstanding bill. I encourage all Members of the House to support it.

Ms. HARMAN. Mr. Chairman, the people of my district have been sending a strong message since the day I first took office: Stop illegal immigration. I have been listening carefully. I was a member of the bipartisan House task force on immigration which made many of the recommendations on which H.R. 2202 is based. That's why I rise today in support of H.R. 2202, which will give the Federal Government the tools necessary to take control of illegal immigration.

The long history of this issue demonstrates that we cannot stop illegal immigration without firmer controls on our borders. The bill before us does so. It gives the Border Patrol the resources necessary to cut down illegal border crossings by adding 5,000 new agents by the end of the century. It also equips Border Patrol officers with the equipment and technology they need to stem the flow of illegal entrants and to outfox the increasingly sophisticated alien smuggling rings which bring thousands of illegal aliens to our country each year.

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 overstay their visas in order to obtain American jobs.

But in order to truly address the issue of illegal immigration, we must also take a hard look at what entices citizens of other nations to skirt our laws and enter our country illicitly. An effective policy to deter illegal immigration must counter the attraction of 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.

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 from obtaining employment and to protect the vast majority of American businesses who would never willingly hire an undocumented worker. In addition, it creates new anticounterfeiting laws to crack down on those who would profit from attempts to skirt worker-verification laws.

Mr. Chairman, the strong curbs on illegal immigration that this bill would put in place are of critical importance to the people of my district, to southern California, and to the Nation.

I urge my colleagues to reject attempts to weigh this bill down with new guestworker programs and, as the daughter of immigrants, I strongly urge the House to reject poorly thoughtout caps on legal immigration.

We must act on illegal immigration, and we must act today. It's important to the success of our efforts that we do it the right way.

Mr. WELDON of Florida. Mr. Chairman, this bill benefits American families, workers, and taxpayers by reducing illegal immigration and reforming legal immigration. We live in a nation built upon the very principle of immigration and open borders. However, the generosity of this great Nation has been abused and those violating and abusing our laws have made a mockery of them.

Our Nation has always welcomed legal immigrants that contribute to our society, and nothing will change with this bill. H.R. 2202 will reign in problems that are spiraling out of control. As we debate this bill, illegal aliens comprise one-fourth of our Federal prison population. And 2 million illegal aliens—one-half 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 measure, especially since much of the illegal immigration is driven by problems in the legal immigration system. The American people support legal immigration reform—in fact, a recent Teeter poll shows that people support a 5-year ban on illegal and legal immigration. Now, this bill does not 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 organization 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 of light 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 toward 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 the desires of the American people are. 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?

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. Some say 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 scientists 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-related immigration significantly. Under 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, reunifying 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 were starting to experience a labor shortage. We would see that wages for certain kinds of jobs were increasing. 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. GALLEGLY 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 urgently in 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 needed. An immigration system that burdens public assistance programs and that allows illegal workers to enter the American job market is a system that cannot be supported by the American taxpayer or the American worker. Furthermore, Mr. Speaker, an immigration system with an official backlog of well over 1 million individuals seeking to legally gain citizenship in this country is a system that keeps families apart for undue lengths of time and encourages illegal immigration.

On the issue of refugee admissions, Mr. Chairman, this Member urges his colleagues not to be fooled by the alarmist rhetoric surrounding this debate.The refugee admissions provision of this act is consistent with the recommendations of the bipartisan U.S. Commission on Immigration Reform, chaired by the late distinguished Member from Texas, Ms. Barbara Jordan.

Moreover, contrary to what some people contend, the refugee levels in the bill are totally consistent with projected refugee levels. 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 American refugee policy, including in the area of annual admission numbers. While the bill precludes unilateral increases by the executive branch in determining refugees 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 effort to diminish 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 reforming U.S. 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 citizens and immigrants alike. 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 productive 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 can hardly 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 traditional level of 230,000 to 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 1965. 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 resulted in overwhelmed public benefit 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 most sincere hope that as this bill moves through the legislative process, these provisions are not 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 place a limited, 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:

H.R. 2202

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 1995''.

(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:

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.

TITLE I—DETERRENCE OF ILLEGAL IMMIGRATION THROUGH IMPROVED BORDER ENFORCEMENT, PILOT PROGRAMS, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at Border

Sec. 101. Border patrol agents and support personnel.
Sec. 102. Improvement of barriers at border.
Sec. 103. Improved border equipment and technology.
Sec. 104. Improvement in border crossing identification card.
Sec. 105. Civil penalties for illegal entry.
Sec. 106. Prosecution of aliens repeatedly reentering the United States unlawfully.
Sec. 107. Inservice training for the border patrol.

Subtitle B—Pilot Programs

Sec. 111. Pilot program on interior repatriation.
Sec. 112. Pilot program on use of closed military bases for the detention of inadmissible or deportable aliens.
Sec. 113. Pilot program to collect records of departing passengers.

Subtitle C—Interior Enforcement

Sec. 121. Increase in personnel for interior enforcement.

TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling

Sec. 201. Wiretap authority for alien smuggling investigations.
Sec. 202. Racketeering offenses relating to alien smuggling.
Sec. 203. Increased criminal penalties for alien smuggling.
Sec. 204. Increased number of Assistant United States Attorneys.
Sec. 205. Undercover investigation authority.

Subtitle B—Deterrence of Document Fraud

Sec. 211. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 212. New civil penalties for document fraud.
Sec. 213. New civil penalty for failure to present documents and for preparing immigration documents without authorization.
Sec. 214. New criminal penalties for failure to disclose role as preparer of false application for asylum and for preparing certain post-conviction applications.
Sec. 215. Criminal penalty for knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 216. Criminal penalties for false claim to citizenship.

Subtitle C—Asset Forfeiture for Passport and Visa Offenses

Sec. 221. Criminal forfeiture for passport and visa related offenses.
Sec. 222. Subpoenas for bank records.
Sec. 223. Effective date.

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

Sec. 300. Overview of changes in removal procedures.
Sec. 301. Treating persons present in the United States without authorization as not admitted.
Sec. 302. Inspection of aliens; expedited removal of inadmissible arriving aliens; referral for hearing (revised section 235).
Sec. 303. Apprehension and detention of aliens not lawfully in the United States (revised section 236).
Sec. 304. Removal proceedings; cancellation of removal and adjustment of status; voluntary departure (revised and new sections 239 to 240C).
Sec. 305. Detention and removal of aliens ordered removed (new section 241).
Sec. 306. Appeals from orders of removal (new section 242).
Sec. 307. Penalties relating to removal (revised section 243).
Sec. 308. Redesignation and reorganization of other provisions; additional conforming amendments.
Sec. 309. Effective dates; transition.

Subtitle B—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 321. Removal procedures for alien terrorists.

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''Sec. 501. Definitions.
''Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Consideration of classified information.
''Sec. 507. Appeals.
''Sec. 508. Detention and custody.''
Sec. 322. Funding for detention and removal of alien terrorists.

PART 2—INADMISSIBILITY AND DENIAL OF RELIEF FOR ALIEN TERRORISTS

Sec. 331. Membership in terrorist organization as ground of inadmissibility.
Sec. 332. Denial of relief for alien terrorists.

Subtitle C—Deterring Transportation of Unlawful Aliens to the United States

Sec. 341. Definition of stowaway.

Sec. 342. List of alien and citizen passengers arriving.

Subtitle D—Additional Provisions

Sec. 351. Definition of conviction.
Sec. 352. Immigration judges and compensation.
Sec. 353. Rescission of lawful permanent resident status.
Sec. 354. Civil penalties for failure to depart.
Sec. 355. Clarification of district court jurisdiction.
Sec. 356. Use of retired Federal employees for institutional hearing program.
Sec. 357. Enhanced penalties for failure to depart, illegal reentry, and passport and visa fraud.
Sec. 358. Authorization of additional funds for removal of aliens.
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TITLE I—DETERRENCE OF ILLEGAL IMMIGRATION THROUGH IMPROVED BORDER ENFORCEMENT, PILOT PROGRAMS, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at Border

SEC. 101. BORDER PATROL AGENTS AND SUPPORT PERSONNEL.

(a) INCREASED NUMBER OF BORDER PATROL POSITIONS.—The number of border patrol agents shall be increased, for each fiscal year beginning with the fiscal year 1996 and ending with the fiscal year 2000, by 1,000 full-time equivalent positions above the number of equivalent positions as of September 30, 1994.

(b) INCREASE IN SUPPORT PERSONNEL.—The number of full-time support positions for personnel in support of border enforcement, investigation, detention and deportation, intelligence, information and records, legal proceedings, and management and administration in the Immigration and Naturalization Service shall be increased, beginning with fiscal year 1996, by 800 positions above the number of equivalent positions as of September 30, 1994.

(c) DEPLOYMENT OF NEW BORDER PATROL AGENTS.—The Attorney General shall, to the maximum extent practicable, ensure that the border patrol agents hired pursuant to subsection (a) shall—

(1) be deployed among the various Immigration and Naturalization Service sectors in proportion to the level of illegal crossing of the borders of the United States measured in each sector during the preceding fiscal year and reasonably anticipated in the next fiscal year, and

(2) be actively engaged in law enforcement activities related to such illegal crossings.

SEC. 102. IMPROVEMENT OF BARRIERS AT BORDER.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of the Immigration and Naturalization Service, shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.

(b) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.—

(1) IN GENERAL.—In carrying out subsection (a), the Attorney General shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to

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 appropriated under this paragraph are authorized to remain available until expended.

(c) 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.

(d) 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. IMPROVED BORDER EQUIPMENT AND TECHNOLOGY.

The Attorney General is authorized to acquire and utilize, for the purpose of detection, interdiction, and reduction of illegal immigration into the United States, any Federal equipment (including fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, 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 CARD.

(a) IN GENERAL.—Section 101(a)(6) (8 U.S.C. 1101(a)(6)) is amended by adding at the end the following: ''Such regulations shall provide that (A) 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 identifier contained 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 clause (A) of the sentence added by the amendment made by subsection (a) the Attorney General shall submit to Congress a report on the impact of such clause on border crossing activities.

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) 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 an 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 (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. 106. PROSECUTION OF 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 section 275(a) of the Immigration and Nationality Act if the alien has committed such an act on two previous occasions. Funds appropriated pursuant to this subsection are authorized to remain available until expended.

(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 the following new subsection:

''(e)(1) 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 civil rights, personal safety, and 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 REPATRIATION.

(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 methods to deter multiple illegal entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple illegal entries into the United States.

(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 of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 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 of 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:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(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. The program shall be operated in as many air ports of entry as is deemed appropriate, but at no less than 3 of the 5 air ports of entry with the heaviest volume of incoming traffic from foreign territories.

(b) REPORT.—

(1) DEADLINE.—The Commissioner shall submit a report to Congress not later than 2 years after the date the pilot program is implemented under subsection (a).

(2) INFORMATION.—The report shall include the following information for each participating port of entry:

(A) The number of departure records collected, with an accounting by country of nationality of the departing alien.

(B) The number of departure records that were successfully matched to records of the alien's prior arrival in the United States, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

(C) The number of aliens who arrived at the port of entry as nonimmigrants, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the pilot program or through other means, with an accounting by the alien's country of nationality and date of arrival in the United States.

(D) The estimated cost of establishing a national system to verify the departure from the United States of aliens admitted temporarily as nonimmigrants.

(3) RECOMMENDATIONS.—The report also shall include specific recommendations for implementation of the pilot program on a permanent basis.

(c) USE OF INFORMATION ON VISA OVERSTAYS.—Information on instances of visa 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. 121. INCREASE IN PERSONNEL FOR INTERIOR ENFORCEMENT.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the number of investigators and enforcement personnel of the Immigration and Naturalization Service who are deployed in the interior so that 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 SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling

SEC. 201. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

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

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

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

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

''(o)(1) a felony violation of section 1028 (relating to production of false identification documentation), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud or misuse of visas, permits, or other documents) of this title; or

''(2) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or''.

SEC. 202. RACKETEERING OFFENSES RELATING TO ALIEN SMUGGLING.

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

(1) by inserting ''section 1028 (relating to fraud and related activity in connection with identification documents),'' before ''section 1029'';

(2) 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 passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1588 (relating to peonage and slavery),'' after ''section 1513 (relating to retaliating against a witness, victim, or an informant),'';

(3) by striking ''or'' before ''(E)''; and

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

SEC. 203. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Section 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

(1) in subparagraph (B)(i), by inserting ''or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain'' after ''subparagraph (A)(i)'', and

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

''(C) Any person who engages in any conspiracy to commit, or aids or abets the commission of, any of the acts described in—

''(i) subparagraph (A)(i) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

''(ii) clause (ii), (iii), or (iv) of subparagraph (A) shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2) (8 U.S.C. 1324(a)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking ''or'' at the end of clause (ii),

(B) by adding ''or'' at the end of clause (iii), and

(C) by inserting after clause (iii) the following:

''(iv) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,''; and

(2) by striking ''be fined'' and all that follows through the final period at the end and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned not less than 3 years or more than 10 years.''.

(c) APPLYING CERTAIN PENALTIES ON A PER ALIEN BASIS.—Section 274(a)(2) (8 U.S.C. 1324(a)(2)) is amended by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''.

SEC. 204. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

(a) IN GENERAL.—The number of Assistant United States Attorneys employed by the Department of Justice for the fiscal year 1996 shall be increased by 25 above the number of Assistant United States Attorneys that were authorized to be employed as of September 30, 1994.

(b) ASSIGNMENT.—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 United States or harbor illegal aliens, fraud, and other criminal statutes involving illegal aliens.

SEC. 205. UNDERCOVER INVESTIGATION AUTHORITY.

(a) IN GENERAL.—Title II is amended by adding 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 provisions of law:

''(A) section 3679(a) of the Revised Statutes (31 U.S.C. 1341),

''(B) section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)),

''(C) section 305 of the Act of June 30, 1949 (63 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 Statutes (31 U.S.C. 3324),

''(F) section 3741 of the Revised Statutes (41 U.S.C. 22), and

''(G) subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

''(2) sums appropriated for the Service may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

''(3) sums appropriated for the Service, and the proceeds from the undercover operation, may be deposited in banks or other financial institutions 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 operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

The authority set forth in this subsection may be exercised only upon written certification of the Commissioner, in consultation with the Deputy Attorney General, that any action authorized 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, carried out under paragraphs (3) and (4) of subsection (a), 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 United States as miscellaneous receipts.

''(c) DISPOSITION OF CERTAIN CORPORATIONS AND BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an 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, the Service, as much in advance as the Commissioner 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 United States as miscellaneous receipts.

''(d) FINANCIAL AUDITS.—The Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 293 the following:

''Sec. 294. Undercover investigation authority.''.

Subtitle B—Deterrence of Document Fraud

SEC. 211. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraphs (3) and (4),'' after ''(1)'' and by striking ''five years'' and inserting ''15 years'';

(2) in paragraph (2), by inserting ''except as provided in paragraphs (3) and (4),'' after ''(2)'' and by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (5); and

(4) by inserting after paragraph (2) the following 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''.

(b) 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 promulgate guidelines, or amend existing guidelines, relating to defendants convicted of violating, or conspiring to violate, sections 1546(a) and 1028(a) of title 18, United States Code. The basic offense level under section 2L2.1 of the United States Sentencing Guidelines shall be increased to—

(1) not less than offense level 15 if the offense involves 100 or more documents;

(2) not less than offense level 20 if the offense involves 1,000 or more documents, or if the documents were used to facilitate any other criminal activity described in section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(A)(i)(II)) or in section 101(a)(43) of such Act; and

(3) not less than offense level 25 if the offense involves—

(A) the provision of documents to a person known or suspected of engaging in a terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B));

(B) the provision of documents to facilitate a terrorist activity or to assist a person to engage in terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) the provision of documents to persons involved in racketeering enterprises (described in section 1952(a) of title 18, United States Code).

SEC. 212. NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting '', or''; and

(3) by adding at the end the following:

''(5) in reckless disregard of the fact that the information is false or does not relate to the applicant, to prepare, to file, or to assist another in preparing or filing, documents which are falsely made for the purpose of satisfying a requirement of this Act.

For purposes of this section, the term 'falsely made' includes, with respect to a document or application, the preparation or provision of the document or application with knowledge or in reckless disregard of the fact that such document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a material fact pertaining to the document or application.''.

(b) CONFORMING AMENDMENTS FOR CIVIL PENALTIES.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' both places it appears and inserting ''each instance of a violation under subsection (a)''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply to the preparation or filing of documents, and assistance in such preparation or filing, occurring on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply to violations occurring on or after the date of the enactment of this Act.

SEC. 213. NEW CIVIL PENALTY FOR FAILURE TO PRESENT DOCUMENTS AND FOR PREPARING IMMIGRATION DOCUMENTS WITHOUT AUTHORIZATION.

(a) IN GENERAL.—Section 274C(a) (8 U.S.C. 1324c(a)), as amended by section 212(a), is further amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a comma; and

(3) by inserting after paragraph (5) the following new paragraphs:

''(6) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States and to fail to present such document to an immigration officer upon arrival at a United States port of entry, or

''(7) to prepare or assist in the preparation and submission of immigration forms, petitions, and applications if the person or entity is not authorized to represent aliens, or to prepare or assist in the preparation and submission of such forms, petitions, and applications pursuant to regulations promulgated by the Attorney General.''; and

(4) by adding at the end the following:

''The Attorney General may, in the discretion of the Attorney General, waive the penalties of this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to individuals who board a common carrier on or after 30 days after the date of the enactment of this Act.

SEC. 214. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM AND FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—

''(1) If a person is required by law or regulation to disclose the fact that the person, on behalf 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, and the person knowingly and willfully fails to disclose, conceals, or covers up such fact, and the application was falsely made, the person shall—

''(A) be imprisoned for not less than 2 nor more than 5 years, fined in accordance with title 18, United States Code, or both, and

''(B) be prohibited from preparing or assisting in preparing, 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, in violation of paragraph (1)(B) shall be imprisoned for not less than 5 years or more than 15 years, fined in accordance with title 18, United States Code, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 215. CRIMINAL PENALTY FOR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth paragraph of section 1546(a) of title 18, United States Code, is amended by striking ''containing any such false statement'' and inserting ''which contains any such false statement or which fails to contain any reasonable basis in law or fact''.

SEC. 216. CRIMINAL PENALTIES FOR FALSE 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 ''; or'', 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; or

''(f) Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)—''.

Subtitle C—Asset Forfeiture for Passport and Visa Offenses

SEC. 221. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED 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) The court, in imposing 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 1028 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, which the person used, or intended to be used, in committing, or 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.'', and

(2) in subsection (b)(1)(B), by inserting ''or (a)(6)'' after ''(a)(2)''.

SEC. 222. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting ''1028, 1541, 1542, 1543, 1544, 1546,'' before ''1956''.

SEC. 223. EFFECTIVE DATE.

The amendments 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, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

SEC. 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 OVERSTAYERS.—Aliens who enter illegally or who overstay the period of authorized admission will have a greater burden of proof in removal proceedings and will face tougher standards for most discretionary immigration benefits, such as suspension of removal and work authorization.

(3) STRICTER STANDARDS TO ASSURE DETENTION OF ALIENS.—There are more stringent standards for the release of aliens (particularly aliens convicted of aggravated felonies) during and after removal proceedings.

(4) SIMPLIFIED, SINGLE REMOVAL PROCEEDING (IN PLACE OF SEPARATE EXCLUSION AND DEPORTATION PROCEEDINGS).—The procedures for exclusion and deportation are consolidated into a simpler, single procedure for removal of inadmissible and deportable aliens.

(5) STREAMLINED JUDICIAL REVIEW.—Judicial review is streamlined through removing a layer of review in exclusion cases, shortening the time period to file for review, and permitting the removal of inadmissible aliens pending the review.

(6) INCREASED PENALTIES TO ASSURE REMOVAL AND PREVENT FURTHER REENTRY.—Aliens who are ordered removed are subject to civil money penalties for failure to depart on time and if they seek reentry they are subject to immediate removal under the prior order.

(7) PROTECTION OF APPLICANTS 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 their claims.

(8) REORGANIZATION.—The provisions of the Act are reorganized to provide a more logical

progression from arrival and inspection through proceedings and removal.

SEC. 301. TREATING PERSONS PRESENT IN THE UNITED STATES WITHOUT AUTHORIZATION AS NOT ADMITTED.

(a) ''ADMISSION'' DEFINED.—Paragraph (13) of section 101(a) (8 U.S.C. 1101(a)) is amended to read as follows:

''(13)(A) The terms 'admission' and 'admitted' mean, with respect to an alien, the entry of the alien into the United States after inspection and authorization by an immigration officer.

''(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

''(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

''(i) has abandoned or relinquished that status,

''(ii) has engaged in illegal activity after having departed the United States,

''(iii) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

''(iv) has been convicted of an aggravated felony, unless since such conviction the alien has been granted relief under section 240A(a), or

''(v) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.''.

(b) INADMISSIBILITY OF ALIENS PRESENT WITHOUT ADMISSION OR PAROLE.—

(1) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) PRESENT WITHOUT ADMISSION OR PAROLE.—

''(A) IN GENERAL.—An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.

''(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)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1),

''(ii)(I) the alien has been battered or subject to extreme cruelty by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subject to extreme cruelty 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's or parent's family residing in the same household as the alien 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, and

''(iii) there was a substantial connection between the battery or cruelty described in subclause (I) or (II) and the alien's unlawful entry into the United States.''.

(2) TRANSITION FOR BATTERED SPOUSE OR CHILD PROVISION.—The requirements of clauses (ii) and (iii) of section 212(a)(9)(B) of the Immigration and Nationality Act, as inserted by paragraph (1), shall not apply to an alien who demonstrates that the alien first arrived in the United States before the title III–A effective date (described in section 309(a)).

(c) REVISION TO GROUND OF INADMISSIBILITY FOR ILLEGAL ENTRANTS AND IMMIGRATION VIOLATORS.—Subparagraphs (A) and (B) of section 212(a)(6) (8 U.S.C. 1182(a)(6)) are amended to read as follows:

''(A) ALIENS PREVIOUSLY REMOVED.—

''(i) ARRIVING ALIENS.—Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal is inadmissible.

''(ii) OTHER ALIENS.—Any alien not described in clause (i) who has been ordered removed under section 240 or any other provision of law and who again seeks admission within 10 years of the date of such removal (or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

''(iii) EXCEPTION.—Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.

''(B) ALIENS PRESENT UNLAWFULLY FOR MORE THAN 1 YEAR.—

''(i) IN GENERAL.—Any alien who was unlawfully present in the United States for an aggregate period totaling 1 year is inadmissible unless the alien has remained outside the United States for a period of 10 years.

''(ii) EXCEPTIONS.—

''(I) MINORS.—No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

''(II) ASYLEES.—No period of time in which an alien has a bona fide application for asylum pending under section 208 shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

''(III) ALIENS WITH WORK AUTHORIZATION.—No period of time in which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien, shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

''(IV) FAMILY UNITY.—No period of time in which the alien is a beneficiary of family unity protection pursuant to section 301 of the Immigration Act of 1990 shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

''(V) BATTERED WOMEN AND CHILDREN.—Clause (i) shall not apply to an alien described in paragraph (9)(B).

''(iii) EXTENSION.—The Attorney General may extend the period of 1 year under clause (i) to a period of 15 months in the case of an alien who applies to the Attorney General (before the alien has been present unlawfully in the United States for a period totaling 1 year) and establishes to the satisfaction of the Attorney General that—

''(I) the alien is not inadmissible under clause (i) at the time of the application, and

''(II) the failure to extend such period would constitute an extreme hardship for the alien.

''(iv) WAIVER.—In the case of an alien who is the spouse, parent, or child of a United States 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) health care, housing, or educational opportunities for an indigent or low-income population or in an underserved geographical area;

''(III) economic or employment opportunities for a specific industry or specific geographical area;

''(IV) the development of new technologies; or

''(V) environmental protection or the productive use of natural resources; and

the alien will engage in a specific undertaking to advance one or more of the interests identified in subclauses (I) through (V).''.

(d) WAIVER OF MISREPRESENTATION GROUND OF INADMISSIBILITY FOR CERTAIN ALIENS.—Subsection (i) of section 212 is amended to read as follows:

''(i) The Attorney General may, in the discretion of the Attorney General, waive the application of clause (i) of subsection (a)(6)(C)—

''(1) in the case of an immigrant who is the spouse, son, or daughter of a United States citizen; or

''(2) in the case of an immigrant who is the spouse or son or daughter of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the lawfully resident spouse or parent of such an alien.''.

(e) PROHIBITION ON ISSUANCE OF VISAS FOR FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID UNITED STATES TAXATION.—Section 212(a)(10) (8 U.S.C. 1182(a)(10)), as redesignated by subsection (b)(1), is amended by adding at the end the following:

''(D) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—Any alien who is a former citizen of the United States who officially renounced United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is excludable.''.

(f) PROOF OF VACCINATION REQUIREMENT FOR IMMIGRANTS.—

(1) IN GENERAL.—Section 212(a)(1)(A) (8 U.S.C. 1182(a)(1)(A)) is amended—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and

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

''(ii) who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,''.

(2) WAIVER.—Section 212(g) (8 U.S.C. 1182(g) is amended by striking '', or'' at the end of paragraph (1) and all that follows and inserting a semicolon and the following:

''in accordance with such terms, conditions, and controls, if any, including the giving of bond, as the Attorney General, in the discretion of the Attorney General after consultation with the Secretary of Health and Human Services, may by regulation prescribe;

''(2) subsection (a)(1)(A)(ii) in the case of any alien—

''(A) who receives vaccination against the vaccine-preventable disease or diseases for which the alien has failed to present documentation of previous vaccination, or

''(B) for whom a civil surgeon, medical officer, or panel physician (as those terms are defined by 42 C.F.R. 34.2) certifies, according to such regulations as the Secretary of Health and Human Services may prescribe, that such vaccination would not be medically appropriate; or

''(3) subsection (a)(1)(A)(iii) in the case of any alien, in accordance with such terms, conditions, and controls, if any, including the giving of bond, as the Attorney General, in the discretion of the Attorney General after consultation with the Secretary of Health and Human Services, may by regulation prescribe.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to applications for immigrant visas or for adjustment of status filed after September 30, 1996.

(g) ADJUSTMENT IN GROUNDS FOR DEPORTATION.—Section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2), is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking ''in the United States'' and inserting ''in and admitted to the United States'';

(2) in subsection (a)(1), by striking ''EXCLUDABLE'' each place it appears and inserting ''INADMISSIBLE'';

(3) in subsection (a)(1)(A), by striking ''excludable'' and inserting ''inadmissible''; and

(4) by amending subparagraph (B) of subsection (a)(1) to read as follows:

''(B) PRESENT IN VIOLATION OF LAW.—Any alien who is present in the United States in violation of this Act or any other law of the United States is deportable.''.

SEC. 302. 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:

''INSPECTION BY IMMIGRATION OFFICERS; EXPEDITED REMOVAL OF INADMISSIBLE ARRIVING ALIENS; REFERRAL FOR HEARING

''SEC. 235. (a) INSPECTION.—

''(1) ALIENS TREATED AS APPLICANTS FOR ADMISSION.—An 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 a fear of persecution, the officer shall refer the alien for an interview under subsection (b)(1)(B). A stowaway may apply for asylum only if the stowaway is found to have a credible fear of persecution under subsection (b)(1)(B). In no case may a stowaway be considered an applicant for admission or eligible for a hearing under section 240.

''(3) INSPECTION.—All aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.

''(4) 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.

''(5) STATEMENTS.—An applicant for admission may be required to state under oath any information sought by an immigration officer regarding the purposes and intentions of the applicant in seeking admission to the United States, including the applicant's intended length of stay and whether the applicant intends to remain permanently or become a United States citizen, and whether the applicant is inadmissible.

''(b) INSPECTION OF APPLICANTS FOR ADMISSION.—

''(1) INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES.—

''(A) SCREENING.—If the examining immigration officer determines that an alien arriving in the United States (whether or not at a port of entry) is inadmissible under section 212(a)(6)(C) or 212(a)(7) and the alien—

''(i) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall order the alien removed from the United States without further hearing or review; or

''(ii) indicates an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B).

''(B) ASYLUM INTERVIEWS.—

''(i) CONDUCT BY ASYLUM OFFICERS.—An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (A)(ii).

''(ii) REFERRAL OF CERTAIN ALIENS.—If the officer determines at the time of the interview that an alien has a credible fear of persecution (within the meaning of clause (v)), the alien shall be detained for further consideration of the application for asylum.

''(iii) REMOVAL WITHOUT FURTHER REVIEW IF NO CREDIBLE FEAR OF PERSECUTION.—

''(I) IN GENERAL.—Subject to subclause (II), if the officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.

''(II) REVIEW OF DETERMINATION BY SUPERVISORY OFFICER.—The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum officer at the port of entry of a determination under subclause (I).

''(iv) INFORMATION ABOUT INTERVIEWS.—The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(v) CREDIBLE FEAR OF PERSECUTION DEFINED.—For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

''(C) LIMITATION ON ADMINISTRATIVE REVIEW.—A removal order entered in accordance with subparagraph (A)(i) or (B)(iii)(I) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order under subparagraph (A)(i) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

''(D) LIMIT ON COLLATERAL ATTACKS.—In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered under subparagraph (A)(i) or (B)(iii)(I).

''(E) ASYLUM OFFICER DEFINED.—As used in this paragraph, the term 'asylum officer' means an immigration officer who—

''(i) has had professional training in country conditions, asylum law, and interview techniques, and

''(ii) is supervised by an officer who meets the condition described in clause (i).

''(2) INSPECTION OF OTHER ALIENS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a hearing under section 240.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien—

''(i) who is a crewman,

''(ii) to whom paragraph (1) applies, or

''(iii) who is a stowaway.

''(3) CHALLENGE OF DECISION.—The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to be admitted is so challenged, before an immigration judge for a hearing under section 240.

''(c) REMOVAL OF ALIENS INADMISSIBLE ON SECURITY AND RELATED GROUNDS.—

''(1) REMOVAL WITHOUT FURTHER HEARING.—If an immigration officer or an immigration judge suspects that an arriving alien may be inadmissible under subparagraph (A) (other than clause (ii)), (B), or (C) of section 212(a)(3), the officer or judge shall—

''(A) order the alien removed, subject to review under paragraph (2);

''(B) report the order of removal to the Attorney General; and

''(C) not conduct any further inquiry or hearing until ordered by the Attorney General.

''(2) REVIEW OF ORDER.—(A) The Attorney General shall review orders issued under paragraph (1).

''(B) If the Attorney General—

''(i) is satisfied on the basis of confidential information that the alien is inadmissible under subparagraph (A) (other than clause (ii)), (B), or (C) of section 212(a)(3), and

''(ii) after consulting with appropriate security agencies of the United States Government, concludes that disclosure of the information would be prejudicial to the public interest, safety, or security,

the Attorney General may order the alien removed without further inquiry or hearing by an immigration judge.

''(C) If the Attorney General does not order the removal of the alien under subparagraph (B), the Attorney General shall specify the further inquiry or hearing that shall be conducted in the case.

''(3) SUBMISSION OF STATEMENT AND INFORMATION.—The alien or the alien's representative may submit a written statement and additional information for consideration by the Attorney General.

''(d) AUTHORITY RELATING TO INSPECTIONS.—

''(1) AUTHORITY TO SEARCH CONVEYANCES.—Immigration officers are authorized to board and search any vessel, aircraft, railway car, or other conveyance or vehicle in which they believe aliens are being brought into the United States.

''(2) AUTHORITY TO ORDER DETENTION AND DELIVERY OF ARRIVING ALIENS.—Immigration officers are authorized to order an owner, agent, 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.

''(3) 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, reenter, 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.

''(4) SUBPOENA AUTHORITY.—(A) The Attorney General and any immigration officer shall have power to require by subpoena the attendance and testimony 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, and to that end may invoke the aid of any court of the United States.

''(B) Any United States district court within the jurisdiction of which investigations or inquiries are being conducted 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, issue an order requiring such persons to appear before an immigration officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.''.

SEC. 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 to read as follows:

''APPREHENSION AND DETENTION OF ALIENS NOT LAWFULLY IN THE UNITED STATES

''SEC. 236. (a) ARREST, DETENTION, AND RELEASE.—On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General—

''(1) may continue to detain the arrested alien; and

''(2) may release the alien on—

''(A) bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

''(B) conditional parole; but

''(3) may not provide the alien with work authorization (including an 'employment authorized' endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

''(b) REVOCATION OF BOND OR PAROLE.—The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain 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 again for the same offense.

''(2) RELEASE.—The Attorney General may release the alien only if—

''(A) the alien was lawfully admitted to the United States and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding;

''(B) the alien was not lawfully admitted to the United States, cannot be removed because the designated country of removal will not accept the alien, and satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; or

''(C) the Attorney General decides pursuant to section 3521 of title 18, United States Code, that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation.

A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

''(d) IDENTIFICATION OF ALIENS CONVICTED OF AGGRAVATED FELONIES.—(1) The Attorney General shall devise and implement a system—

''(A) to make available, daily (on a 24-hour basis), to Federal, State, and local authorities the investigative resources of the Service to determine whether individuals arrested by such authorities for aggravated felonies are aliens;

''(B) to designate and train officers and employees of the Service to serve as a liaison to Federal, State, and local law enforcement and correctional agencies and courts with respect to the arrest, conviction, and release of any alien charged with an aggravated felony; and

''(C) which uses computer resources to maintain a current record of aliens who have been convicted of an aggravated felony and who have been removed.

''(2) The record under paragraph (1)(C) shall be made available—

''(A) to inspectors at ports of entry and to border patrol agents at sector headquarters for purposes of immediate identification of any such previously removed alien seeking to reenter the United States, and

''(B) to officials of the Department of State for use in its automated visa lookout system.''.

(b) INCREASE IN INS DETENTION FACILITIES.—Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds by fiscal year 1997.

SEC. 304. REMOVAL PROCEEDINGS; CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE (REVISED AND NEW SECTIONS 239 TO 240C).

(a) IN GENERAL.—Chapter 4 of title II is amended—

(1) by redesignating section 239 as section 234 and by moving such section to immediately follow section 233;

(2) by redesignating section 240 (8 U.S.C. 1230) as section 240C; and

(3) by inserting after section 238 the following new sections:

''INITIATION OF REMOVAL PROCEEDINGS

''SEC. 239. (a) NOTICE TO APPEAR.—

''(1) IN GENERAL.—In removal proceedings under section 240, written notice (in this section referred to as a 'notice to appear') shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien's counsel of record, if any) specifying the following:

''(A) The nature of the proceedings against the alien.

''(B) The legal authority under which the proceedings are conducted.

''(C) The acts or conduct alleged to be in violation of law.

''(D) The charges against the alien and the statutory provisions alleged to have been violated.

''(E) The alien may be represented by counsel and the alien will be provided (i) a period of time to secure counsel under subsection (b)(1) and (ii) a current list of counsel prepared under subsection (b)(2).

''(F)(i) The requirement that the alien must immediately provide (or have provided) the Attorney General with a written record of an address and telephone number (if any) at which the alien may be contacted respecting proceedings under section 240.

''(ii) The requirement that the alien must provide the Attorney General immediately with a written record of any change of the alien's address or telephone number.

''(iii) The consequences under section 240(b)(5) of failure to provide address and telephone information pursuant to this subparagraph.

''(G)(i) The time and place at which the proceedings will be held.

''(ii) The consequences under section 240(b)(5) of the failure, except under exceptional circumstances, to appear at such proceedings.

''(2) NOTICE OF CHANGE IN TIME OR PLACE OF PROCEEDINGS.—

''(A) IN GENERAL.—In removal proceedings under section 240, in the case of any change or postponement in the time and place of such proceedings, subject to subparagraph (B) a written notice shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien's counsel of record, if any) specifying—

''(i) the new time or place of the proceedings, and

''(ii) the consequences under section 240(b)(5) of failing, except under exceptional circumstances, to attend such proceedings.

''(B) EXCEPTION.—In the case of an alien not in detention, a written notice shall not be required under this paragraph if the alien has failed to provide the address required under paragraph (1)(F).

''(3) CENTRAL ADDRESS FILES.—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 paragraph (1)(F).

''(b) SECURING OF COUNSEL.—

''(1) IN GENERAL.—In order that an alien be permitted the opportunity to secure counsel before the first hearing date in proceedings 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 an earlier hearing date.

''(2) 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 bono aliens in proceedings under section 240. Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.

''(c) SERVICE BY MAIL.—Service by mail under this section shall be sufficient if there is proof of attempted delivery to the last address provided by the alien in accordance with subsection (a)(1)(F).

''(d) PROMPT INITIATION OF REMOVAL.—(1) In the case of an alien who is convicted of an offense which makes the alien deportable, the Attorney General shall begin any removal proceeding as expeditiously as possible after the date of the conviction.

''(2) 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.

''REMOVAL PROCEEDINGS

''SEC. 240. (a) PROCEEDING.—

''(1) IN GENERAL.—An immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien.

''(2) CHARGES.—An alien placed in proceedings under this section may be charged with any applicable ground of inadmissibility under section 212(a) or any applicable ground of deportability under section 237(a).

''(3) EXCLUSIVE PROCEDURES.—Unless otherwise specified in this Act, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States. Nothing in this section shall affect proceedings conducted pursuant to section 238.

''(b) CONDUCT OF PROCEEDING.—

''(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the alien and any witnesses. The immigration judge may issue subpoenas for the attendance of witnesses and presentation of evidence. The immigration judge shall have authority (under regulations prescribed by the Attorney General) to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act.

''(2) FORM OF PROCEEDING.—

''(A) IN GENERAL.—The proceeding may take place—

''(i) in person,

''(ii) through video conference, or

''(iii) subject to subparagraph (B), through telephone conference.

''(B) CONSENT REQUIRED IN CERTAIN CASES.—An evidentiary hearing on the merits may only be conducted through a telephone conference with the consent of the alien involved after the alien has been advised of the right to proceed in person or through video conference.

''(3) PRESENCE OF ALIEN.—If it is impracticable 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, and 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, unequivocal, and convincing evidence that the written notice was so provided and that the alien is removable (as defined in subsection (e)(2)). 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 after the date 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 to reopen 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 alien 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 body under this title, frivolous behavior for which attorneys may be sanctioned,

''(B) specify the circumstances under which an administrative appeal of a decision or ruling will be considered frivolous and will be summarily dismissed, and

''(C) 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 FAILURE TO APPEAR.—Any 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) or (2) of section 239(a), 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 consequences under this paragraph of failing, other than because of exceptional circumstances (as defined in subsection (e)(1)) to attend a proceeding under this section, shall not be eligible for relief under section 240A, 240B, 245, 248, or 249 for a period of 10 years after the date of the entry of the final order of removal.

''(c) DECISION AND BURDEN OF PROOF.—

''(1) DECISION.—

''(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 only 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.

''(2) BURDEN ON 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.

''(3) BURDEN ON SERVICE 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, the alien is deportable. No decision on deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

''(4) 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 to appeal that decision and of the consequences for failure to depart under the order of removal, including civil and criminal penalties.

''(5) 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.

''(6) MOTIONS TO REOPEN.—

''(A) IN GENERAL.—An 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 to be held if the motion is granted, and shall be supported by affidavits or other evidentiary material.

''(C) DEADLINE.—

''(i) 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.

''(ii) ASYLUM.—There is no time limit on the filing of a motion to reopen if the basis of the motion is to apply for relief under sections 208 or 241(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.

''(iii) FAILURE TO APPEAR.—A motion to reopen may be filed within 180 days after the date of the final order of removal if the order has been entered pursuant to subsection (b)(5) 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).

''(d) STIPULATED REMOVAL.—The Attorney General shall provide by regulation for the entry by an immigration judge of an order of removal stipulated to by the alien (or the alien's representative) and the Service. A stipulated order shall constitute a conclusive determination of the alien's removability from the United States.

''(e) DEFINITIONS.—In this section and section 240A:

''(1) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional 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.

''(2) REMOVABLE.—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, or

''(B) in the case of an alien admitted to the United States, that the alien is deportable under section 237.

''CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS

''SEC. 240A. (a) CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS.—The Attorney General may cancel removal in the case 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 any status, 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 physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

''(B) has been a person of good moral character during such period;

''(C) has not been convicted of an aggravated felony; and

''(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—

''(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) has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application;

''(C) has been a person of good moral character during such period;

''(D) is not inadmissible under paragraph (2) or (3) of section 212(a), is not 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 admitted for permanent residence any alien who the Attorney General determines meets the requirements of paragraph (1) or (2). The number of adjustments under this paragraph shall not exceed 4,000 for any fiscal year. The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General's cancellation of removal under paragraph (1) or (2) or determination under this paragraph.

''(c) ALIENS INELIGIBLE FOR RELIEF.—The provisions of subsections (a) and (b)(1) shall not apply to any of the following aliens:

''(1) An alien who entered the United States as a crewman subsequent to June 30, 1964.

''(2) An alien who was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant exchange alien after admission, in order to receive graduate medical education or training, regardless of whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e).

''(3) An alien who—

''(A) was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J) or has acquired the status of such a nonimmigrant exchange alien after admission other than to receive graduate medical education or training,

''(B) is subject to the two-year foreign residence requirement of section 212(e), and

''(C) has not fulfilled that requirement or received a waiver thereof.

''(4) An alien who is inadmissible under section 212(a)(3) or deportable under subparagraph (B) or (D) of section 237(a)(4).

''(d) SPECIAL RULES RELATING TO CONTINUOUS RESIDENCE OR PHYSICAL PRESENCE.—

''(1) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served a notice to appear under section 239(a).

''(2) 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 (b)(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 that time period due to emergent reasons.

''(3) CONTINUITY NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States under subsections (a) and (b) shall not apply to an alien who—

''(A) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(B) at the time of the alien's enlistment or induction was in the United States.

''VOLUNTARY DEPARTURE

''SEC. 240B. (a) CERTAIN CONDITIONS.—

''(1) IN GENERAL.—The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240 or prior to the completion of such proceedings, if the alien is not deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B).

''(2) PERIOD.—Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

''(3) BOND.—The Attorney General may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(4) TREATMENT OF ALIENS ARRIVING IN THE UNITED STATES.—In the case of an alien who is arriving in the United States and with respect to whom proceedings under section 240 are (or would otherwise be) initiated at the time of such alien's arrival, paragraph (1) shall not apply. Nothing in this paragraph shall be construed as preventing such an alien from withdrawing the application for admission in accordance with section 235(a)(4).

''(b) AT CONCLUSION OF PROCEEDINGS.—

''(1) IN GENERAL.—The Attorney General may permit an alien voluntarily to depart 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—

''(A) 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 under section 239(a);

''(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;

''(C) the alien is not deportable under section 237(a)(2)(A)(iii) or section 237(a)(4); and

''(D) the alien has established by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(2) PERIOD.—Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 60 days.

''(3) BOND.—An alien permitted to depart voluntarily under this subsection shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(c) ALIENS NOT ELIGIBLE.—The Attorney General shall not permit an alien to depart voluntarily under this section if the alien was previously permitted to so depart after having been found inadmissible under section 212(a)(9).

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart the United States within the time period specified, the alien shall be subject to a civil penalty of not less than $1,000 and not more than $5,000, and be ineligible for a period of 10 years for any further relief under this section and sections 240A, 245, 248, and 249.

''(e) ADDITIONAL CONDITIONS.—The Attorney General may by regulation limit eligibility for voluntary departure under this section for any class or classes of aliens.

''(f) APPEALS OF DENIALS.—An alien may appeal from denial of a request for an order of voluntary departure under subsection (b) in accordance with the procedures in section 242. Notwithstanding the pendency of such appeal, the alien shall be removable from the United States 60 days after entry of the order of removal. The alien's removal from the United States shall not moot the appeal.''.

(b) REPEAL OF SECTION 212(c).—Section 212(c) (8 U.S.C. 1182(c)) is repealed.

SEC. 305. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED (NEW SECTION 241).

(a) IN GENERAL.—Title II is further amended—

(1) by striking section 237 (8 U.S.C. 1227),

(2) by redesignating section 241 as section 237 and by moving such section to immediately follow section 236, and

(3) by inserting after section 240C (as redesignated by section 304(a)(2)) the following new section:

''DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED

''SEC. 241. (a) DETENTION, RELEASE, AND REMOVAL OF ALIENS ORDERED REMOVED.—

''(1) REMOVAL PERIOD.—

''(A) IN GENERAL.—Except as otherwise provided in this section, when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the 'removal period').

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the removal order is judicially reviewed and such review serves to stay the removal of the alien, the date of the court's final order.

''(iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal.

''(2) DETENTION AND RELEASE BY THE ATTORNEY GENERAL.—During the removal period, the Attorney General shall detain the alien. If there is insufficient detention space to detain the alien, the Attorney General shall make a specific finding to this effect and may release the alien on a bond containing such conditions as the Attorney General may prescribe.

''(3) SUPERVISION AFTER 90-DAY PERIOD.—If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

''(A) to appear before an immigration officer periodically for identification;

''(B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

''(C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and

''(D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

''(4) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—Except as provided in section 343(a) of the Public

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, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, and the alien shall be removed under the prior order at any time after the reentry.

''(6) INADMISSIBLE ALIENS.—An alien ordered removed who is inadmissible under section 212 may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3).

''(7) EMPLOYMENT AUTHORIZATION.—No alien ordered removed shall be eligible to receive authorization to be employed in the United States unless the Attorney General makes a specific finding that—

''(A) the alien cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien, or

''(B) the removal of the alien is otherwise impracticable or contrary to the public interest.

''(b) COUNTRIES TO WHICH ALIENS MAY BE REMOVED.—

''(1) ALIENS ARRIVING AT THE UNITED STATES.—Subject to paragraph (3)—

''(A) IN GENERAL.—Except as provided by subparagraphs (B) and (C), an alien who arrives at the United States and with respect to whom proceedings under section 240 were initiated at the time of such alien's arrival shall be removed to the country in which the alien boarded the vessel or aircraft on which the alien arrived in the United States.

''(B) TRAVEL FROM CONTIGUOUS TERRITORY.—If the alien boarded the vessel or aircraft on which the alien arrived in the United States in a foreign territory contiguous to the United States, an island adjacent to the United States, or an island adjacent to a foreign territory contiguous to the United States, and the alien is not a native, citizen, subject, or national of, or does not reside in, the territory or island, removal shall be to the country in which the alien boarded the vessel that transported the alien to the territory or island.

''(C) ALTERNATIVE COUNTRIES.—If the government of the country designated in subparagraph (A) or (B) is unwilling to accept the alien into that country's territory, removal shall be to any of the following countries, as directed by the Attorney General:

''(i) The country of which the alien is a citizen, subject, or national.

''(ii) The country in which the alien was born.

''(iii) The country in which the alien has a residence.

''(iv) A country with a government that will accept the alien into the country's territory if removal to each country described in a previous clause of this subparagraph is impracticable, inadvisable, or impossible.

''(2) OTHER ALIENS.—Subject to paragraph (3)—

''(A) SELECTION OF COUNTRY BY ALIEN.—Except as otherwise provided in this paragraph—

''(i) any alien not described in paragraph (1) who has been ordered removed may designate one country to which the alien wants to be removed, and

''(ii) the Attorney General shall remove the alien to the country the alien so designates.

''(B) LIMITATION ON DESIGNATION.—An alien may designate under subparagraph (A)(i) a foreign territory contiguous to the United States, an adjacent island, or an island adjacent to a foreign territory contiguous to the United States as the place to which the alien is to be removed only if the alien is a native, citizen, subject, or national of, or has resided in, that designated territory or island.

''(C) DISREGARDING DESIGNATION.—The Attorney General may disregard a designation under subparagraph (A)(i) if—

''(i) the alien fails to designate a country promptly;

''(ii) the government of the country does not inform the Attorney General finally, within 30 days after the date the Attorney General first inquires, whether the government will accept the alien into the country;

''(iii) the government of the country is not willing to accept the alien into the country; or

''(iv) the Attorney General decides that removing the alien to the country is prejudicial to the United States.

''(D) ALTERNATIVE COUNTRY.—If an alien is not removed to a country designated under subparagraph (A)(i), the Attorney General shall remove the alien to a country of which the alien is a subject, national, or citizen unless the government of the country—

''(i) does not inform the Attorney General or the alien finally, within 30 days after the date the Attorney General first inquires or within another period of time the Attorney General decides is reasonable, whether the government will accept the alien into the country; or

''(ii) is not willing to accept the alien into the country.

''(E) ADDITIONAL REMOVAL COUNTRIES.—If an alien is not removed to a country under the previous subparagraphs of this paragraph, the Attorney General shall remove the alien to any of the following countries:

''(i) The country from which the alien was admitted to the United States.

''(ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.

''(iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.

''(iv) The country in which the alien was born.

''(v) The country that had sovereignty over the alien's birthplace when the alien was born.

''(vi) The country in which the alien's birthplace is located when the alien is ordered removed.

''(vii) If impracticable, inadvisable, or impossible to remove the alien to each country described in a previous clause of this subparagraph, another country whose government will accept the alien into that country.

''(F) REMOVAL COUNTRY WHEN UNITED STATES IS AT WAR.—When the United States is at war and the Attorney General decides that it is impracticable, inadvisable, inconvenient, or impossible to remove an alien under this subsection because of the war, the Attorney General may remove the alien—

''(i) to the country that is host to a government in exile of the country of which the alien is a citizen or subject if the government of the host country will permit the alien's entry; or

''(ii) if the recognized government of the country of which the alien is a citizen or subject is not in exile, to a country, or a political or territorial subdivision of a country, that is very near the country of which the alien is a citizen or subject, or, with the consent of the government of the country of which the alien is a citizen or subject, to another country.

''(c) REMOVAL OF ALIENS ARRIVING AT PORT OF ENTRY.—

''(1) VESSELS AND AIRCRAFT.—An alien arriving at a port of entry of the United States who is ordered removed either without a hearing under section 235(a)(1) or 235(c) or pursuant to proceedings under section 240 initiated at the time of such alien's arrival shall be removed immediately on a vessel or aircraft owned by the owner of the vessel or aircraft on which the alien arrived in the United States, unless—

''(A) it is impracticable to remove the alien on one of those vessels or aircraft within a reasonable time, or

''(B) the alien is a stowaway—

''(i) who has been ordered removed in accordance with section 235(a)(1),

''(ii) who has requested asylum, and

''(iii) whose application has not been adjudicated or whose asylum application has been denied but who has not exhausted all appeal rights.

''(2) STAY OF REMOVAL.—

''(A) IN GENERAL.—The Attorney General may stay the removal of an alien under this subsection if the Attorney General decides that—

''(i) immediate removal is not practicable or proper; or

''(ii) the alien is needed to testify in the prosecution of a person for a violation of a law of the United States or of any State.

''(B) PAYMENT OF DETENTION COSTS.—During the period an alien is detained because of a stay of removal under subparagraph (A)(ii), the Attorney General may pay from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses'—

''(i) the cost of maintenance of the alien; and

''(ii) a witness fee of $1 a day.

''(C) RELEASE DURING STAY.—The Attorney General may release an alien whose removal is stayed under subparagraph (A)(ii) on—

''(i) the alien's filing a bond of at least $500 with security approved by the Attorney General;

''(ii) condition that the alien appear when required as a witness and for removal; and

''(iii) other conditions the Attorney General may prescribe.

''(3) COSTS OF DETENTION AND MAINTENANCE PENDING REMOVAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (d), an owner of a vessel or aircraft bringing an alien to the United States shall pay the costs of detaining and maintaining the alien—

''(i) while the alien is detained under subsection (d)(1), and

''(ii) in the case of an alien who is a stowaway, while the alien is being detained pursuant to—

''(I) subsection (d)(2)(A) or (d)(2)(B)(i),

''(II) subsection (d)(2)(B)(ii) or (iii) for the period of time reasonably necessary for the owner to arrange for repatriation or removal of the stowaway, including obtaining necessary travel documents, but not to extend beyond the date on which it is ascertained that such travel documents cannot be obtained from the country to which the stowaway is to be returned, or

''(III) section 235(b)(1)(B)(ii), for a period not to exceed 15 days (excluding Saturdays, Sundays, and holidays) commencing on the first such day which begins on the earlier of 72 hours after the time of the initial presentation of the stowaway for inspection or at the time the stowaway is determined to have a credible fear of persecution.

''(B) NONAPPLICATION.—Subparagraph (A) shall not apply if—

''(i) the alien is a crewmember;

''(ii) the alien has an immigrant visa;

''(iii) the alien has a nonimmigrant visa or other documentation authorizing the alien to apply for temporary admission to the United States and applies for admission not later than 120 days after the date the visa or documentation was issued;

''(iv) the alien has a reentry permit and applies for admission not later than 120 days after the date of the alien's last inspection and admission;

''(v)(I) the alien has a nonimmigrant visa or other documentation authorizing the alien to apply for temporary admission to the United States or a reentry permit;

''(II) the alien applies for admission more than 120 days after the date the visa or documentation was issued or after the date of the last inspection and admission under the reentry permit; and

''(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; or

''(vi) the individual claims to be a national of the United States and has a United States passport.

''(d) REQUIREMENTS OF PERSONS PROVIDING TRANSPORTATION.—

''(1) REMOVAL AT TIME OF ARRIVAL.—An owner, agent, 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 shall—

''(A) receive an alien back on the vessel or aircraft or another vessel or aircraft owned or operated by the same interests if the alien is ordered removed under this part; and

''(B) take the alien to the foreign country to which the alien is ordered removed.

''(2) ALIEN STOWAWAYS.—An owner, agent, master, commanding officer, charterer, or consignee of a vessel or aircraft arriving in the United States with an alien stowaway—

''(A) shall detain the alien on board the vessel or aircraft, or at such place as the Attorney General shall designate, until completion of the inspection of the alien by an immigration officer;

''(B) may not permit the stowaway to land in the United States, except pursuant to regulations of the Attorney General temporarily—

''(i) for medical treatment,

''(ii) for detention of the stowaway by the Attorney General, or

''(iii) for departure or removal of the stowaway; and

''(C) if ordered by an immigration officer, shall remove the stowaway on the vessel or aircraft or on another vessel or aircraft.

The Attorney General shall grant a timely request to remove the stowaway under subparagraph (C) on a vessel or aircraft other than that on which the stowaway arrived if any travel documents necessary for departure or repatriation of the stowaway have been obtained and removal of the stowaway will not be unreasonably delayed.

''(3) REMOVAL UPON ORDER.—An owner, agent, master, commanding officer, person in charge, purser, or consignee of a vessel, aircraft, or other transportation line shall comply with an order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be removed under this Act.

''(e) PAYMENT OF EXPENSES OF REMOVAL.—

''(1) COSTS OF REMOVAL AT TIME OF ARRIVAL.—In the case of an alien who is a stowaway or who is ordered removed either without a hearing under section 235(a)(1) or 235(c) or pursuant to proceedings under section 240 initiated at the time of such alien's arrival, the owner of the vessel or aircraft (if any) on which the alien arrived in the United States shall pay the transportation cost of removing the alien. If removal is on a vessel or aircraft not owned by the owner of the vessel or aircraft on which the alien arrived in the United States, the Attorney General may—

''(A) pay the cost from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses'; and

''(B) recover the amount of the cost in a civil action from the owner, agent, or consignee of the vessel or aircraft (if any) on which the alien arrived in the United States.

''(2) COSTS OF REMOVAL TO PORT OF REMOVAL FOR ALIENS ADMITTED OR PERMITTED TO LAND.—In the case of an alien who has been admitted or permitted to land and is ordered removed, the cost (if any) of removal of the alien to the port of removal shall be at the expense of the appropriation for the enforcement of this Act.

''(3) COSTS OF REMOVAL FROM PORT OF REMOVAL FOR ALIENS ADMITTED OR PERMITTED TO LAND.—

''(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 removal of the alien from the port of removal shall be at the expense of the appropriation for the enforcement of this Act.

''(B) THROUGH OWNER.—

''(i) IN GENERAL.—In the case of an alien described in clause (ii), the cost of removal of the alien from the port of removal may be charged to any owner of the vessel, aircraft, or other transportation line by which the alien came to the United States.

''(ii) ALIENS DESCRIBED.—An alien described in this clause is an alien who—

''(I) is admitted to the United States (other than lawfully admitted for permanent residence) and is ordered removed within 5 years of the date of admission based on a ground that existed before or at the time of admission, or

''(II) is an alien crewman permitted to land temporarily under section 252 and is ordered removed within 5 years of the date of landing.

''(C) COSTS OF REMOVAL OF CERTAIN ALIENS GRANTED VOLUNTARY DEPARTURE.—In the case of an alien who has been granted voluntary departure under section 240B and who is financially unable to depart at the alien's own expense and whose removal the Attorney General deems to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for the enforcement of this Act.

''(f) ALIENS REQUIRING PERSONAL CARE DURING REMOVAL.—

''(1) IN GENERAL.—If the Attorney General believes that an alien being removed requires personal care because of the alien's mental or physical condition, the Attorney General may employ a suitable person for that purpose who shall accompany and care for the alien until the alien arrives at the final destination.

''(2) COSTS.—The costs of providing the service described in paragraph (1) shall be defrayed in the same manner as the expense of removing the accompanied alien is defrayed under this section.

''(g) PLACES OF DETENTION.—

''(1) IN GENERAL.—The Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal. When United States Government facilities are unavailable or facilities adapted or suitably located for detention are unavailable for rental, the Attorney General may expend from the appropriation 'Immigration and Naturalization Service—Salaries and Expenses', without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), amounts necessary to acquire land and to acquire, build, remodel, repair, and operate facilities (including living quarters for immigration officers if not otherwise available) necessary for detention.

''(2) DETENTION FACILITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.—Prior to initiating any project for the construction of any new detention facility for the Service, the Commissioner shall consider the availability for purchase or lease of any existing prison, jail, detention center, or other comparable facility suitable for such use.

''(h) STATUTORY CONSTRUCTION.—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.''.

(b) MODIFICATION OF AUTHORITY.—

(1) Section 241(i), as redesignated by section 306(a)(1), is amended—

(A) in paragraph (3)(A) by striking ''felony and sentenced to a term of imprisonment'' and inserting ''felony or two or more misdemeanors'', and

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

''(6) In this subsection, the term 'incarceration' includes imprisonment in a State or local prison or jail the time of which is counted towards completion of a sentence or the detention of an alien previously convicted of a felony or misdemeanor who has been arrested and is being held pending judicial action on new charges or pending transfer to Federal custody.''.

(2) The amendments made by paragraph (1) shall apply beginning with fiscal year 1996.

(c) MISCELLANEOUS CONFORMING AMENDMENT.—Section 212(a)(4) (8 U.S.C. 1182(a)(4)), as amended by section 621(a), is amended by striking ''241(a)(5)(B)'' each place it appears and inserting ''237(a)(5)(B)''.

SEC. 306. APPEALS FROM ORDERS OF REMOVAL (NEW SECTION 242).

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252) is amended—

(1) by redesignating subsection (j) as subsection (i) and by moving such subsection and adding it at the end of section 241, as inserted by section 305(a)(3); and

(2) by amending the remainder of section 242 to read as follows:

''JUDICIAL REVIEW OF ORDERS OF REMOVAL

''SEC. 242. (a) APPLICABLE PROVISIONS.—

''(1) GENERAL ORDERS OF REMOVAL.—Judicial review of a final order of removal (other than an order of removal without a hearing pursuant to section 235(b)(1)) is governed only by chapter 158 of title 28 of the United States Code, except as provided in subsection (b) and except that the court may not order the taking of additional evidence under section 2347(c) of such title.

''(2) LIMITATIONS ON REVIEW RELATING TO SECTION 235(b)(1).—Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(A) except as provided in subsection (f), any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of an order of removal pursuant to section 235(b)(1),

''(B) a decision by the Attorney General to invoke the provisions of such section,

''(C) the application of such section to individual aliens, including the determination made under section 235(b)(1)(B), or

''(D) procedures and policies adopted by the Attorney General to implement the provisions of section 235(b)(1).

''(3) TREATMENT OF CERTAIN DECISIONS.—No alien shall have a right to appeal from a decision of an immigration judge which is based solely on a certification described in section 240(c)(1)(B).

''(b) REQUIREMENTS FOR ORDERS OF REMOVAL.—With respect to review of an order of removal under subsection (a)(1), the following requirements apply:

''(1) DEADLINE.—The petition for review must be filed not later than 30 days after the date of the final order of removal.

''(2) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit in which the immigration judge completed the proceedings. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(3) SERVICE.—

''(A) IN GENERAL.—The respondent is the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Service in charge of the Service district in which the initial proceedings under section 240 were conducted.

''(B) STAY OF ORDER.—

''(i) IN GENERAL.—Except as provided in clause (ii), service of the petition on the officer or employee stays the removal of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(ii) EXCEPTION.—If the alien has been convicted of an aggravated felony, or the alien has been ordered removed pursuant to a finding that the alien is inadmissible under section 212, service of the petition does not stay the removal unless the court orders otherwise.

''(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,

''(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 manifestly 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 petitioner may have such nationality claim decided only as provided in this paragraph.

''(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 order shall be consolidated with the review of the order.

''(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 defendant claims in the motion to be a national of the United States and the district court finds that—

''(i) no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the removal order is based and the administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole; or

''(ii) a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

The defendant may have such nationality claim decided only as provided in this subparagraph.

''(C) CONSEQUENCE OF INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a). The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days after the date of the dismissal.

''(D) LIMITATION ON FILING PETITIONS FOR REVIEW.—The defendant in a criminal proceeding under section 243(a) may not file a petition for review under subsection (a) during the criminal proceeding.

''(8) CONSTRUCTION.—This subsection—

''(A) does not prevent the Attorney General, after a final order of removal has been issued, from detaining the alien under section 241(a);

''(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) REQUIREMENTS FOR PETITION.—A petition for review or for habeas corpus of an order of removal shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—A court may review a final order of removal only if—

''(1) the alien has exhausted all administrative remedies available to the alien as of right, and

''(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(e) LIMITED REVIEW FOR NON-PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES.—

''(1) IN GENERAL.—A petition for review filed by an alien against whom a final order of removal has been issued under section 238 may challenge only whether—

''(A) the alien is the alien described in the order,

''(B) the alien is an alien described in section 238(b)(2) and has been convicted after entry into the United States of an aggravated felony, and

''(C) proceedings against the alien complied with section 238(b)(4).

''(2) LIMITED JURISDICTION.—A court reviewing the petition has jurisdiction only to review the issues described in paragraph (1).

''(f) JUDICIAL REVIEW OF ORDERS UNDER SECTION 235(b)(1).—

''(1) APPLICATION.—The provisions of this subsection apply with respect to judicial review of orders of removal effected under section 235(b)(1).

''(2) LIMITATIONS ON RELIEF.—Regardless of the nature of the action or claim and regardless of the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(3) LIMITATION TO HABEAS CORPUS.—Judicial review of any matter, cause, claim, or individual determination made or arising under or pertaining to section 235(b)(1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

''(A) whether the petitioner is an alien,

''(B) whether the petitioner was ordered removed under such section, and

''(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as prescribed by the Attorney General pursuant to section 235(b)(1)(C).

''(4) DECISION.—In any case where the court determines that the petitioner—

''(A) is an alien who was not ordered removed under section 235(b)(1), or

''(B) has demonstrated by a preponderance of the evidence that the alien is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 240. Any alien who is provided a hearing under section 240 pursuant to this paragraph may thereafter obtain judicial review of any resulting final order of removal pursuant to subsection (a)(1).

''(5) SCOPE OF INQUIRY.—In determining whether an alien has been ordered removed under section 235(b)(1), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually inadmissible or entitled to any relief from removal.

''(g) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of chapter 4 of title II, as amended by the Immigration in the National Interest Act of 1995, other than with respect to the application of such provisions to an individual alien against whom proceedings under such chapter have been initiated.''.

(b) REPEAL OF SECTION 106.—Section 106 (8 U.S.C. 1105a) is repealed.

SEC. 307. PENALTIES RELATING TO REMOVAL (REVISED SECTION 243).

(a) IN GENERAL.—Section 243 (8 U.S.C. 1253) is amended to read as follows:

''PENALTIES RELATED TO REMOVAL

''SEC. 243. (a) PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a), who—

''(A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

''(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

''(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

''(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

''(2) EXCEPTION.—It is not a violation of paragraph (1) to take any proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

''(3) SUSPENSION.—The court may for good cause suspend the sentence of an alien under this subsection and order the alien's release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as—

''(A) the age, health, and period of detention of the alien;

''(B) the effect of the alien's release upon the national security and public peace or safety;

''(C) the likelihood of the alien's resuming or following a course of conduct which made or would make the alien deportable;

''(D) the character of the efforts made by such alien himself and by representatives of the country or countries to which the alien's removal is directed to expedite the alien's departure from the United States;

''(E) the reason for the inability of the Government of the United States to secure passports, other travel documents, or removal facilities from the country or countries to which the alien has been ordered removed; and

''(F) the eligibility of the alien for discretionary relief under the immigration laws.

''(b) WILLFUL FAILURE TO COMPLY WITH TERMS OF RELEASE UNDER SUPERVISION.—An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3) or knowingly give false information in response to an inquiry under such section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

''(c) PENALTIES RELATING TO VESSELS AND AIRCRAFT.—

''(1) CIVIL PENALTIES.—

''(A) FAILURE TO CARRY OUT CERTAIN ORDERS.—If the Attorney General is satisfied that a person has violated subsection (d) or (e) of section 241, the person shall pay to the Commissioner the sum of $2,000 for each violation.

''(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 removed.

''(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 COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—On being notified by the Attorney General that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the government will accept the alien under this section, 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 through 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 country.

''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 by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.

''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 aliens convicted of committing aggravated felonies.

''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. 241. Detention and removal of aliens ordered removed.

''Sec. 242. Judicial review of orders of removal.

''Sec. 243. Penalties relating to removal.

''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 232(a).—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 232(b).—Amend section 234 (8 U.S.C. 1224)—

(A) by striking the heading,

(B) by striking ''SEC. 234.'' and inserting the following: ''(b) PHYSICAL AND MENTAL EXAMINATION.—'', and

(C) by moving such provision to the end of section 232.

(4) REDESIGNATING SECTION 238 AS SECTION 233.—Redesignate section 238 (8 U.S.C. 1228) as section 233 and move the section to immediately follow section 232.

(5) REDESIGNATING SECTION 242A AS SECTION 238.—Redesignate section 242A as section 238, strike ''DEPORTATION'' in its heading and insert ''REMOVAL'', and move the section to immediately follow section 237 (as redesignated by section 305(a)(2)).

(6) STRIKING SECTION 242B.—Strike section 242B (8 U.S.C. 1252b).

(7) STRIKING SECTION 244 AND REDESIGNATING SECTION 244A AS SECTION 244.—Strike section 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 240'';

(B) in subsection (a)(2), by striking ''section 242(a)(2)'' and inserting ''section 236(c)''; and

(C) in subsection (b)(1), by striking ''section 241(a)(2)(A)(iii)'' and inserting ''section 237(a)(2)(A)(iii)''.

(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.—If an examining medical officer determines that an alien arriving in the United States is inadmissible, is helpless from sickness, mental or physical disability, or infancy, and is accompanied by another alien whose protection or guardianship may be required, the officer may certify such fact for purposes of applying section 212(a)(10)(B) with respect to the other alien.''.

(B) GROUND OF INADMISSIBILITY FOR PROTECTION AND GUARDIANSHIP OF ALIENS DENIED ADMISSION FOR HEALTH OR INFANCY.—Subparagraph (B) of section 212(a)(10) (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 from sickness, mental or physical disability, or infancy pursuant to section 232(c), and

''(ii) whose protection or guardianship is determined to be required by the alien described in clause (i),

is inadmissible.''.

(3) CONTINGENT CONSIDERATION IN RELATION TO REMOVAL OF ALIENS.—Section 273(a) (8 U.S.C. 1323(a)) 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, purser, or consignee of a vessel or aircraft who is bringing an alien (except an alien crewmember) to the United States to take any consideration to be kept or returned contingent on whether an alien is admitted to, or ordered removed from, the United States.''.

(4) CLARIFICATION.—(A) Section 238(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: ''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.''.

(B) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), as amended by section 851(b)(15), is amended by striking ''and nothing in'' and all that follows up to ''shall''.

(d) ADDITIONAL CONFORMING AMENDMENTS RELATING TO EXCLUSION AND INADMISSIBILITY.—

(1) SECTION 212.—Section 212 (8 U.S.C. 1182(a)) is amended—

(A) in the heading, by striking ''EXCLUDED FROM'' and inserting ''INELIGIBLE FOR'';

(B) in the matter in subsection (a) before paragraph (1), by striking all that follows ''(a)'' and inserting the following: ''CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:'';

(C) in subsection (a), by striking ''is excludable'' and inserting ''is inadmissible'' each place it appears;

(D) in subsections (a)(5)(C), (d)(1), (k), by striking ''exclusion'' and inserting ''inadmissibility'';

(E) in subsections (b), (d)(3), (h)(1)(A)(i), and (k), by striking ''excludable'' each place it appears and inserting ''inadmissible'';

(F) in subsection (b)(2), by striking ''or ineligible for entry'';

(G) in subsection (d)(7), by striking ''excluded from'' and inserting ''denied''; and

(H) in subsection (h)(1)(B), by striking ''exclusion'' and inserting ''denial of admission''.

(2) SECTION 241.—Section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2), is amended—

(A) in subsection (a)(1)(H), by striking ''excludable'' and inserting ''inadmissible'';

(B) in subsection (a)(4)(C)(ii), by striking ''excludability'' and inserting ''inadmissibility''; and

(C) in subsection (c), by striking ''exclusion'' and inserting ''inadmissibility''.

(3) OTHER GENERAL REFERENCES.—The following provisions are amended by striking ''excludability'' and ''excludable'' each place each appears and inserting ''inadmissibility'' and ''inadmissible'', respectively:

(A) Sections 101(f)(3), 213, 234 (before redesignation by section 308(b)), 241(a)(1) (before redesignation by section 305(a)(2)), 272(a), 277, 286(h)(2)(A)(v), and 286(h)(2)(A)(vi).

(B) Section 601(c) of the Immigration Act of 1990.

(C) Section 128 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(D) Section 1073 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(E) Section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

(4) RELATED TERMS.—

(A) Section 101(a)(17) (8 U.S.C. 1101(a)(17)) is amended by striking ''or expulsion'' and inserting ''expulsion, or removal''.

(B) Section 102 (8 U.S.C. 1102) is amended by striking ''exclusion or deportation'' and inserting ''removal''.

(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 inserting ''inadmissibility''.

(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. 1201) 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)(i) Section 272 (8 U.S.C. 1322) is amended—

(I) by striking ''EXCLUSION'' in the heading and inserting ''DENIAL OF ADMISSION'',

(II) in subsection (a), by striking ''excluding condition'' and inserting ''condition causing inadmissibility'', and

(III) in subsection (c), by striking ''excluding''.

(ii) The item in the table of contents relating to such section is amended by striking ''exclusion'' and inserting ''denial of admission''.

(J) Section 276(a) (8 U.S.C. 1326) is amended—

(i) in paragraph (1), by striking ''deported or excluded and deported'' and inserting ''denied admission or removed'', and

(ii) in paragraph (2)(B), by striking ''excluded and deported'' and inserting ''denied admission and removed''.

(K) Section 286(h)(2)(A)(vi) (8 U.S.C. 1356(h)(2)(A)(vi)) is amended by striking ''exclusion'' each place it appears and inserting ''removal''.

(L) Section 287 (8 U.S.C. 1357) is amended—

(i) in subsection (a), by striking ''or expulsion'' each place it appears and inserting ''expulsion, or removal'', and

(ii) in subsection (c), by striking ''exclusion from'' and inserting ''denial of admission to''.

(M) Section 290(a) (8 U.S.C. 1360(a)) is amended by striking ''admitted to the United States, or excluded therefrom'' each place it appears and inserting ''admitted or denied admission to the United States''.

(N) Section 291 (8 U.S.C. 1361) is amended by striking ''subject to exclusion'' and inserting ''inadmissible'' each place it appears.

(O) Section 292 (8 U.S.C. 1362) is amended by striking ''exclusion or deportation'' each place it appears and inserting ''removal''.

(P) Section 360 (8 U.S.C. 1503) is amended—

(i) in subsection (a), by striking ''exclusion'' each place it appears and inserting ''removal'', and

(ii) in subsection (c), by striking ''excluded from'' and inserting ''denied''.

(Q) Section 301(a)(1) of the Immigration Act of 1990 is amended by striking ''exclusion'' and inserting ''inadmissibility''.

(R) Section 401(c) of the Refugee Act of 1980 is amended by striking ''deportation or exclusion'' and inserting ''removal''.

(S) Section 501(e)(2) of the Refugee Education Assistance Act of 1980 (Public Law 96–422) is amended—

(i) by striking ''exclusion or deportation'' each place it appears and inserting ''removal'', and

(ii) by striking ''deportation or exclusion'' each place it appears and inserting ''removal''.

(T) Section 4113(c) of title 18, United States Code, is amended by striking ''exclusion and deportation'' and inserting ''removal''.

(e) REVISION OF TERMINOLOGY RELATING TO DEPORTATION.—

(1) Each of the following is amended by striking ''deportation'' each place it appears and inserting ''removal'':

(A) Subparagraphs (A)(iii)(II), (A)(iv)(II), and (B)(iii)(II) of section 204(a)(1) (8 U.S.C. 1154(a)(1)).

(B) Section 212(d)(1) (8 U.S.C. 1182(d)(1)).

(C) Section 212(d)(11) (8 U.S.C. 1182(d)(11)).

(D) Section 214(k)(4)(C) (8 U.S.C. 1184(k)(4)(C)), as redesignated by section 851(a)(3)(A).

(E) Section 241(a)(1)(H) (8 U.S.C. 1251(a)(1)(H)), before redesignation as section 237 by section 305(a)(2).

(F) Section 242A (8 U.S.C. 1252a), before redesignation as section 238 by subsection (b)(5).

(G) Subsections (a)(3) and (b)(5)(B) of section 244A (8 U.S.C. 1254a), before redesignation as section 244 by subsection (b)(7).

(H) Section 246(a) (8 U.S.C. 1256(a)).

(I) Section 254 (8 U.S.C. 1284).

(J) Section 263(a)(4) (8 U.S.C. 1303(a)(4)).

(K) Section 276(b) (8 U.S.C. 1326(b)).

(L) Section 286(h)(2)(A)(v) (8 U.S.C. 1356(h)(2)(A)(v)).

(M) Section 291 (8 U.S.C. 1361).

(N) Section 318 (8 U.S.C. 1429).

(O) Section 130005(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

(P) Section 4113(b) of title 18, United States Code.

(2) Each of the following is amended by striking ''deported'' each place it appears and inserting ''removed'':

(A) Section 212(d)(7) (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).

(D) Section 242A(c)(2)(D)(iv) (8 U.S.C. 1252a(c)(2)(D)(iv)), as amended by section 851(b)(14) but before redesignation as section 238 by subsection (b)(5).

(E) Section 252(b) (8 U.S.C. 1282(b)).

(F) Section 254 (8 U.S.C. 1284).

(G) Subsections (b) and (c) of section 266 (8 U.S.C. 1306).

(H) Section 301(a)(1) of the Immigration Act of 1990.

(I) Section 4113 of title 18, United States Code.

(3) Section 101(g) (8 U.S.C. 1101(g)) is amended by inserting ''or removed'' after ''deported'' each place it appears.

(4) Section 103(c)(2) (8 U.S.C. 1103(c)(2)) is amended by striking ''suspension of deportation'' and inserting ''cancellation of removal''.

(5) Section 201(b)(1)(D) (8 U.S.C. 1151(b)(1)(D)) is amended by striking ''deportation is suspended'' and inserting ''removal is canceled''.

(6) Section 212(l)(2)(B) (8 U.S.C. 1182(l)(2)(B)) is amended by striking ''deportation against'' and inserting ''removal of''.

(7) Subsections (b)(2), (c)(2)(B), (c)(3)(D), (c)(4)(A), and (d)(2)(C) of section 216 (8 U.S.C. 1186a) are each amended by striking ''DEPORTATION'', ''deportation'', ''deport'', and ''deported'' each place each appears and inserting ''REMOVAL'', ''removal'', ''remove'', and ''removed'', respectively.

(8) 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'', ''deport'', and ''deported'' and inserting ''REMOVAL'', ''removal'', ''remove'', and ''removed'', respectively.

(9) Section 217(b)(2) (8 U.S.C. 1187(b)(2)) is amended by striking ''deportation against'' and inserting ''removal of''.

(10) Section 242A (8 U.S.C. 1252a), before redesignation as section 238 by subsection (b)(6), is amended, in the headings to various subdivisions, by striking ''DEPORTATION'' and ''DEPORTATION'' and inserting ''REMOVAL'' and ''REMOVAL'', respectively.

(11) Section 244A(a)(1)(A) (8 U.S.C. 1254a(a)(1)(A)), before redesignation as section 244 by subsection (b)(8), is amended—

(A) in subsection (a)(1)(A), by striking ''deport'' and inserting ''remove'', and

(B) in subsection (e), by striking ''SUSPENSION OF DEPORTATION'' and inserting ''CANCELLATION OF REMOVAL''.

(12) Section 254 (8 U.S.C. 1284) is amended by striking ''deport'' each place it appears and inserting ''remove''.

(13) Section 273(d) (8 U.S.C. 1323(d)) is repealed.

(14)(A) Section 276 (8 U.S.C. 1326) is amended by striking ''DEPORTED'' and inserting ''REMOVED''.

(B) The item in the table of contents relating to such section is amended by striking ''deported'' and inserting ''removed''.

(15) Section 318 (8 U.S.C. 1429) is amended by striking ''suspending'' and inserting ''canceling''.

(16) Section 301(a) of the Immigration Act of 1990 is amended by striking ''DEPORTATION'' and inserting ''REMOVAL''.

(17) The heading of section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking ''DEPORTATION'' and inserting ''REMOVAL''.

(18) Section 9 of the Peace Corps Act (22 U.S.C. 2508) is amended by striking ''deported'' and all that follows through ''Deportation'' and inserting ''removed pursuant to chapter 4 of title II of the Immigration and Nationality Act''.

(19) Section 8(c) of the Foreign Agents Registration Act (22 U.S.C. 618(c)) is amended by striking ''deportation'' and all that follows and inserting ''removal pursuant to chapter 4 of title II of the Immigration and Nationality Act.''.

(f) REVISION OF REFERENCES TO ENTRY.—

(1) The following provisions are amended by striking ''entry'' and inserting ''admission'' each place it appears:

(A) Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)).

(B) Section 101(a)(30) (8 U.S.C. 1101(a)(30)).

(C) Section 212(a)(2)(D) (8 U.S.C. 1182(a)(2)(D)).

(D) Section 212(a)(6)(C)(i) (8 U.S.C. 1182(a)(6)(C)(i)).

(E) Section 212(h)(1)(A)(i) (8 U.S.C. 1182(h)(1)(A)(i)).

(F) Section 212(j)(1)(D) (8 U.S.C. 1182(j)(1)(D)).

(G) Section 214(c)(2)(A) (8 U.S.C. 1184(c)(2)(A)).

(H) Section 214(d) (8 U.S.C. 1184(d)).

(I) Section 216(b)(1)(A)(i) (8 U.S.C. 1186a(b)(1)(A)(i)).

(J) Section 216(d)(1)(A)(i)(III) (8 U.S.C. 1186a(d)(1)(A)(i)(III)).

(K) Subsection (b) of section 240 (8 U.S.C. 1230), before redesignation as section 240C by section 304(a)(2).

(L) Subsection (a)(1)(G) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2).

(M) Subsection (a)(1)(H) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2), other than the last time it appears.

(N) Paragraphs (2) and (4) of subsection (a) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2).

(O) Section 245(e)(3) (8 U.S.C. 1255(e)(3)).

(P) Section 247(a) (8 U.S.C. 1257(a)).

(Q) Section 601(c)(2) of the Immigration Act of 1990.

(2) The following provisions are amended by striking ''enter'' and inserting ''be admitted'':

(A) Section 204(e) (8 U.S.C. 1154(e)).

(B) Section 221(h) (8 U.S.C. 1201(h)).

(C) Section 245(e)(2) (8 U.S.C. 1255(e)(2)).

(3) The following provisions are amended by striking ''enters'' and inserting ''is admitted to'':

(A) Section 212(j)(1)(D)(ii) (8 U.S.C. 1154(e)).

(B) Section 214(c)(5)(B) (8 U.S.C. 1184(c)(5)(B)).

(4) Subsection (a) of section 238 (8 U.S.C. 1228), before redesignation as section 233 by section 308(b)(4), is amended by striking ''entry and inspection'' and inserting ''inspection and admission''.

(5) Subsection (a)(1)(H)(ii) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2), is amended by striking ''at entry''.

(6) Section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) is amended by striking ''that the entry'', ''given entry into'', and ''entering'' and inserting ''that the admission'', ''admitted to'', and ''admitted to''.

(7) Section 4 of the Atomic Weapons and Special Nuclear Materials Rewards Act (50 U.S.C. 47c) is amended by striking ''entry'' and inserting ''admission''.

(g) CONFORMING REFERENCES TO REORGANIZED SECTIONS.—

(1) REFERENCES TO SECTIONS 232, 234, 238, 239, 240, 241, 242A, AND 244A.—Any reference in law in effect on the day before the date of the enactment of this Act to section 232, 234, 238, 239, 240, 241, 242A, or 244A of the Immigration and Nationality Act (or a subdivision of such section) is deemed, as of the title III–A effective date, to refer to section 232(a), 232(b), 233, 234, 234A, 237, 238, or 244 of such Act (or the corresponding subdivision of such section), as redesignated by this subtitle. Any reference in law to section 241 (or a subdivision of such section) of the Immigration and Nationality Act in an amendment made by a subsequent subtitle of this title is deemed a reference (as of the title III–A effective date) to section 237 (or the corresponding subdivision of such section), as redesignated by this subtitle.

(2) REFERENCES TO SECTION 106.—

(A) Sections 242A(b)(3) and 242A(c)(3)(A)(ii) (8 U.S.C. 1252a(b)(3), 1252a(c)(3)(A)(ii)), as amended by section 851(b)(14) but before redesignation as section 238 by subsection (b)(5), are each amended by striking ''106'' and inserting ''242''.

(B) Sections 210(e)(3)(A) and 245A(f)(4)(A) (8 U.S.C. 1160(e)(3)(A), 1255a(f)(4)(A)) are amended by inserting ''(as in effect before October 1, 1996)'' after ''106''.

(C) Section 242A(c)(3)(A)(iii) (8 U.S.C. 1252a(c)(3)(A)(iii)), as amended by section 851(b)(14) but before redesignation as section 238 by subsection (b)(5), is amended by striking ''106(a)(1)'' and inserting ''242(b)(1)''.

(3) REFERENCES TO SECTION 236.—

(A) Sections 205 and 209(a)(1) (8 U.S.C. 1155, 1159(a)(1)) are each amended by striking ''236'' and inserting ''240''.

(B) Section 4113(c) of title 18, United States Code, is amended by striking ''1226 of title 8, United States Code'' and inserting ''240 of the Immigration and Nationality Act''.

(4) REFERENCES TO SECTION 237.—

(A) Section 209(a)(1) (8 U.S.C. 1159(a)(1)) is amended by striking ''237'' and inserting ''241''.

(B) Section 212(d)(7) (8 U.S.C. 1182(d)(7)) is amended by striking ''237(a)'' and inserting ''241(c)''.

(C) Section 280(a) (8 U.S.C. 1330(a)) is amended by striking ''237, 239, 243'' and inserting ''234, 243(c)(2)''.

(5) REFERENCES TO SECTION 242.—

(A)(i) Sections 214(d), 252(b), and 287(f)(1) (8 U.S.C. 1184(d), 1282(b), 1357(f)(1)) are each amended by striking ''242'' and inserting ''240''.

(ii) Subsection (c)(4) of section 242A (8 U.S.C. 1252a), as amended by section 851(b)(14) but before redesignation as section 238 by subsection (b)(5), are each amended by striking ''242'' and inserting ''240''.

(iii) Section 245A(a)(1)(B) (8 U.S.C. 1255a(a)(1)(B)) is amended by inserting ''(as in effect before October 1, 1996)'' after ''242''.

(iv) Section 4113 of title 18, United States Code, is amended—

(I) in subsection (a), by striking ''section 1252(b) or section 1254(e) of title 8, United States Code,'' and inserting ''section 240B of the Immigration and Nationality Act''; and

(II) in subsection (b), by striking ''section 1252 of title 8, United States Code,'' and inserting ''section 240 of the Immigration and Nationality Act''.

(B) Section 130002(a) of Public Law 103–322, as amended by section 361(a), is amended by striking ''242(a)(3)(A)'' and inserting ''236(d)''.

(C) Section 242A(b)(1) (8 U.S.C. 1252a(b)(1)), before redesignation as section 238 by section 308(b)(5), is amended by striking ''242(b)'' and inserting ''240''.

(D) Section 242A(c)(2)(D)(ii) (8 U.S.C. 1252a(c)(2)(D)(ii)), as amended by section 851(b)(14) but before redesignation as section 238 by subsection (b)(5), is amended by striking ''242(b)'' and inserting ''240''.

(E) Section 1821(e) of title 28, United States Code, is amended by striking ''242(b)'' and inserting ''240''.

(F) Section 130007(a) of Public Law 103–322 is amended by striking ''242(i)'' and inserting ''239(d)''.

(G) Section 20301(c) of Public Law 103–322 is amended by striking ''242(j)(5)'' and ''242(j)'' and inserting ''241(h)(5)'' and ''241(h)'', respectively.

(6) REFERENCES TO SECTION 242B.—

(A) Section 303(d)(2) of the Immigration Act of 1990 is amended by striking ''242B'' and inserting ''240(b)(5)''.

(B) Section 545(g)(1)(B) of the Immigration Act of 1990 is amended by striking ''242B(a)(4)'' and inserting ''239(a)(4)''.

(7) REFERENCES TO SECTION 243.—

(A) Section 214(d) (8 U.S.C. 1184(d)) is amended by striking ''243'' and inserting ''241''.

(B)(i) Section 315(c) of the Immigration Reform and Control Act of 1986 is amended by striking ''243(g)'' and ''1253(g)''and inserting ''243(d)'' and ''1253(d)'' respectively.

(ii) Section 702(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 is amended by striking ''243(g)'' and inserting ''243(d)''.

(iii) Section 903(b) of Public Law 100–204 is amended by striking ''243(g)'' and inserting ''243(d)''.

(C)(i) Section 6(f)(2)(F) of the Food Stamp Act of 1977 (7 U.S.C. 2015(f)(2)(F)) is amended by striking ''243(h)'' and inserting ''241(b)(3)''.

(ii) Section 214(a)(5) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)(5)) is amended by striking ''243(h)'' and inserting ''241(b)(3)''.

(D)(i) Subsection (c)(2)(B)(ii) of section 244A (8 U.S.C. 1254a), before redesignated as section 244 by section 308(b)(7), is amended by striking ''243(h)(2)'' and inserting ''208(b)(2)(A)''.

(ii) Section 301(e)(2) of the Immigration Act of 1990 is amended by striking ''243(h)(2)'' and inserting ''208(b)(2)(A)''.

(E) Section 316(f) (8 U.S.C. 1427(f)) is amended by striking ''subparagraphs (A) through (D) of paragraph 243(h)(2)'' and inserting ''clauses (i) through (v) of section 208(b)(2)(A)''.

(8) REFERENCES TO SECTION 244.—

(A)(i) Section 201(b)(1)(D) (8 U.S.C. 1151(b)(1)(D)) and subsection (e) of section 244A (8 U.S.C. 1254a), before redesignation as section 244 by section 308(b)(7), are each amended by striking ''244(a)'' and inserting ''240A(a)''.

(ii) Section 304(c)(1)(B) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232) is amended by striking ''244(a)'' and inserting ''240A(a)''.

(B) Section 304(c)(1)(B) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232) is amended by striking ''244(b)(2)'' and inserting ''240A(b)(2)''.

(C) Section 364(a)(2) of this Act is amended by striking ''244(a)(3)'' and inserting ''240A(a)(3)''.

(9) REFERENCES TO CHAPTER 5.—

(A) Sections 266(b), 266(c), and 291 (8 U.S.C. 1306(b), 1306(c), 1361) are each amended by striking ''chapter 5'' and inserting ''chapter 4''.

(B) Section 6(b) of the Act of August 1, 1956 (50 U.S.C. 855(b)) is amended by striking ''chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163)'' and inserting ''chapter 4 of title II of the Immigration and Nationality Act''.

(10) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS FOR NEWLY ADDED PROVISIONS.—

(A) Section 245(c)(6), as amended by section 332(d), is amended by striking ''241(a)(4)(B)'' and inserting ''237(a)(4)(B)''.

(B) Section 249(d), as amended by section 332(e), is amended by striking ''241(a)(4)(B)'' and inserting ''237(a)(4)(B)''.

(C) Section 276(b)(3), as inserted by section 321(b), is amended by striking ''excluded'' and ''excludable'' and inserting ''removed'' and ''inadmissible'', respectively.

(D) Section 505(c)(7), as added by section 321(a)(1), is amended by amending subparagraphs (B) through (D) to read as follows:

''(B) Withholding of removal under section 241(b)(3).

''(C) Cancellation of removal under section 240A.

''(D) Voluntary departure under section 240B.''.

(E) Section 506(b)(2)(B), as added by section 321(a)(1), is amended by striking ''deportation'' and inserting ''removal''.

(F) Section 508(c)(2)(D), as added by section 321(a)(1), is amended by striking ''exclusion because such alien is excludable'' and inserting ''removal because such alien is inadmissible''.

(G) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended by section 851(a)(6), is amended by striking ''242A(a)(3)'' and inserting ''238(a)(3)''.

SEC. 309. EFFECTIVE DATES; TRANSITION.

(a) IN GENERAL.—Except as provided in this section and section 301(f), this subtitle and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act (in this title referred to as the ''title III–A effective date'').

(b) PROMULGATION OF REGULATIONS.—The Attorney General shall first promulgate regulations to carry out this subtitle by not later than 30 days before the title III–A effective date.

(c) TRANSITION FOR ALIENS IN PROCEEDINGS.—

(1) GENERAL RULE THAT NEW RULES DO NOT APPLY.—Subject to the succeeding provisions of this subsection, in the case of an alien who is in exclusion or deportation proceedings as of the title III–A effective date—

(A) the amendments made by this subtitle shall not apply, and

(B) the proceedings (including judicial review thereof) shall continue to be conducted without regard to such amendments.

(2) ATTORNEY GENERAL OPTION TO ELECT TO APPLY NEW PROCEDURES.—In a case described in paragraph (1) in which an evidentiary hearing under section 236 or 242 and 242B of the Immigration and Nationality Act has not commenced as of the title III–A effective date, the Attorney General may elect to proceed under chapter 4 of title II of such Act (as amended by this subtitle). The Attorney General shall provide notice of such election to the alien involved not later than 30 days before the date any evidentiary hearing is commenced. If the Attorney General makes such election, the notice of hearing provided to the alien under section 235 or 242(a) of such Act shall be valid as if provided under section 239 of such Act (as amended by this subtitle) to confer jurisdiction on the immigration judge.

(3) ATTORNEY GENERAL OPTION TO TERMINATE AND REINITIATE PROCEEDINGS.—In the case described in paragraph (1), the Attorney General may elect to terminate proceedings in which there has not been a final administrative decision and to reinitiate proceedings under chapter 4 of title II the Immigration and Nationality Act (as amended by this subtitle). Any determination in the terminated proceeding shall not be binding in the reinitiated proceeding.

(4) TRANSITIONAL CHANGES IN JUDICIAL REVIEW.—In the case described in paragraph (1) in which a final order of exclusion or deportation is entered more than 30 days after the date of the enactment of this Act, notwithstanding any provision of section 106 of the Immigration and Nationality Act (as in effect as of the date of the enactment of this Act) to the contrary—

(A) in the case of judicial review of a final order of exclusion, subsection (b) of such section shall not apply and the action for judicial review shall be governed by the provisions of subsections (a) and (c) of such in the same manner as they apply to judicial review of orders of deportation;

(B) a court may not order the taking of additional evidence under section 2347(c) of title 28, United States Code;

(C) the petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation; and

(D) the petition for review shall be filed with the court of appeals for the judicial circuit in which the administrative proceedings before the special inquiry officer or immigration judge were completed.

(5) TRANSITIONAL RULE WITH REGARD TO SUSPENSION OF DEPORTATION.—Paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to notices to appear issued after the date of the enactment of this Act.

(6) TRANSITION FOR CERTAIN FAMILY UNITY ALIENS.—The Attorney General may waive the application of section 212(a)(9) of the Immigration and Nationality Act, as inserted by section 301(b)(1), in the case of an alien who is provided benefits under the provisions of section 301 of the Immigration Act of 1990 (relating to family unity).

(d) TRANSITIONAL REFERENCES.—For purposes of carrying out the Immigration and Nationality Act, as amended by this subtitle—

(1) any reference in section 212(a)(1)(A) of such Act to the term ''inadmissible'' is deemed to include a reference to the term ''excludable'', and

(2) any reference in law to an order of removal shall be deemed to include a reference to an order of exclusion and deportation or an order of deportation.

(e) TRANSITION.—No period of time before the date of the enactment of this Act shall be included in the period of 1 year described in section 212(a)(6)(B)(i) of the Immigration and Nationality Act (as amended by section 301(c)).

Subtitle B—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 321. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''Sec. 501. Definitions.
''Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Consideration of classified information.
''Sec. 507. Appeals.
''Sec. 508. Detention and custody.'',

and

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

''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 241(a)(4)(B).

''(2) The term 'classified information' 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) The term 'special removal proceeding' means a proceeding under this title.

''ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

''SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction 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 consideration of cases to the various judges.

''(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. 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 each of whom—

''(1) has a security clearance which affords the attorney access to classified information, and

''(2) has agreed to represent permanent resident aliens with respect to classified information under section 506 in accordance with (and subject to the penalties under) this title.

''APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

''SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing of a written application described in subsection (b) with the special removal court seeking an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

''(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of 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 based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

''(3) The identity of the alien for whom authorization for the special removal proceedings is sought.

''(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

''(A) the alien is an alien terrorist and is physically present in the United States, and

''(B) with respect to such alien, adherence to the provisions of title II regarding the removal of aliens would pose a risk to the national security of the United States.

''(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. (a) IN GENERAL.—In the case of 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 may consider 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 ex parte the order requested in the application if the judge finds, on the basis of such 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 II regarding the removal of the identified alien would pose a risk to the national security of the United States.

''(c) 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.

''(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

''(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

''(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

''SPECIAL REMOVAL HEARINGS

''SEC. 505. (a) 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 nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

''(b) 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 by the chief judge of the special removal court, or has died, 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) RIGHTS IN HEARING.—

''(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

''(2) RIGHT OF COUNSEL.—The alien shall have a 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 the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for 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 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) NO RIGHT TO ANCILLARY RELIEF.—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) Withholding of deportation under section 243(h).

''(C) Suspension of deportation under section 244(a).

''(D) Voluntary departure under section 244(e).

''(E) Adjustment of status under section 245.

''(F) Registry under section 249.

''(d) SUBPOENAS.—

''(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

''(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

''(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

''(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

''(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

''(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

''(1) IN GENERAL.—When classified information has been summarized pursuant to section 506(b) or where a finding has been made under section 506(b)(5) that no summary is possible, classified information shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and, in the case of classified information, after coordination with the originating agency, elect to introduce such evidence in open session.

''(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

''(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceedings 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 subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

''(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no 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 evidence.

''(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.

''(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

''(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

''(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

''(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

''(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing 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 (e) shall not be made available to the alien or the public.

''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 the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

''(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

''(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

''(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

''(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

''(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

''(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

''(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

''(A) 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, with respect to an alien, that—

''(i) the continued presence 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.

''(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(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 that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

''(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

''(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney to assist the alien—

''(A) by reviewing in camera the classified information on behalf of the alien, and

''(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

''(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

''(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 subparagraph (A) 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.

''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 entire record of the proceeding 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 of—

''(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) the refusal of the court 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, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

''(c) APPEALS OF DECISION IN HEARING.—

''(1) IN GENERAL.—Subject to paragraph (2), the decision of 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 involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) 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, during 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(e), and any portion of the judge's order that 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 as expeditiously as practicable and the Court may dispense with full briefing and hear 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.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(ii) 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 pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

''(f) APPEALS OF DETENTION ORDERS.—

''(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

''(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

''(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

''(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

''DETENTION AND CUSTODY

''SEC. 508. (a) INITIAL CUSTODY.—

''(1) UPON FILING APPLICATION.—Subject to paragraph (2), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

''(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

''(A) the alien, if released upon such terms and conditions as the court may prescribe (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.

''(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

''(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

''(1) IN GENERAL.—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 seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

''(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge 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 505(i) that an alien should not be removed, the alien shall be released from custody.

''(B) CUSTODY PENDING APPEAL.—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 505(i) 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 order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

''(B) REMOVAL.—

''(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

''(ii) 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, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

''(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall

provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

''(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of subsection 276(b).

''(d) CONTINUED DETENTION PENDING TRIAL.—

''(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

''(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

''(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities 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.

''(f) RIGHTS OF ALIENS IN CUSTODY.—

''(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

''(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 country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.''.

(b) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) (8 U.S.C. 1326(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ''; or'', and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) who has been excluded from the United States pursuant to subsection 235(c) because the alien was excludable under subsection 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.''.

(c) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) (8 U.S.C. 1105a(a)) is amended—

(1) by adding ''and'' at the end of paragraph (8),

(2) by striking ''; and'' at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 322. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—INADMISSIBILITY AND DENIAL OF RELIEF FOR ALIEN TERRORISTS

SEC. 331. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND OF INADMISSIBILITY.

(a) IN GENERAL.—Section 212(a)(3)(B) (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I),

(B) in subclause (II), by inserting ''engaged in or'' after ''believe,'', and

(C) by inserting after subclause (II) the following:

''(III) is a representative of a terrorist organization, or

''(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,''; and

(2) by adding at the end the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—

''(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

''(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

''(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

''(IV) CONGRESSIONAL REMOVAL AUTHORITY.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

''(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

''(VI) REMOVAL AUTHORITY.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

''(v) REPRESENTATIVE DEFINED.—

''(I) IN GENERAL.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity.

''(II) JUDICIAL REVIEW.—The determination under this subparagraph that an alien is a representative of a terrorist organization shall be subject to judicial review under section 706 of title 5, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 332. DENIAL OF RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Subsection (h)(2) of section 243 (8 U.S.C. 1253), before amendment by section 307(a), is amended by adding at the end the following new sentence: ''For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(b) SUSPENSION OF DEPORTATION.—Section 244(a) (8 U.S.C. 1254(a)), before amendment by section 308(b), is amended by striking ''section 241(a)(4)(D)'' and inserting ''subparagraph (B) or (D) of section 241(a)(4)''.

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) (8 U.S.C. 1254(e)(2)), before amendment by section 308(b), is amended by inserting ''under section 241(a)(4)(B) or'' after ''who is deportable''.

(d) ADJUSTMENT OF STATUS.—Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or'' before ''(5)'', and

(2) by inserting before the period at the end the following: '', or (6) an alien who is deportable under section 241(a)(4)(B)''.

(e) REGISTRY.—Section 249(d) (8 U.S.C. 1259(d)) is amended by inserting ''and is not deportable under section 241(a)(4)(B)'' after ''ineligible to citizenship''.

(f) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

(2) The amendments made by subsections (a) through (c) are subsequently superseded by the amendments made by subtitle A.

Subtitle C—Deterring Transportation of Unlawful Aliens to the United States

SEC. 341. DEFINITION OF STOWAWAY.

(a) STOWAWAY DEFINED.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 342. LIST OF ALIEN AND CITIZEN PASSENGERS 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 commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having such person on board to deliver to the immigration officers at the port of arrival, or other place designated by the Attorney General, electronic, typewritten, or printed lists or manifests of the persons on board such vessel or aircraft.'';

(2) in the second sentence, by striking ''shall be prepared'' and inserting ''shall be prepared and submitted''; and

(3) by inserting after the second sentence the following sentence: ''Such lists or manifests shall contain, but not be limited to, 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 apply to vessels or aircraft arriving at ports of entry on or after such date (not later than 60 days after the date of the enactment of this Act) as the Attorney General shall specify.

Subtitle D—Additional Provisions

SEC. 351. DEFINITION OF CONVICTION.

(a) IN GENERAL.—Section 101(a) (8 U.S.C. 1101(a)), as amended by section 341(a), is amended by adding at the end the following new paragraph:

''(48) The term 'conviction' means a formal judgment 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 or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt.

''(B) The judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.

''(C) A judgment or adjudication of guilt may be entered if the alien violates the terms of the probation or fails to comply with the requirements of the court's order, without availability of further proceedings regarding the alien's guilt or innocence of the original charge.''.

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

SEC. 352. IMMIGRATION JUDGES AND COMPENSATION.

(a) DEFINITION OF TERM.—Paragraph (4) of section 101(b) (8 U.S.C. 1101(b)) is amended to read as follows:

''(4) The term 'immigration judge' means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 240. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.''.

(b) SUBSTITUTION FOR TERM ''SPECIAL INQUIRY OFFICER''.—The Immigration and Nationality Act is amended by striking ''a special inquiry officer'', ''special inquiry officer'', and ''special inquiry officers'' and inserting ''an immigration judge'', ''immigration judge'', and ''immigration judges'', respectively, each place it appears in the following sections:

(1) Section 106(a)(2) (8 U.S.C. 1105a(a)(2)).

(2) Section 209(a)(2) (8 U.S.C. 1159(a)(2)).

(3) Section 234 (8 U.S.C. 1224), before redesignation by section 308(b).

(4) Section 235 (8 U.S.C. 1225), before redesignation by section 308(b).

(5) Section 236 (8 U.S.C. 1226), before amendment by section 303.

(6) Section 242(b) (8 U.S.C. 1252(b)), before amendment by section 306(a)(2).

(7) Section 242(d)(1) (8 U.S.C. 1252(d)(1)), before amendment by section 306(a)(2).

(8) Section 292 (8 U.S.C. 1362).

(c) COMPENSATION FOR IMMIGRATION JUDGES.—

(1) IN GENERAL.—There shall be four levels of pay for immigration judges, under the Immigration Judge Schedule (designated as IJ–1, 2, 3, and 4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—

(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70% of the next to highest rate of basic pay for the Senior Executive Service
IJ–2	80% of the next to highest rate of basic pay for the Senior Executive Service
IJ–3	90% of the next to highest rate of basic pay for the Senior Executive Service
IJ–4	92% of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—

(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(d) EFFECTIVE DATES.—

(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(2) Subsection (c) shall take effect 90 days after the date of the enactment of this Act.

SEC. 353. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—Section 246(a) (8 U.S.C. 1256(a)) is amended by adding at the end the following sentence: ''Nothing in this subsection shall require the Attorney General to rescind the alien's status prior to commencement of procedures to remove the alien under section 240, and an order of removal issued by an immigration judge shall be sufficient to rescind the alien's status.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the title III–A effective date (as defined in section 309(a)).

SEC. 354. 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—

''(A) depart from the United States pursuant to the order,

''(B) make timely application in good faith for travel or other documents necessary for departure, or

''(C) present for removal at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 243(a) or any other section of this Act.''.

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

''Sec. 274D. Civil penalties for failure to depart.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to actions occurring on or after the title III–A effective date (as defined in section 309(a)).

SEC. 355. CLARIFICATION OF DISTRICT COURT JURISDICTION.

(a) IN GENERAL.—Section 279 (8 U.S.C. 1329) is amended—

(1) by amending the first sentence to read as follows: ''The district courts of the United States shall have jurisdiction of all causes, civil and criminal, brought by the United States that arise under the provisions of this title.'', and

(2) by adding at the end the following new sentence: ''Nothing in this section shall be construed as providing jurisdiction for suits against the United States or its agencies or officers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to actions filed after the date of the enactment of this Act.

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, or chapter 84 of such title;

(2) annuities under any other retirement system for employees of the Federal Government; or

(3) retired or retainer 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) OTHER FEDERAL RETIREES.—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 shall not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized under subsection (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 under section 242(e) and 276(b) of the Immigration and Nationality Act (8 U.S.C. 1252(e) and 1326(b)) to reflect the amendments made by section 130001 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 under chapter 75 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.

SEC. 358. AUTHORIZATION OF ADDITIONAL FUNDS FOR REMOVAL OF ALIENS.

In addition to the amounts otherwise authorized to be appropriated for each fiscal year beginning with fiscal year 1996, there are authorized to be appropriated to the Attorney General $150,000,000 for costs associated with the removal of inadmissible or deportable aliens, including costs of detention of such aliens pending their removal, the hiring of more investigators, and the hiring of more detention and deportation officers.

SEC. 359. APPLICATION OF ADDITIONAL CIVIL PENALTIES TO ENFORCEMENT.

(a) IN GENERAL.—Subsection (b) of section 280 (8 U.S.C. 1330(b)) is amended to read as follows:

''(b)(1) There is established in the general fund of the Treasury a separate account which shall be known as the 'Immigration Enforcement Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the Immigration Enforcement Account amounts described in paragraph (2) to remain available until expended.

''(2) The amounts described in this paragraph are the following:

''(A) The increase in penalties collected resulting from the amendments made by sections 203(b) and 543(a) of the Immigration Act of 1990.

''(B) Civil penalties collected under sections 240B(d), 274C, 274D, and 275(b).

''(3)(A) The Secretary of the Treasury shall refund out of the Immigration Enforcement Account to any appropriation the amount paid out of such appropriation for expenses incurred by the Attorney General for activities that enhance enforcement of provisions of this title, including—

''(i) the identification, investigation, apprehension, detention, and removal of criminal aliens;

''(ii) the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and

''(iii) for the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, of 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 shall 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).''.

(b) IMMIGRATION USER FEE ACCOUNT.—Section 286(h)(1)(B) (8 U.S.C. 1356(h)(1)(B)) is amended by striking ''271'' and inserting ''243(c), 271,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fines and penalties collected on or after the date of the enactment of this Act.

SEC. 360. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be—

(1) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(2) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(3) to eliminate any requirement of prisoner consent to such a transfer, and

(4) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prison sentences.

In entering into such negotiations, the President may consider providing for appropriate compensation in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

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

SEC. 361. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

(a) OPERATION AND PURPOSE.—Subsection (a) of section 130002 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

''(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to removal by reason of their conviction of aggravated felonies, subject to prosecution under section 275 of such Act, not lawfully present in the United States, or otherwise removable. Such system shall include providing for recording of fingerprint records of aliens who have been previously arrested and removed into appropriate automated fingerprint identification systems.''.

(b) IDENTIFICATION OF 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 unlawfully present in the United States pending criminal prosecution.

SEC. 362. WAIVER OF EXCLUSION AND DEPORTATION GROUND FOR CERTAIN SECTION 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 the subject of a final order for violation of section 274C is inadmissible.

''(ii) WAIVER AUTHORIZED.—For provision authorizing waiver of clause (i), see subsection (d)(12).''; and

(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)(F)—

''(A) in the case of an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation and who is otherwise admissible to the United States as a returning resident under section 211(b), and

''(B) in the case of an alien seeking admission or adjustment of status 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 241(a)(3) (8 U.S.C. 1251(a)(3)), before redesignation by section 305(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).''.

SEC. 363. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) (8 U.S.C. 1303(a)) is amended by striking ''and (5)'' and inserting ''(5) aliens who are or have been on criminal probation or criminal parole within the United States, and (6)''.

SEC. 364. CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such Department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using information furnished solely by—

(A) a spouse or parent who has battered the alien or subjected the alien to extreme cruelty,

(B) a member of the spouse's or parent's family residing in the same household as the alien 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 cruelty,

(C) 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

(D) 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 241(a)(2) of the Immigration and Nationality Act; or

(2) permit use by or 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 any 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)(B), section 216(c)(4)(C), or section 244(a)(3) of such Act as 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 by the Secretary 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.

(3) Subsection (a) shall not be construed as preventing disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information.

(4) Subsection (a)(2) shall not apply if all the battered individuals in the case are adults and they have all waived the restrictions of such subsection.

(c) PENALTIES FOR VIOLATIONS.—Anyone who uses, publishes, or permits information to be disclosed in violation of this section shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT

SEC. 401. PILOT PROGRAM FOR VOLUNTARY USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.

(a) VOLUNTARY ELECTION TO PARTICIPATE IN PILOT PROGRAM CONFIRMATION MECHANISM.—

(1) IN GENERAL.—An employer (or a 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 section 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) IN GENERAL.—If the entity obtains confirmation of employment eligibility under the pilot program with respect to the hiring (or recruiting or referral that 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) CONSTRUCTION.—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(a)(3) 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, the Special Counsel 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 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 shall specify and shall take effect as the Attorney General shall specify. Such an election shall apply (under such terms and conditions and as specified in the election) either to all hiring (and all recruitment or referral that is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) by the entity during the period in which the election is in effect or to hiring (or recruitment or referral that is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) in one or more States or one or more places of such hiring (or such recruiting or referral, as the case may be) covered by the election. The Attorney General may not impose any fee as a condition of making an election or participation in the pilot program under this section.

(B) ACCEPTANCE OF ELECTIONS.—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 the opportunity to identify and develop appropriate resources to accommodate the demand for participation in the pilot program under this section.

(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) RESCISSION OF ELECTION.—An entity may rescind an election made under this subsection in such form and manner as the Attorney General shall specify.

(b) CONSULTATION, EDUCATION, AND PUBLICITY.—

(1) CONSULTATION.—The Attorney General shall closely 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 pilot program under this section, including the education of employers (and such recruiters and referrers) about the program.

(2) PUBLICITY.—The Attorney General shall widely publicize the election process and 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 individuals in each District office 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 identification of individuals authorized to be employed consistent with such section.

(c) CONFIRMATION PROCESS UNDER PILOT PROGRAM.—An entity that is participating in the pilot program agrees to conform to the following procedures in the case of a hiring (or recruiting or referral in the case of recruitment or referral that is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) of each individual covered under the program for employment in the United States:

(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 Service for the alien as the Attorney General shall specify.

(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) described in section 274A(b)(2)(B) 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, the entity can make an inquiry in the first subsequent working day in which the confirmation mechanism registers no nonresponses and qualify for the presumption. If the confirmation mechanism is not responding to inquiries at all times during a day, the entity merely has to assert that 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, applicable number or numbers, and work eligibility under the confirmation mechanism within the time period specified under subsection (d) after the time the confirmation inquiry was received, the entity shall 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 such identity, number or numbers, and work eligibility.

(B) FAILURE TO OBTAIN CONFIRMATION.—If the entity has made the inquiry described in paragraph (1) 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) if the entity nonetheless continues to employ (or recruits or refers, if such recruitment or referral is subject to section 274A(a)(1)(B)(ii) of the Immigration and Nationality Act) the individual for employment in the United States, the entity shall notify the Attorney General of such fact through the confirmation mechanism or in

such other manner as the Attorney General may specify.

(C) 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 that individual.

(ii) CONTINUED EMPLOYMENT.—If the entity provides notice under subparagraph (B)(ii) with respect to an individual, the entity has the burden of proof, for purposes of applying 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 section 274A(f)(1) 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 (or a designee of the Attorney General which 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, and

(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 through the confirmation mechanism confirmation or a tentative nonconfirmation of an individual's employment eligibility within 3 working days of the initial inquiry.

(2) EXPEDITED 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 used under the confirmation mechanism in cases in which the confirmation is sought but is not provided through the confirmation mechanism.

(3) DESIGN 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 (1), compares 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 provided 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 Commissioner of the Service, 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 (1), compares the name and alien identification or authorization number (if any) described in subsection (c)(1)(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) PROCESS IN CASE OF 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 (2).

(D) UPDATING INFORMATION.—The Commissioners shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information.

(5) PROTECTIONS.—(A) In no case shall an employer terminate employment of an individual because of a failure of the individual to have work eligibility confirmed under this section, until after the end of the 10-working-day period in which a final confirmation or nonconfirmation is being sought under paragraph (4)(C). Nothing in this subparagraph shall apply to a termination of employment for any reason other than because of such a failure.

(B) The Attorney General shall assure that 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 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 Fair Labor Standards Act of 1938, 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.—Nothing in this subsection shall be construed as preventing the Attorney General from experimenting with different mechanisms for different entities.

(e) SELECT ENTITIES REQUIRED TO PARTICIPATE 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 section 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 274B(g)(2)(B) 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) CONSEQUENCE OF FAILURE TO PARTICIPATE.—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)(1)(B) of the Immigration and Nationality Act with respect to that individual.

(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) made 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 affect the authority of the Attorney General under other law (including section 274A(d)(4) of the Immigration and Nationality Act) to conduct demonstration projects in relation to section 274A of such 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 allow 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.

(a) IN GENERAL.—Section 274A(e)(1) (8 U.S.C. 1324a(e)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

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

''(E) under which a person or entity shall not be considered to have failed to comply with 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 requirement unless (i) the Service (or another enforcement agency) has explained to the person or entity the basis for the failure, (ii) 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 (iii) the person or entity has not corrected the failure voluntarily within such period, except that this subparagraph shall not apply with respect to the engaging by any person or entity of a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).''.

(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 DOCUMENTS ACCEPTED FOR EMPLOYMENT VERIFICATION.—Section 274A(b) (8 U.S.C. 1324a(b)) is amended—

(1) in paragraph (1)(B)—

(A) by adding ''or'' at the end of clause (i),

(B) by striking clauses (ii) through (iv), and

(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) by amending subparagraph (C) of paragraph (1) to read as follows:

''(C) SOCIAL SECURITY ACCOUNT NUMBER CARD AS EVIDENCE OF EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's 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).''.

(b) REDUCTION OF PAPERWORK FOR CERTAIN EMPLOYEES.—Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF DOCUMENTATION FOR CERTAIN EMPLOYEES.—

''(A) IN GENERAL.—For purposes of paragraphs (1)(B) and (3), if—

''(i) an individual is a member of a collective-bargaining unit and is employed, under a collective bargaining agreement entered into between one or more employee organizations and an association of two or more employers, by an employer that is a member of such association, and

''(ii) within the period specified in subparagraph (B), another employer that is a member of the association (or an agent of such association on behalf of the employer) has complied with the requirements of subsection (b) with respect to the employment of the individual,

the subsequent employer shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of the employee and shall not be liable for civil penalties described in subsection (e)(5).

''(B) PERIOD.—The period described in this subparagraph is—

''(i) up to 5 years in the case of an individual who has presented documentation identifying the individual as a national of the United States or as an alien lawfully admitted for permanent residence; or

''(ii) up to 3 years (or, if less, the period of time that the individual is authorized to be employed in the United States) in the case of another individual.

''(C) LIABILITY.—

''(i) IN GENERAL.—If any employer that is a member of an association hires for employment in the United States an individual and relies upon the provisions of subparagraph (A) to comply with the requirements of subsection (b) and the individual is an unauthorized alien, then for the purposes of paragraph (1)(A), subject to clause (ii), the employer shall be presumed to have known at the time of hiring or afterward that the individual was an unauthorized alien.

''(ii) REBUTTAL OF PRESUMPTION.—The presumption established by clause (i) may be rebutted by the employer only through the presentation of clear and convincing evidence that the employer did not know (and could not reasonably have known) that the individual at the time of hiring or afterward was an unauthorized alien.''.

(c) ELIMINATION OF DATED PROVISIONS.—Section 274A (8 U.S.C. 1324a) is amended by striking subsections (i) through (n).

(d) CLARIFICATION OF APPLICATION TO FEDERAL GOVERNMENT.—Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(5) APPLICATION TO FEDERAL GOVERNMENT.—For purposes of this section, the term 'entity' includes an entity in any Branch of the Federal Government.''.

(e) EFFECTIVE DATES.—

(1) Except as provided in this subsection, the amendments made by this section shall apply with respect to hiring (or recruiting or referring) occurring on or after such date (not later than 180 days after the date of the enactment of this Act) as the Attorney General shall designate.

(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 the 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.

(5) 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.

(f) IMPLEMENTATION OF ELECTRONIC STORAGE OF I–9 FORMS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations which shall provide for the electronic storage of forms used in satisfaction of the requirements of section 274A(b)(3) of the Immigration and Nationality Act.

SEC. 404. STRENGTHENED ENFORCEMENT OF THE EMPLOYER SANCTIONS PROVISIONS.

(a) IN GENERAL.—The number of full-time equivalent positions in the Investigations Division within the Immigration and Naturalization Service of the Department of Justice beginning in fiscal year 1997 shall be increased by 500 positions above the number of full-time equivalent positions available to such Division as of September 30, 1995.

(b) ASSIGNMENT.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of the employer sanctions provisions contained in section 274A of the Immigration and Nationality Act.

SEC. 405. REPORTS ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.

Subsection (c) of section 290 (8 U.S.C. 1360) is amended to read as follows:

''(c)(1) Not later than 3 months after the end of each fiscal year (beginning with fiscal year 1996), the Commissioner of Social Security shall report to the Committees on the Judiciary of the House of Representatives and the Senate on the aggregate number of social security account numbers issued to aliens not authorized to be employed to which earnings were reported to the Social Security Administration in such fiscal year.

''(2) If earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Attorney General with information regarding the name and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Attorney General.''.

SEC. 406. AUTHORIZING MAINTENANCE OF CERTAIN INFORMATION ON ALIENS.

Section 264 (8 U.S.C. 1304) is amended by adding at the end the following new subsection:

''(f) Notwithstanding any other provision of law, the Attorney General is authorized to require any alien to provide the alien's social security account number for purposes of inclusion in any record of the alien maintained by the Attorney General or the Service.''.

SEC. 407. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) REQUIRING CERTAIN REMEDIES IN UNFAIR IMMIGRATION-RELATED DISCRIMINATION ORDERS.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Such order also shall require the person or entity to comply with the requirements of clauses (ii) and (vi) of subparagraph (B).'';

(2) in subparagraph (B), by striking ''Such an order'' and inserting ''Subject to the second sentence of subparagraph (A), such an order''; and

(3) in subparagraph (B)(vi), by inserting before the semicolon at the end the following: ''and to certify the fact of such education''.

(b) TREATMENT OF CERTAIN DOCUMENTARY PRACTICE AS EMPLOYMENT PRACTICES.—Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For'' and inserting ''(A) Subject to subparagraph (B), for'', and

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

''(B) A person or other entity—

''(i) may request a document proving a renewal of employment authorization when an individual has previously submitted a time-limited document to satisfy the requirements of section 274A(b)(1); or

''(ii) if possessing reason to believe that an individual presenting a document which reasonably appears on its face to be genuine is nonetheless an unauthorized alien, may (I) inform the individual of the question about the document's validity, and of such person or other entity's intention to verify the validity of such document, and (II) upon receiving confirmation that the individual is unauthorized to work, may dismiss the individual.

Nothing in this provision prohibits an individual from offering alternative documents that satisfy the requirements of section 274A(b)(1).''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to orders issued on or after the first day of the first month beginning at least 90 days after the date of the enactment of this Act.

TITLE V—REFORM OF LEGAL IMMIGRATION SYSTEM

SEC. 500. OVERVIEW OF NEW LEGAL IMMIGRATION SYSTEM.

This title amends the legal immigration provisions of the Immigration and Nationality Act so as to provide for the following (beginning with fiscal year 1997):

(1) DIVISION OF IMMIGRATION AMONG 3 CATEGORIES.—There will be a worldwide level of immigration of approximately 562,000, divided among—

(A) family-sponsored immigrants, with a worldwide annual numerical limitation (after a transition) of approximately 330,000,

(B) employment-based immigrants, with a worldwide annual numerical limitation of 135,000,

(C) diversity immigrants, with a worldwide annual numerical limitation of 27,000, and

(D) humanitarian immigrants, with a worldwide annual numerical limitation (after a transition) of approximately 70,000.

Congress is required to reevaluate and reauthorize these numbers every 5 years.

(2) FAMILY-SPONSORED IMMIGRANTS.—

(A) CATEGORIES.—Family-sponsored immigrants are (i) spouses and children of citizens, (ii) spouses and children of permanent resident aliens, (iii) parents of adult United States citizens if the parents meet certain insurance requirements, and (iv) sons or daughters of United States citizens or sons or daughters of permanent resident aliens who have never been married, are childless, but for the residence requirements would qualify as dependents for Federal income tax purposes, and are at least 21 but not more than 25 years of age.

(B) NUMERICAL LIMITATIONS.—

(i) There will be no direct numerical limit on admission of spouses and children of United States citizens.

(ii) The annual numerical limit on admission of spouses and children of permanent residents will not be below 85,000.

(iii) The annual numerical limit on admission of parents of United States citizens will not be below 25,000.

(3) EMPLOYMENT-BASED IMMIGRANTS.—Employment-based immigrants will fall within the following categories and numerical limitations:

(A) EXTRAORDINARY IMMIGRANTS.—First, aliens with extraordinary ability, up to 15,000 each year.

(B) OUTSTANDING PROFESSORS AND RESEARCHERS AND MULTINATIONAL EXECUTIVES.—Second, aliens who are outstanding professors and researchers or multinational executives or managers, up to 30,000 each year, plus any left from the previous category.

(C) PROFESSIONALS WITH ADVANCED DEGREES OR EXCEPTIONAL ABILITY ALIENS.—Third, aliens who are members of the professions holding advanced degrees or who 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) CERTAIN SPECIAL 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 employees of international organizations, certain dependent juveniles, and certain long-term alien members of the Armed Forces), up to 5,000 each year.

(4) DIVERSITY IMMIGRANTS.—Diversity immigrants are chosen from the 10 countries in each region with the highest demand for diversity visas by random selection.

(5) HUMANITARIAN IMMIGRANTS.—Humanitarian immigrants will fall within the following categories and numerical limitations:

(A) 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.

(B) ASYLEES.—Aliens 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.

(C) OTHER HUMANITARIAN IMMIGRANTS.—Other immigrants who are of special humanitarian concern to the United States, up to 10,000 each year.

(6) TRANSITION.—

(A) ADDITIONAL VISA NUMBERS FOR SPOUSES AND MINOR, UNMARRIED CHILDREN OF PERMANENT RESIDENT ALIENS.—In order to reduce the current backlog for spouses and minor, unmarried children of lawful permanent residents, there will be at least an additional 50,000 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 a legalization 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 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 excess in family 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 would be added to the 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 to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the worldwide level of family-sponsored immigrants under this subsection (in this subsection referred to as the 'worldwide family level') for a fiscal year is 330,000.

''(2) REDUCTION FOR SPOUSES AND CHILDREN OF UNITED STATES CITIZENS AND CERTAIN OTHER FAMILY-RELATED IMMIGRANTS.—The worldwide family level for a fiscal year shall be reduced (but not below a number sufficient to provide for the minimum visa numbers described in paragraph (4)) by the number of aliens described in subsection (b)(2) who were issued immigrant visas or who otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

''(3) FURTHER REDUCTION FOR ANY PREVIOUS EXCESS FAMILY IMMIGRATION.—

''(A) IN GENERAL.—If there are excess family admissions in a particular fiscal year (as determined under subparagraph (B)) beginning with fiscal year 1997, then for the following fiscal year the worldwide family level shall be reduced (but not below a number sufficient to provide for the minimum visa numbers described in paragraph (4)) by the net number of excess admissions in that particular fiscal year (as defined in subparagraph (C)).

''(B) DETERMINATION OF EXCESS FAMILY ADMISSIONS.—For purposes of subparagraph (A), there are excess family admissions in a fiscal year if—

''(i) the number of aliens who are issued immigrant visas or who otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence under section 203(a) or subsection (b)(2) in a fiscal year, exceeds

''(ii) 330,000, less the carryforward number of excess admissions for the previous fiscal year (as defined in subparagraph (D)).

For purposes of this subparagraph, immigrant visa numbers issued under section 553 of the Immigration in the National Interest Act of 1995 (relating to certain transition immigrants) shall not be counted under clause (i).

''(C) NET NUMBER OF EXCESS ADMISSIONS.—For purposes of subparagraph (A), the 'net number of excess admissions' for a fiscal year is—

''(i) the excess described in subparagraph (B) for the fiscal year, reduced (but not below zero) by

''(ii) the number (if any) by which the worldwide level under subsection (d) for the previous fiscal year exceeds the number of immigrants who are issued immigrant visas or who otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence under section 203(b) in that previous fiscal year.

''(D) CARRYFORWARD NUMBER OF EXCESS ADMISSIONS.—For purposes of subparagraph (B)(ii), the carryforward number of excess admissions for a particular fiscal year is the net number of excess admissions for the previous fiscal year (as defined in subparagraph (C)), reduced by the reductions effected under subparagraph (A) and paragraph (5) in visa numbers for the particular fiscal year.

''(4) NO REDUCTION IN NUMBER OF SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS OR PARENTS OF UNITED STATES CITIZENS.—

''(A) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Any reductions in the worldwide family level for a fiscal year under paragraph (2) or (3) shall not reduce the number of visas available to spouses and children of lawful permanent residents below 85,000.

''(B) PARENTS OF UNITED STATES CITIZENS.—Any reductions in the worldwide family level for a fiscal year under paragraph (2) or (3) shall not reduce the number of visas available to parents of United States citizens below 25,000.

''(5) ADJUSTMENT IN CERTAIN EMPLOYMENT-BASED VISA NUMBERS IN CASE OF REMAINING EXCESS FAMILY ADMISSIONS.—

''(A) IN GENERAL.—If there is a remaining excess number of family admissions (as described in subparagraph (B)) in a fiscal year (beginning with fiscal year 1997) that is greater than zero, then for the following fiscal year there shall be reductions in immigrant visa numbers made available under subsection (d) and section 203(b)(4) by the lesser of—

''(i) the remaining excess number of family admissions (described in subparagraph (B)), or

''(ii) ½ of the maximum number of visa numbers that could (but for this paragraph) otherwise be made available under section 203(b)(5) in such following fiscal year.

''(B) REMAINING EXCESS NUMBER OF FAMILY ADMISSIONS DESCRIBED.—For purposes of subparagraph (A), the 'remaining excess number of family admissions' in a fiscal year is the net number of excess admissions for the fiscal year (as defined in paragraph (3)(C)), reduced by the reduction (if any) effected under paragraph (3) in visa numbers for the succeeding fiscal year.''.

SEC. 502. WORLDWIDE NUMERICAL LIMITATION ON EMPLOYMENT-BASED IMMIGRANTS.

Subsection (d) of section 201 (8 U.S.C. 1151) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is—

''(1) 135,000, minus

''(2) beginning with fiscal year 1998, the total of the reductions (if any) in visa numbers under section 203(a)(3)(C) made for the fiscal year pursuant to subsection (c)(5) and in visa numbers under this subsection for the fiscal year pursuant to section 203(a)(3)(B)(ii)(II).''.

SEC. 503. WORLDWIDE NUMERICAL LIMITATION ON DIVERSITY IMMIGRANTS.

Subsection (e) of section 201 (8 U.S.C. 1151) is amended to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants is equal to 27,000 for each fiscal year.''.

SEC. 504. ESTABLISHMENT OF NUMERICAL LIMITATION ON HUMANITARIAN IMMIGRANTS.

(a) IN GENERAL.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (2),

(B) by striking the period at the end of paragraph (3) and inserting ''; and'', and

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

''(4) for fiscal years beginning with fiscal year 1997, humanitarian immigrants described in section 203(e) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(e)) in a number not to exceed in any fiscal year the number specified in subsection (f) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.''; and

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

''(f) WORLDWIDE LEVEL OF HUMANITARIAN IMMIGRANTS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the worldwide

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 HUMANITARIAN IMMIGRANTS WHO ARE REFUGEES OR ASYLEES.—The worldwide humanitarian level for a fiscal year shall be reduced by the sum of—

''(A) 50,000, or, if less, the number of aliens who were admitted as refugees under section 207 in the previous fiscal year, and

''(B) the number of aliens who had been granted asylum whose status was adjusted in the previous fiscal year under section 209(b).

''(3) REDUCTION FOR PRIOR YEAR CANCELLATION OF REMOVAL AND REGISTRY.—The worldwide humanitarian level for a fiscal year shall be further reduced by the sum of—

''(A) the number of aliens whose removal was canceled and who were provided lawful permanent resident status in the previous fiscal year under section 240A, and

''(B) the number of aliens who were provided permanent resident status in the previous fiscal year under section 249.

''(4) LIMITATION.—In no case shall the worldwide humanitarian level for a fiscal year (taking into account any reductions under paragraphs (2) and (3)) exceed 10,000.''.

(b) TRANSITION.—In determining the worldwide humanitarian level under section 201(f) of the Immigration and Nationality Act for fiscal year 1997, the reference in paragraph (3)(A) of such section to 'section 240A' is deemed a reference to 'section 244(a)'.

SEC. 505. REQUIRING CONGRESSIONAL REVIEW AND REAUTHORIZATION OF WORLDWIDE LEVELS EVERY 5 YEARS.

Section 201 (8 U.S.C. 1151) is further amended by adding at the end the following new subsection:

''(g) REQUIREMENT FOR PERIODIC REVIEW AND REAUTHORIZATION OF WORLDWIDE LEVELS.—

''(1) CONGRESSIONAL REVIEW.—The Committees on the Judiciary of the House of Representatives and of the Senate shall undertake during fiscal year 2004 (and each fifth fiscal year thereafter) a thorough review of the appropriate worldwide levels of immigration to be provided under this section during the 5-fiscal-year period beginning with the second subsequent fiscal year.

''(2) CONGRESSIONAL REAUTHORIZATION.—The Congress, after consideration of the reviews under paragraph (1) and by amendment to this section, shall specify the appropriate worldwide levels of immigration to be provided under this section during the 5-fiscal-year period beginning with the second subsequent fiscal year.

''(3) SUNSET IN ABSENCE OF REAUTHORIZATION.—The worldwide levels specified under the previous provisions of this section are applicable only to fiscal years 1997 through 2005. Immigrant visa numbers for fiscal years after fiscal year 2005 that are subject to such levels are only authorized to the extent provided by amendment under paragraph (2) made to this section.''.

Subtitle B—Changes in Preference System

SEC. 511. LIMITATION OF IMMEDIATE RELATIVES TO SPOUSES AND CHILDREN.

(a) RECLASSIFICATION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is amended—

(1) in clause (i)—

(A) by striking ''IMMEDIATE RELATIVES.—'' and all that follows through the end of the first sentence and inserting ''An alien who is a spouse or child of a citizen of the United States.'', and

(B) in the second sentence, by striking ''an immediate relative'' and inserting ''a spouse of a citizen of the United States''; and

(2) in clause (ii), by striking ''such an immediate relative'' and inserting ''a spouse of a citizen of the United States''.

(b) PROTECTION OF CERTAIN CHILDREN FROM AGING OUT OF PREFERENCE STATUS.—

(1) IN GENERAL.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) For purposes of applying section 101(b)(1) in the case of issuance of an immigrant visa to, or admission or adjustment of status of, an alien under section 201(b)(2)(A), section 203(a)(1), or 203(e) as a child of a citizen of the United States or a permanent resident alien, the age of the alien shall be determined as of the date of the filing of the classification petition under section 204(a)(1) as such a 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-SPONSORED CLASSIFICATION.

(a) IN GENERAL.—Section 203(a) (8 U.S.C. 1153(a)) 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) the number by which the worldwide level exceeds 85,000.

''(B) REFERENCE TO INSURANCE REQUIREMENT.—For requirement relating to insurance for parents, see section 212(a)(4)(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 (i) at least 21 years of age and (ii) either a citizen of the United States or an alien lawfully admitted for permanent residence 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—

''(I) 5,000, or

''(II) the number by which the worldwide level exceeds the sum of 85,000 and the number of immigrant visas used under paragraph (2).

''(ii) ALLOCATION OF ADDITIONAL VISA NUMBERS.—

''(I) 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.

''(II) OFFSETTING REDUCTION IN THE LEVELS OF EMPLOYMENT-BASED VISAS.—If an additional number of visa numbers are made available under subclause (I) in a fiscal year, the number of visas made available under section 201(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 (if any) by which 110,000 exceeds the number of immigrant visas used under paragraphs (1) and (2) of this subsection 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)).

''(C) QUALIFICATIONS.—For purposes of this paragraph, the term 'qualifying adult son or daughter' means an immigrant who, as of the date of approval of the classification petition under section 204(a)(1)—

''(i) is at least 21, but not more than 25 years of age,

''(ii) has never been married,

''(iii) is childless, 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.

''(D) THREE-YEAR CONDITIONAL REQUIREMENT.—

''(i) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien provided lawful 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 residence, to have obtained 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) as of the date of approval of the classification 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.''.

(b) 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 the following new subparagraph:

''(D) INSURANCE REQUIREMENTS FOR PARENTS.—

''(i) 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 medicaid program under title XIX of such Act for the State 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. 513. CHANGE IN EMPLOYMENT-BASED CLASSIFICATION.

(a) IN GENERAL.—Section 203(b) (8 U.S.C. 1153(b)) 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.—Visas shall first be made available in a number not to 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

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, and

''(C) whose admission into the United States will substantially benefit prospectively the United States.

''(2) ALIENS WHO ARE OUTSTANDING PROFESSORS AND RESEARCHERS OR MULTINATIONAL EXECUTIVES AND MANAGERS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30,000 of such worldwide level, plus any visas not required for the class specified in paragraph (1), to immigrants who are aliens described in subparagraph (B) or (C).

''(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) the alien has at least 3 years of experience in teaching or research in the academic area, and

''(iii) the alien seeks to enter the United States—

''(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area,

''(II) for a comparable position with a university or institution of higher education to conduct research in the area, or

''(III) 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.

''(C) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this subparagraph if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(3) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30,000 of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2), to immigrants who are aliens described in subparagraph (B).

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—An alien is described in this subparagraph if the alien is a member of a profession holding an advanced degree or its equivalent or who because of exceptional ability in the sciences, arts, or business will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(iii) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under this subparagraph until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A).

''(iv) NATIONAL INTEREST WAIVER.—The Attorney General may waive the requirement under clause (iii) and the requirement under clause (i) that an alien's services be sought by an employer in the United States only if—

''(I) such a waiver is necessary to substantially benefit—

''(aa) the national security, national defense, or Federal, State, or local law enforcement;

''(bb) health care, housing, or educational opportunities for an indigent or low-income population or in an underserved geographical area;

''(cc) economic or employment opportunities for a specific industry or a specific geographical area;

''(dd) the development of new technologies; or

''(ee) environmental protection or the productive use of natural resources, and

''(II) the alien will engage in a specific undertaking to advance one or more of the interests under subclause (I).

''(4) SKILLED WORKERS AND PROFESSIONALS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 45,000 of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) through (3) to immigrants who are described in subparagraph (B) or (C).

''(B) SKILLED WORKERS.—An alien described in this subparagraph is an immigrant who is capable, at the time a petition is filed, of performing skilled labor (requiring at least 2 years of training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States, and who has a total of 4 years of training or experience (or both) with respect to such labor.

''(C) PROFESSIONALS.—

''(i) IN GENERAL.—An alien described in this subparagraph is an immigrant who holds a baccalaureate degree and is a member of the professions and, subject to clause (ii), has at least 2 years of experience in the profession after the receipt of the degree.

''(ii) SPECIAL RULE FOR LANGUAGE TEACHERS.—An alien who is a teacher and has (within the previous 5 years) at least 2 years of experience teaching a language (other than English) full-time at an accredited elementary or middle school may be classified and admitted as a professional under this subparagraph if the alien is seeking admission to teach such language full-time in an accredited elementary or middle school.

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under this paragraph until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A).

''(E) EXPERIENCE REQUIREMENT.—Any period of experience acquired as a nonimmigrant under section 101(a)(15)(E), 101(a)(15)(H)(i), or 101(a)(15)(L) may be used to fulfill a requirement for experience under this paragraph.

''(5) INVESTORS IN JOB CREATION.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 10,000 of such worldwide level less the reduction in visa numbers under this paragraph required to be effected under section 201(c)(5)(A) for the fiscal year involved, to immigrants seeking to enter the United States for the purpose of engaging in a new commercial enterprise—

''(i) which the alien has established,

''(ii) in which the alien has invested (after the date of the enactment of the Immigration Act of 1990), or is actively in the process of investing, capital in an amount not less $1,000,000, and

''(iii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

''(B) PILOT PROGRAM.—For each of 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 (A)(ii) and if 'for not fewer than 5' were substituted for 'for not fewer than 10' in subparagraph (A)(iii). By not later than April 1, 1998, the Attorney General shall submit to Congress a report on the operation of this subparagraph and shall include in the report information describing the immigrants admitted under this paragraph and the enterprises they invest in and a recommendation on whether the pilot program under this subparagraph should be continued or modified.

''(6) CERTAIN SPECIAL IMMIGRANTS.—Visas shall be made available, in a number not to exceed 5,000 of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) thereof), of which not more than 4,000 may be made available in any fiscal year to special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(ii).''; and

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

''(8) NOT COUNTING WORK EXPERIENCE AS AN UNAUTHORIZED ALIEN.—For purposes of this subsection, work experience obtained in employment in the United States with respect to which the alien was an unauthorized alien (as defined in section 274A(h)(3)) shall not be taken into account.''.

(b) CONDITIONAL STATUS FOR CERTAIN FOREIGN LANGUAGE TEACHERS.—

(1) IN GENERAL.—Title II is amended by inserting after section 216A the following new section:

''CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN FOREIGN LANGUAGE TEACHERS

''SEC. 216B. (a) IN GENERAL.—Subject to the succeeding provisions of this section, section 216A shall apply to an alien foreign language teacher (as defined in subsection (d)(1)) and to an alien spouse or alien child (as defined in subsection (d)(2)) in the same manner as such section applies to an alien entrepreneur and an alien spouse or alien child.

''(b) TIMING FOR PETITION.—

''(1) IN GENERAL.—In applying section 216A under subsection (a), any reference to a 'second anniversary of an alien's lawful admission for permanent residence' is deemed a reference to the end of the time period described in paragraph (2).

''(2) TIME PERIOD FOR DETERMINATION.—The time period described in this paragraph is 5 years less the period of experience, during the 5-year period ending on the date the alien foreign language teacher obtains permanent resident status, of teaching a language (other than English) full-time at an accredited elementary or middle school.

''(c) REQUIREMENT FOR TOTAL OF 5 YEARS' TEACHING EXPERIENCE.—In applying section 216A under subsection (a), the determination of the Attorney General under section 216A(b)(1) shall be whether (and the facts and information under section 216A(d)(1) shall demonstrate that) the alien has been employed on a substantially full-time basis as a foreign language teacher at an accredited elementary or middle school in the United States during the period since obtaining permanent residence status (instead of the determinations described in section 216A(b)(1) and of the facts and information described in section 216A(d)(1)).

''(d) DEFINITIONS.—In this section:

''(1) The term 'alien foreign language teacher' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(4)(C)(ii) on the basis of less than 5 years' teaching experience.

''(2) The term 'alien spouse' and the term 'alien child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or

otherwise) by virtue of being the spouse or child, respectively, of an alien foreign language teacher.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 216A the following:

''Sec. 216B. 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. 1153(c)) is amended—

(1) in paragraph (1)(B)(ii), by striking ''and'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting '', and'', and by adding at the end the following new subclause:

''(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:

''(vi) 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)(1)(F) (8 U.S.C. 1153(c)(1)(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 (vi), by striking ''Mexico,''.

(c) ESTABLISHING JOB OFFER REQUIREMENT.—Paragraph (2) of section 203(c) (8 U.S.C. 1153(c)) is amended to read as follows:

''(2) REQUIREMENT OF JOB OFFER AND 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. 1153) is further 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 be prescribed by the Secretary of State in such amounts as are adequate to compensate the Department of State for the costs of administering the diversity immigrant program. Any such fees collected may be deposited as an offsetting collection to the appropriate Department of State appropriation to recover 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 unlawfully 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.''.

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 ''(1)'' after ''(b)'' and by adding at the end the following new paragraph:

''(2)(A) 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 reconfirm 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.''.

(b) 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 in a manner so that no such petition expires 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 (H).

(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'', and

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

''(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) 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 paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of 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' set up pursuant to the North Atlantic Treaty, or as a dependent); and

''(iii) to the Immigration Technical Corrections Act of 1988 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 ''(or under analogous authority under paragraph (27)(L))'' after ''(27)(I)(i)'', and

(2) by inserting ''(or under analogous authority under paragraph (27)(L))'' after ''(27)(I)''.

(d) EXTENSION OF SUNSET FOR RELIGIOUS WORKERS.—Section 101(a)(27)(C)(ii) (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''1997'' and inserting ''2005'' each place it appears.

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking ''or (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. 1184(l)(3)), as redesignated by section 851(a)(3)(A), is amended by striking '', who has not otherwise been accorded status under section 101(a)(27)(H),''.

(4) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking ''101(a)(27)(H), (I),'' 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 amendments 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—

(1) by amending 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; or'', 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 since admission to invest (and maintain investment of) 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 to whom the exception under subparagraph (A) applies, the application period under subsection (d)(2) (and period for termination under paragraph (1)) 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.''.

(b) 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 functions necessary for independent 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 ability and resources 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)(i), by striking ''to an immediate relative status'' and inserting ''to status as the 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 the spouse of a citizen of the United States'';

(C) in subsection (a)(1)(iv), by striking ''as an immediate relative'' and inserting ''as a child of a citizen of the United States'';

(D) in subsection (b), by striking ''an immediate relative specified in section 201(b)'' and inserting ''a spouse or child of a citizen of the United States under section 201(b)'';

(E) in subsection (c), by striking ''an immediate relative or preference'' and inserting ''a preferential'';

(F) in subsection (e)—

(i) by striking ''an immediate relative'' and inserting ''a spouse or child of a citizen of the United States'', and

(ii) by striking ''his'' and ''he'' and inserting ''the alien's'' and ''the alien'', respectively; and

(G) in subsection (g), by striking ''immediate relative status'' and inserting ''status as a spouse or child of a citizen of the United States or other''.

(3) Section 212(a)(6)(E)(ii) (8 U.S.C. 1182(a)(6)(E)(ii)) is amended by striking ''an immediate relative'' and inserting ''a spouse, child, or parent of a citizen of the United States''.

(4) Section 212(d)(11) (8 U.S.C. 1182(d)(11)) is amended by striking ''an immediate relative'' and inserting ''a spouse or child of a citizen of the United States''.

(5) Section 216(g)(1)(A) (8 U.S.C. 1186a(g)(1)(A)) is amended by striking ''an immediate relative (described in section 201(b)) as the spouse of a citizen of the United States'' and inserting ''the spouse of a citizen of the United States (described in section 201(b))''.

(6) Section 221(a) (8 U.S.C. 1201(a)) is amended by striking '', immediate relative,''.

(7)(A) Section 224 (8 U.S.C. 1204) is amended—

(i) by amending the heading to read as follows:

''VISAS FOR SPOUSES AND CHILDREN OF CITIZENS AND SPECIAL IMMIGRANTS'',

(ii) by striking ''immediate relative'' the first place it appears and inserting ''a spouse or child of a citizen of the United States'', and

(iii) by striking ''immediate relative status'' and inserting ''status or status as a spouse or child of a citizen of the United States''.

(B) The item in the table of contents relating to section 224 is amended to read as follows:

''Sec. 224. Visas for spouses and children of citizens and special immigrants.''.

(8) Subsection (a)(1)(E)(ii) of section 241 (8 U.S.C. 1251), before redesignation as section 237 by section 305(a)(2), is amended by striking ''an immediate relative'' and inserting ''a spouse, child, or parent of a citizen of the United States under section 201(b) or 203(a)(2)''.

(9) Section 245(c) (8 U.S.C. 1255(c)) is amended by striking ''an immediate relative as defined in section 201(b)'' and inserting ''a spouse or child of a citizen of the United States under section 201(b) or a parent of a citizen under section 203(a)(2)'' each place it appears.

(10) Section 291 (8 U.S.C. 1361) is amended by striking ''immigrant, special immigrant, immediate relative'' and inserting ''immigrant status, special immigrant status, status as a spouse or child of a citizen of the United States''.

(11) Section 401 of the Immigration Reform and Control Act of 1986 is amended by striking ''immediate relatives'' and inserting ''spouses and children of citizens''.

(b) CONFORMING AMENDMENTS FOR OTHER FAMILY-SPONSORED IMMIGRANTS.—

(1) PETITIONING REQUIREMENTS.—Section 204 (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)(A)(i), by striking ''paragraph (1), (3), or (4)'' and inserting ''paragraph (2) or (3)'';

(B) in subsection (a)(1)(B)(i), by striking ''section 203(a)(2)'' and inserting ''paragraph (1) or (3) of section 203(a)(1)'';

(C) in clauses (ii) and (iii) of subsection (a)(1)(B), by striking ''203(a)(2)(A)'' and inserting ''203(a)(1)''; and

(D) in subsection (f)(1), by striking '', 203(a)(1), or 203(a)(3)'' and inserting ''or 203(a)(2)''.

(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) 75 PERCENT OF 1ST PREFERENCE NOT SUBJECT TO PER COUNTRY LIMITATION.—Of the visa numbers made available under section 203(a) to immigrants described in paragraph (1) of that section in any fiscal year, 63,750 shall be issued without regard to the numerical limitation under paragraph (2).

''(B) LIMITING PASS DOWN FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(a)(1) exceeds the maximum number of visas that may be made available to immigrants of the state or area under such section consistent with subsection (e) (determined without regard to this paragraph), in applying paragraph (2) of section 203(a) under subsection (e)(2) all visas shall be deemed to have been required for the classes specified in paragraph (1) of such section.''; and

(B) in subsection (e)—

(i) in paragraph (1), by inserting before the semicolon the following: ''(determined without regard to subsections (c)(4) and (d)(2) of section 201)'',

(ii) in paragraph (2), by striking ''paragraphs (1) through (4)'' and inserting ''paragraphs (1) and (2)'', and

(iii) in the last sentence, by striking ''203(a)(2)(A)'' and inserting ''203(a)(1)''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 203 (8 U.S.C. 1153), before redesignation by section 524(a)(1), is amended by striking ''(a)'' and inserting ''(a)(2)''.

(B) Section 212(a)(6)(E)(ii) (8 U.S.C. 1182(a)(6)(E)(ii)) and subsection (a)(1)(E)(ii) of section 241 (8 U.S.C. 1251)), before redesignation as section 237 under section 305(a)(2), are each amended by striking ''203(a)(2)'' and inserting ''203(a)(1)''.

(C) Section 212(d)(11) (8 U.S.C. 1182(d)(11)) is amended by striking ''immigrant under section 203(a) (other than paragraph (4) thereof)'' and inserting ''an immigrant under section 203(a)''.

(D) Section 216(g)(1)(C) (8 U.S.C. 1186a(g)(1)(C)) is amended by striking ''203(a)(2)'' and inserting ''203(a)(1)''.

(E) Section 2(c) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97–271) is amended—

(i) in paragraph (2), by inserting ''or first or third family preference petitions'' after ''second preference petitions'';

(ii) in paragraph (3)(A), by striking ''or'' at the end;

(iii) in paragraph (3)(B), by striking the period at the end and inserting ''; or'';

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

''(C) by virtue of a first or third family preference petition filed by an individual who was admitted to the United States as an immigrant by virtue of a second family preference petition filed by the son or daughter of the individual, if that son or daughter had his or her status adjusted under this section.''; and

(v) in paragraph (4), by striking ''on or after such date).'' and inserting the following: ''on or after such date and before October 1, 1996). For purposes of this subsection, the terms 'first family preference petition', 'second family preference petition', and 'third family preference petition' mean, in the case of an alien, a petition filed under section 204(a) of the Act to grant preference status to the alien by reason of the relationship described in section 203(a)(1), 203(a)(2), or 203(a)(3), respectively (as in effect on and after October 1, 1996).''.

(c) CONFORMING AMENDMENTS RELATING TO EMPLOYMENT-BASED IMMIGRANTS.—

(1) TREATMENT OF SPECIAL K IMMIGRANTS.—Subparagraph (B) of section 203(b)(7) (8 U.S.C. 1153(b)(7)), as redesignated by section 513(a)(1), is amended—

(A) in clause (i), by striking ''and (3) shall each be reduced by ⅓'' and inserting ''(3), and (4) 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,'', and

(B) in clause (iii), by striking ''(3) of this subsection in the fiscal year shall be reduced by ⅓'' and inserting ''(4) in the fiscal year reduced by the same proportion, as the proportion (of the visa numbers made available under all such paragraphs to natives of the foreign state) that were made available under each respective paragraph to such natives,''.

(2) 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)(1)(A)'' and inserting ''203(b)(1)'';

(B) in subparagraph (D), by striking ''section 203(b)(1)(B), 203(b)(1)(C), 203(b)(2), or 203(b)(3)'' and inserting ''section 203(b)(2), 203(b)(3), or 203(b)(4)'';

(C) in subparagraph (E)(i), by striking ''203(b)(4)'' and inserting ''203(b)(6)''; and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (E), respectively, and by moving subparagraph (E) (as so redesignated) to precede subparagraph (F) (as so redesignated).

(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) or (4)''.

(4) OTHER CONFORMING AMENDMENTS.—

(A) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking ''through (5)'' and inserting ''through (6)''.

(B) Section 245(j)(3) (8 U.S.C. 1255(j)(3)), as added by section 130003(c)(1) Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) and as redesignated by section 851(a)(3)(A) of this Act, is amended by striking ''203(b)(4)'' and inserting ''203(b)(6)''.

(C) Section 154(b)(1)(B)(i) of the Immigration Act of 1990 is amended by striking ''1991)'' and inserting ''1991, and before October 1, 1996) or under section 203(a), 203(b)(1), or 203(b)(2) (as in effect on and after October 1, 1996)''.

(D) Section 206(a) of the Immigration Act of 1990 is amended by striking ''203(b)(1)(C)'' and inserting ''203(b)(2)(C)''.

(E) Section 2(d)(2)(A) of the Chinese Student Protection Act of 1992 (Public Law 102–404) is amended by striking ''203(b)(3)(A)(i)'' and inserting ''203(b)(4)(B)''.

(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)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A))'' and inserting ''203(b)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(B)(i))'', and

(ii) in section 4(c), by striking ''203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A))'' and inserting ''203(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2))''.

(d) REPEAL OF CERTAIN OUTDATED PROVISIONS.—The following provisions of law are repealed:

(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 this section 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)(A) Except as provided in subparagraph (B), 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) The number determined under paragraph (1) for a fiscal year may exceed the limit specified under subparagraph (A) if Congress enacts a law providing for a higher number.''.

(b) ADMISSIONS IN EMERGENCY REFUGEE SITUATIONS 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 by striking ''unforeseen''.

(2) Section 207(d)(1) (8 U.S.C. 1157(d)(1)) is amended by striking ''Before the start of each fiscal year'' and inserting ''Before June 1 of the preceding fiscal year''.

(3) Section 207(e) (8 U.S.C. 1157(e)) is amended by adding at the end the following:

''Such discussions shall occur before July 1 of the fiscal year preceding the fiscal year of admissions, except that discussions relating to an emergency refugee situation shall occur not more than 30 days after the President proposes admissions in response to the emergency.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning with fiscal year 1997.

SEC. 522. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

(a) DEFINITION OF REFUGEE.—Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: ''For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.''.

(b) NUMERICAL LIMITATION.—Section 207(a) (8 U.S.C. 1157(a)), as amended by section 532(b), is amended by adding at the end the following new paragraph:

''(4) For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 208 pursuant to a determination under the last sentence of section 101(a)(42) (relating to persecution for resistance to coercive population control methods).''.

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)(2), 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 temporarily, 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)).

''(B) The Attorney General may parole an alien based on an urgent humanitarian reason described in this subparagraph only if—

''(i) the alien has a medical emergency and the alien cannot obtain necessary treatment in the foreign state in which the alien is residing or the medical emergency is life-threatening and there is insufficient time for the alien to be admitted through the normal visa process;

''(ii) the alien is needed in the United States in order to donate an organ or other tissue for transplant into a close family member; or

''(iii) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process.

''(C) The Attorney General may parole an alien based on a reason deemed strictly in the public interest described in this subparagraph only if—

''(i) the alien has assisted the United States Government in a matter, such as a criminal investigation, espionage, or other similar law enforcement activity, and either the alien's presence in the United States is required by the Government or the alien's life would be threatened if the alien were not permitted to come to the United States; or

''(ii) the alien is to be prosecuted in the United States for a crime.

''(D) The Attorney General may not use the parole authority under this paragraph to permit to come to the United States aliens who have applied for and have been found to be ineligible for refugee status or any alien to whom the provisions of this paragraph do not apply.

''(E) Parole of an alien under this paragraph shall not be considered an admission of the alien into the United states. When the purposes of the parole of an alien have been served, as determined by the Attorney General, the alien shall immediately return or be returned to the custody from which the alien was paroled and the alien shall be considered for admission to the United States on the same basis as other similarly situated applicants for admission.

''(F) Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate describing the number and categories of aliens paroled into the United States under this paragraph. Each such report shall contain information and data concerning the number and categories of aliens paroled, the duration of parole, and the current status of aliens paroled during the preceding fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals paroled into the United States on or after the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 524. ADMISSION OF HUMANITARIAN IMMIGRANTS.

(a) IN GENERAL.—Section 203 (8 U.S.C. 1153) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and

(2) by inserting after subsection (c) the following new subsection:

''(d) HUMANITARIAN IMMIGRANTS.—

''(1) IN GENERAL.—Aliens subject to the worldwide humanitarian level specified in section 201(e) shall be allotted visas only if the aliens have been selected by the Attorney General under paragraph (2) as of special humanitarian concern to the United States.

''(2) SELECTION OF IMMIGRANTS.—

''(A) IN GENERAL.—The Attorney General shall, on a case-by-case basis and based on humanitarian concerns and the public interest, select aliens for purposes of this subsection.

''(B) RESTRICTION.—The Attorney General may not select an alien under this paragraph if the alien is a refugee (within the meaning of section 101(a)(42)) unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be admitted into the United States as a humanitarian immigrant under this subsection rather than as a refugee under section 207.

''(3) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing the number of immigrant visas issued under this subsection and the individuals to whom the visas were issued.''.

(b) PETITIONING.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

''(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, but only if the Attorney General has identified the alien as possibly qualifying for such a visa.''.

(c) ORDER OF CONSIDERATION.—Subsection (f) of section 203 (8 U.S.C. 1153), as redesignated by subsection (a)(1), is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) Immigrant visa numbers made available under subsection (d) (relating to humanitarian immigrants) shall be issued to eligible immigrants in an order specified by the Attorney General.''.

(d) 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 paragraph:

''(5) PER COUNTRY LEVELS FOR HUMANITARIAN IMMIGRANTS.—The total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(d) in any fiscal year may not exceed 50 percent (in the case of a single foreign state) or 15 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in that fiscal year.''.

(e) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (4), as amended by sections 621(a) and 512(b), by adding at the end the following new subparagraph:

''(E) WAIVER AUTHORIZED FOR HUMANITARIAN IMMIGRANTS.—The Attorney General, in the discretion of the Attorney General, may waive the ground of inadmissibility under subparagraph (A) in the case of an alien seeking admission as a humanitarian immigrant under section 203(d).'';

(2) in paragraph (5)(C), by inserting before the period at the end the following: '', and shall not apply to immigrants seeking admissions as humanitarian immigrants under section 203(d)''; and

(3) in paragraph (7)(A), by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) WAIVER AUTHORIZED FOR HUMANITARIAN IMMIGRANTS.—The Attorney General, in the discretion of the Attorney General, may waive the ground of inadmissibility under clause (i) in the case of an alien seeking admission as a humanitarian immigrant under section 203(d).''.

(f) CONFORMING AMENDMENT.—Section 216(g)(1) (8 U.S.C. 1186a(g)(1)) is amended by striking ''203(d)'' and inserting ''203(e)''.

Subtitle D—Asylum Reform

SEC. 531. 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 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'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 public interest for 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 convincing 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 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 this section if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

''(2) EXCEPTIONS.—

''(A) IN 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) there are serious reasons for 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) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(v) the alien is inadmissible under subclause (I), (II), (III), or (IV) of section 212(a)(3)(B)(i) or removable under section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Attorney General determines, in the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(vi) the alien was firmly resettled in another country prior to arriving in the United States.

''(B) SPECIAL RULES.—

''(i) CONVICTION OF AGGRAVATED FELONY.—For purposes of clause (ii) of subparagraph (A), an alien who has been convicted of an aggravated felony shall be considered to have been convicted of a particularly serious crime.

''(ii) OFFENSES.—The Attorney General may designate by regulation offenses that will be considered to be a crime described in clause (ii) or (iii) of subparagraph (A).

''(C) ADDITIONAL LIMITATIONS.—The Attorney General may by regulation establish additional limitations and conditions under which an alien shall be ineligible for asylum under paragraph (1).

''(D) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Attorney General under subparagraph (A)(v).

''(3) 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 granted the same status as the alien if accompanying, or following to join, such alien.

''(c) 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 allow 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 where the alien is eligible to receive asylum or equivalent temporary protection;

''(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 any applicable grounds of inadmissibility or deportability under section 212(a) and 237(a), and the alien's removal or return shall be directed by the Attorney General in accordance with sections 240 and 241.

''(4) LIMITATION ON JUDICIAL REVIEW.—No court shall have jurisdiction to review a determination of the Attorney General under paragraph (2).

''(d) ASYLUM PROCEDURE.—

''(1) APPLICATIONS.—The Attorney General shall establish a procedure for the consideration of asylum applications filed under subsection (a). An application for asylum shall not be considered unless the alien submits fingerprints and a photograph in a manner to be determined by regulation by the Attorney General.

''(2) EMPLOYMENT.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Attorney General. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to 180 days after the date of filing of the application for asylum.

''(3) FEES.—The Attorney General may impose fees for the consideration of an application for asylum, for employment authorization under this section, and for adjustment of status under section 209(b). The Attorney General may provide for the assessment and payment of such fees over a period of time or by installments. Nothing in this paragraph shall be construed to require the Attorney General to charge fees for adjudication services provided to asylum applicants, or to limit the authority of the Attorney General to set adjudication and naturalization fees in accordance with section 286(m).

''(4) NOTICE OF PRIVILEGE OF COUNSEL AND CONSEQUENCES OF FRIVOLOUS APPLICATION.—At the time of filing an application for asylum, the Attorney General shall—

''(A) advise the alien of the privilege of being represented by counsel and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and

''(B) provide the alien a list of persons (updated not less often than quarterly) who have indicated their availability to represent aliens in asylum proceedings on a pro bono basis.

''(5) CONSIDERATION OF ASYLUM APPLICATIONS.—

''(A) PROCEDURES.—The procedure established under paragraph (1) shall provide that—

''(i) asylum cannot be granted until the identity of the applicant has been checked against all appropriate records or databases maintained by the Attorney General and by the Secretary of State, including the Automated Visa Lookout System, to determine any grounds on which the alien may be inadmissible to or deportable from the United States, or ineligible to apply for or be granted asylum;

''(ii) in the absence of exceptional circumstances, the initial interview or hearing on the asylum application shall commence not later than 45 days after the date an application is filed;

''(iii) in the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed within 180 days after the date an application is filed;

''(iv) any administrative appeal shall be filed within 30 days of a decision granting or denying asylum, or within 30 days of the completion of removal proceedings before an immigration judge under section 240, whichever is later; and

''(v) in the case of an applicant for asylum who fails without prior authorization or in the absence of exceptional circumstances to appear for an interview or hearing, including a hearing under section 240, the application may be dismissed or the applicant may be otherwise sanctioned for such failure.

''(B) ADDITIONAL REGULATORY CONDITIONS.—The Attorney General may provide by regulation for any other conditions or limitations on the consideration of an application for asylum not inconsistent with this Act.

''(6) FRIVOLOUS APPLICATIONS.—

''(A) IN GENERAL.—If the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(A),

the alien shall be permanently ineligible for any benefits under this Act, effective as of the date of a final determination on such application.

''(B) MATERIAL MISREPRESENTATIONS.—An application shall be considered to be frivolous if the Attorney General determines that the application contains a willful misrepresentation or concealment of a material fact.

''(7) NO PRIVATE RIGHT 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)(1)(A) of the Immigration Act of 1990 (Public Law 101–649) is amended by striking ''208(b)'' and inserting ''208''.

(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.

SEC. 532. FIXING NUMERICAL ADJUSTMENTS FOR ASYLEES AT 10,000 EACH YEAR.

(a) IN GENERAL.—Section 209(b) (8 U.S.C. 1159(b)) is amended by striking ''Not more than'' and all that follows through ''adjust'' and inserting the following: ''The Attorney General, in 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 in any 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. 533. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) AUTHORIZATION OF TEMPORARY EMPLOYMENT OF CERTAIN ANNUITANTS AND RETIREES.—

(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) not more than 300 individuals (at any one time) who, by reason of separation from service on or before January 1, 1995, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) NO REDUCTION IN ANNUITY OR RETIREMENT PAY OR REDETERMINATION OF PAY DURING TEMPORARY EMPLOYMENT.—

(A) RETIREES UNDER CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—In the case of an individual employed under paragraph (1) who is receiving an annuity described in paragraph (1)(A)—

(i) such individual's annuity shall continue during the employment under paragraph (1) and shall not be increased as a result of service performed during that employment;

(ii) retirement deductions shall not be withheld from such individual's pay; and

(iii) 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.

(B) OTHER FEDERAL RETIREES.—The President shall apply the provisions of subparagraph (A) to individuals who are receiving an annuity described in paragraph (1)(B) and who are employed under paragraph (1) in the same manner and to the same extent as such provisions apply to individuals who are receiving an annuity described in paragraph (1)(A) and who are employed under paragraph (1).

(C) RETIRED OFFICERS OF THE UNIFORM SERVICES.—The retired or retainer pay of a retired officer of a regular component of a uniformed service shall not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized under paragraph (1).

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a)(1).

(c) 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.

Subtitle E—General 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 and the amendments made by this title shall take effect on October 1, 1996, and shall apply 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 204(a) 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 such section for status under section 201(b)(2)(A) (as such a spouse or child) or under section 203(a)(2), respectively, of such Act (as amended by this title).

(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1996, for preference status under section 203(a)(2) of such Act as a spouse or child of an alien lawfully admitted for permanent residence shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(1) of such Act (as amended by this title).

(b) EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), any petition filed before October 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)(i), 203(b)(3)(A)(ii), 203(b)(4), 203(b)(5) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1996 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(1), 203(b)(2)(B), 203(b)(2)(C), 203(b)(3), 203(b)(4)(B), 203(b)(4)(C), 203(b)(6), or 203(b)(5), respectively, of such Act (as in effect on and after such date). Nothing in this paragraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b) of such Act (as amended by section 513).

(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 unexpired immigrant visa issued before October 1, 1996, makes application for admission, the immigrant's admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) 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 99–603.

SEC. 553. SPECIAL TRANSITION FOR CERTAIN BACKLOGGED SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.

(a) IN GENERAL.—(1) In addition to any immigrant visa numbers otherwise available, immigrant visa numbers in a number not to exceed 50,000 (or, if greater, 1/5 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 aliens who have petitions approved for classification under section 203(a)(1) of the Immigration and Nationality Act (as amended by this title) for the fiscal year.

(2) Aliens described in this paragraph are aliens, for whom petitions are pending as of the beginning of the fiscal year involved, with respect to whom the petitioning alien became an alien admitted for lawful permanent residence through the operation of section 210 or 245A of the Immigration and Nationality Act.

(b) ORDER.—(1) Subject to paragraph (2), visa numbers under this section shall be made available in the order in which a petition, in behalf of each such immigrant for classification under section 203(a)(1) of the Immigration and Nationality Act, is filed with the Attorney General under section 204 of such Act.

(2) Visa numbers shall first be made available to aliens for whom the petitioning alien did not become an alien lawfully admitted for permanent residence through the operation of section 210 or 245A of the Immigration and Nationality Act.

(3) The per country numerical limitations of section 202 of such Act shall not apply with respect to visa numbers made available under this section, and visa numbers made available under this section shall not be counted in determining whether there are excess family admissions in a fiscal year under section 201(c)(3)(B) of the Immigration and Nationality Act (as amended by section 501(b)).

(c) REPORT.—The Attorney General shall submit to Congress, by April 1, 2001, a report on the operation of this section and the extent to which this section will, by October 1, 2001, have resulted in visa numbers being available to immigrants described in paragraphs (1) and (2) of subsection (b) being available on a current basis.

SEC. 554. SPECIAL TREATMENT OF CERTAIN DISADVANTAGED FAMILY FIRST PREFERENCE IMMIGRANTS.

(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 priority date for aliens classified under such section who are nationals of a country 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 UNMARRIED SONS AND DAUGHTERS OF UNITED STATES CITIZENS.—

(1) IN GENERAL.—In addition to any immigrant visa otherwise available, immigrant visa numbers shall be made available during fiscal year 1997 for disadvantaged family first preference aliens (as defined in paragraph (2)) and

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 remained entitled to immigrant status under section 203(a) of such Act.

(2) DISADVANTAGED FAMILY FIRST PREFERENCE ALIEN DEFINED.—In this subsection, the term ''disadvantaged family first preference alien'' means an alien—

(A) with respect to whom a petition for classification under section 203(a)(1) of the Immigration and Nationality Act (as in effect on the date of the enactment of this Act) was approved as of September 30, 1996, and

(B) whose priority date, as of September 30, 1996, under such classification was earlier than the priority date as of such date for aliens of the same nationality with respect to whom a petition for classification under section 203(a)(2)(B) of such Act (as in effect on such date) had been approved.

(3) DISREGARD OF PER COUNTRY NUMERICAL LIMITATIONS.—Additional visa numbers made available under this subsection shall not be taken into account for purposes of applying any numerical limitation applicable to the country under section 202 of such Act, and visa numbers made available under this subsection shall not be counted in determining whether there are excess family admissions in a fiscal year under section 201(c)(3)(B) of the Immigration and Nationality Act (as amended by section 501(b) of this Act).

SEC. 555. AUTHORIZATION OF REIMBURSEMENT OF PETITIONERS FOR ELIMINATED FAMILY-SPONSORED CATEGORIES.

(a) IN GENERAL.—Subject to the availability of appropriations, after the effective date of this title, the Attorney General shall establish a process to provide for the reimbursement to each petitioner of all fees paid to the United States, and which were required to be paid under the Immigration and Nationality Act, for a petition, which was not disapproved as of such date and for which a visa has not been issued, for a family-sponsored immigrant category which is eliminated by this title or the amendments made by this title. Any such process shall provide that such a petitioner shall present any required documentation or other proof of such claim, in person, to the Immigration and Naturalization Service.

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

TITLE VI—RESTRICTIONS ON BENEFITS FOR ALIENS

SEC. 600. STATEMENTS OF NATIONAL POLICY CONCERNING WELFARE AND IMMIGRATION.

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that—

(A) aliens within the nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State, and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.

(5) It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.

(6) It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.

(7) Where States are authorized to follow Federal eligibility rules for public assistance programs, the Congress strongly encourages the States to adopt the Federal eligibility rules.

Subtitle A—Eligibility of Illegal Aliens for Public Benefits

PART 1—PUBLIC BENEFITS GENERALLY

SEC. 601. MAKING ILLEGAL ALIENS INELIGIBLE FOR PUBLIC ASSISTANCE, CONTRACTS, AND LICENSES.

(a) FEDERAL PROGRAMS.—Notwithstanding any other provision of law, except as provided in section 603, any alien who is not lawfully present in the United States shall not be eligible for any of the following:

(1) FEDERAL ASSISTANCE PROGRAMS.—To receive any benefits under any program of assistance provided or funded, in whole or in part, by the Federal Government for which eligibility (or the amount of assistance) is based on financial need.

(2) FEDERAL CONTRACTS OR LICENSES.—To receive any grant, to enter into any contract or loan agreement, or to be issued (or have renewed) any professional or commercial license, if the grant, contract, loan, or license is provided or funded by any Federal agency.

(b) STATE PROGRAMS.—Notwithstanding any other provision of law, except as provided in section 603, any alien who is not lawfully present in the United States shall not be eligible for any of the following:

(1) STATE ASSISTANCE PROGRAMS.—To receive any benefits under any program of assistance (not described in subsection (a)(1)) provided or funded, in whole or in part, by a State or political subdivision of a State for which eligibility (or the amount of assistance) is based on financial need.

(2) STATE CONTRACTS OR LICENSES.—To receive any grant, to enter into any contract or loan agreement, or to be issued (or have renewed) any professional or commercial license, if the grant, contract, loan, or license is provided or funded by any State agency.

(c) REQUIRING PROOF OF IDENTITY FOR FEDERAL CONTRACTS, GRANTS, LOANS, LICENSES, AND PUBLIC ASSISTANCE.—

(1) IN GENERAL.—In considering an application for a Federal contract, grant, loan, or license, or for public assistance under a program described in paragraph (2), a Federal agency shall require the applicant to provide proof of identity under paragraph (3) to be considered for such Federal contract, grant, loan, license, or public assistance.

(2) PUBLIC ASSISTANCE PROGRAMS COVERED.—The requirement of proof of identity under paragraph (1) shall apply to the following Federal public assistance programs:

(A) SSI.—The supplemental security income program under title XVI of the Social Security Act, including State supplementary benefits programs referred to in such title.

(B) AFDC.—The program of aid to families with dependent children under part A or E of title IV of the Social Security Act.

(C) SOCIAL SERVICES BLOCK GRANT.—The program of block grants to States for social services under title XX of the Social Security Act.

(D) MEDICAID.—The program of medical assistance under title XIX of the Social Security Act.

(E) FOOD STAMPS.—The program under the Food Stamp Act of 1977.

(F) HOUSING ASSISTANCE.—Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.

(3) DOCUMENTS THAT SHOW PROOF OF IDENTITY.—

(A) IN GENERAL.—Any one of the documents described in subparagraph (B) may be used as proof of identity under this subsection if the document is current and valid. No other document or documents shall be sufficient to prove identity.

(B) DOCUMENTS DESCRIBED.—The documents described in this subparagraph are the following:

(i) A United States passport (either current or expired if issued both within the previous 20 years and after the individual attained 18 years of age).

(ii) A resident alien card.

(iii) A State driver's license, if presented with the individual's social security account number card.

(iv) A State identity card, if presented with the individual's social security account number card.

(d) AUTHORIZATION FOR STATES TO REQUIRE PROOF OF ELIGIBILITY FOR STATE PROGRAMS.—In considering an application for contracts, grants, loans, licenses, or public assistance under any State program, a State is authorized to require the applicant to provide proof of eligibility to be considered for such State contracts, grants, loans, licenses, or public assistance.

(e) EXCEPTION FOR BATTERED ALIENS.—

(1) EXCEPTION.—The limitations on eligibility for benefits under subsection (a) or (b) shall not apply to an alien if—

(A)(i) the alien has been 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 consented or acquiesced to 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)(i) the alien has petitioned (or petitions within 45 days after the first application for assistance subject to the limitations under subsection (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 240A(b)(2) of such Act ; or

(ii) 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) or when an petition is denied.

SEC. 602. 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 Federal funds to the extent 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 as 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) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

(3) SHORT-TERM EMERGENCY RELIEF.—The provision of non-cash, in-kind, short-term emergency relief.

(4) FAMILY VIOLENCE SERVICES.—The provision of any services directly 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) CHILD NUTRITION ACT.—Programs of assistance under the Child Nutrition Act of 1966.

SEC. 604. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services (as defined for purposes of section 603(1)) through a public hospital or other public facility (including a nonprofit hospital that is eligible for an additional payment adjustment under section 1886 of the Social Security Act) or through contract with another hospital or facility to an individual who is an alien not lawfully present in the United States is entitled to receive payment from the Federal Government 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 another person.

(b) CONFIRMATION OF IMMIGRATION STATUS REQUIRED.—No 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 ILLEGAL ALIENS 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 Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on Banking of the House of Representatives, and 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. The report shall contain statistics with respect to the number of aliens denied financial assistance under such section.

SEC. 606. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

No student shall be eligible for postsecondary Federal student financial assistance unless the student has certified that the student is a citizen or national of the United States or an alien lawfully admitted for permanent residence and the Secretary of Education has verified such certification through an appropriate procedure determined by the Attorney General.

SEC. 607. PAYMENT OF PUBLIC ASSISTANCE BENEFITS.

In carrying out this part, the payment or provision of benefits (other than those described in section 603 under a program of assistance described in section 601(a)(1)) shall be made only through an individual or person who is not ineligible to receive such benefits under such program on the basis of immigration status pursuant to the requirements and limitations of this part.

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 of 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 PUBLIC BENEFITS.—(1) Except as provided in this subsection, section 601 shall apply to benefits provided, contracts or loan agreements entered into, and professional and commercial licenses issued (or renewed) 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 before the effective date specified under paragraph (1).

(c) 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 an individual during a continuous period of unemployment for whom an application for unemployment benefits is pending as of a date that is on or before the effective date specified under paragraph (1).

(d) BROAD DISSEMINATION OF INFORMATION.—Before the effective dates specified in subsections (b) and (c), the Attorney General shall broadly disseminate information regarding the restrictions on eligibility established under this part.

PART 2—EARNED INCOME TAX CREDIT

SEC. 611. 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:

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

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

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

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

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

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

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

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

Subtitle B—Expansion of Disqualification From Immigration Benefits on the Basis of Public Charge

SEC. 621. GROUND FOR INADMISSIBILITY.

(a) IN GENERAL.—Paragraph (4) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

''(4) PUBLIC CHARGE.—

''(A) FAMILY-SPONSORED IMMIGRANTS.—Any alien who seeks admission or adjustment of status under a visa number issued under section 203(a), who cannot demonstrate to the consular officer at the time of application for a visa, or to the Attorney General at the time of application for admission or adjustment of status, that the alien's age, health, family status, assets, resources, financial status, education, skills, or a combination thereof, or an affidavit of support described in section 213A, or both, make it unlikely that the alien will become a public charge (as determined under section 241(a)(5)(B)) is inadmissible.

''(B) NONIMMIGRANTS.—Any alien who seeks admission under a visa number issued under section 214, who cannot demonstrate to the consular officer at the time of application for the visa that the alien's age, health, family status, assets, resources, financial status, education, skills or a combination thereof, or an affidavit of support described in section 213A, or both, make it unlikely that the alien will become a public charge (as determined under section 241(a)(5)(B)) is inadmissible.

''(C) EMPLOYMENT-BASED IMMIGRANTS.—

''(i) IN GENERAL.—Any alien who seeks admission or adjustment of status under a visa number issued under paragraph (2) or (3) of section 203(b) who cannot demonstrate to the consular officer at the time of application for a visa, or to the Attorney General at the time of application for admission or adjustment of status, that the immigrant has a valid offer of employment is inadmissible.

''(ii) CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Any alien who seeks admission or adjustment of status under a visa number issued under section 203(b) by virtue of a classification petition filed by a relative of the alien (or by an entity in which such relative has a significant ownership interest) is inadmissible unless such relative has executed an affidavit of support described in section 213A with respect to such alien.''.

(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 form for an affidavit of support, as 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 only to aliens seeking admission or adjustment of status under a visa number issued on or after October 1, 1996.

SEC. 622. GROUND FOR DEPORTABILITY.

(a) IN GENERAL.—Paragraph (5) of subsection (a) of section 241 (8 U.S.C. 1251(a)), before redesignation as section 237 by section 305(a)(2), is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—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 the alien knew (or had reason to know) existed at the time of 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.—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 subparagraph (D) 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 as excluding 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 has been 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 consented or acquiesced to 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 the need for the public benefits received has a substantial connection to the battery or cruelty described in subclause (I) or (II).

''(iii) SPECIAL RULE FOR ONGOING BATTERY OR CRUELTY.—For purposes of a determination under clause (i), the aggregate period may exceed 48 months within 7 years after the date of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that the need for the benefits received has a substantial connection to such battery or cruelty.

''(D) PUBLIC ASSISTANCE PROGRAMS.—For purposes of subparagraph (B), the public assistance programs described in this subparagraph are the following (and include any successor to such a program as identified by the Attorney General in consultation with other appropriate officials):

''(i) SSI.—The supplemental security income program under title XVI of the Social Security Act, including State supplementary benefits programs referred to in such title.

''(ii) AFDC.—The program of aid to families with dependent children under part A or E of title IV of the Social Security Act.

''(iii) MEDICAID.—The program of medical assistance under title XIX of the Social Security Act.

''(iv) FOOD STAMPS.—The program under the Food Stamp Act of 1977.

''(v) STATE GENERAL CASH ASSISTANCE.—A program of general cash assistance of any State or political subdivision of a State.

''(vi) HOUSING ASSISTANCE.—Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.

''(E) CERTAIN ASSISTANCE EXCEPTED.—For purposes of subparagraph (B), an alien shall not be considered to be a public charge on the basis of receipt of any of the following benefits:

''(i) 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).

''(ii) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

''(iii) SHORT-TERM EMERGENCY RELIEF.—The provision of non-cash, in-kind, short-term emergency relief.''.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect as of the first day of the first month beginning at least 30 days after the date of the enactment of this Act.

(2) In applying section 241(a)(5)(C) of the Immigration and Nationality Act (which is subsequently redesignated as section 237(a)(5)(C) of such Act), as amended by subsection (a), no receipt of benefits under a public assistance program before the effective date described in paragraph (1) shall be taken into account.

Subtitle C—Attribution of Income and Affidavits of Support

SEC. 631. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) FEDERAL PROGRAMS.—Notwithstanding any other provision of law, in determining the eligibility and the amount of benefits of an alien for any Federal means-tested public benefits program (as defined in subsection (d)) the income and resources of the alien shall be deemed to include—

(1) the income and resources of any individual who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as inserted by section 632(a)) in behalf of such alien, and

(2) the income and resources of the spouse (if any) of the individual.

(b) PERIOD OF ATTRIBUTION.—

(1) PARENTS OF UNITED STATES CITIZENS.—Subsection (a) shall apply with respect to an alien who is admitted to the United States as the parent of a United States citizen under section 203(a)(2) of the Immigration and Nationality Act, as amended by section 512(a), until the alien is naturalized as a citizen of the United States.

(2) SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—Subsection (a) shall apply with respect to an alien who is admitted to the United States as the spouse of a United States citizen or lawful permanent resident under section 201(b)(2) of 203(a)(1) of the Immigration and Nationality Act until—

(A) 7 years after the date the alien is lawfully admitted to the United States for permanent residence, or

(B) the alien is naturalized as a citizen of the United States,

whichever occurs first.

(3) MINOR CHILDREN OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—Subsection (a) shall apply with respect to an alien who is admitted to the United States as the minor child of a United States citizen or lawful permanent resident under section 201(b)(2) of 203(a)(1) of the Immigration and Nationality Act until the child attains the age of 21 years or, if earlier, the date the child is naturalized as a citizen of the United States.

(4) ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES ENDED IF SPONSORED ALIEN BECOMES ELIGIBLE FOR OLD-AGE BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT.—

(A) Notwithstanding any other provision of this section, subsection (a) shall not apply and the period of attribution of a sponsor's income and resources under this subsection shall terminate if the alien is employed for a period sufficient to qualify for old age benefits under title II of the Social Security Act and the alien is able to prove to the satisfaction of the Attorney General that the alien so qualifies.

(B) The Attorney General shall ensure that appropriate information pursuant to subparagraph (A) is provided to the System for Alien Verification of Eligibility (SAVE).

(5) BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of this section, subsections (a) and (c) shall not apply and the period of attribution of the income and resources of any individual under paragraphs (1) or (2) of subsection (a) or paragraph (1) shall not apply—

(A) for up to 48 months if the alien can demonstrate that (i) the alien has been 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 consented or acquiesced to 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 need for the public benefits applied for has a substantial connection to the battery or cruelty described in clause (i) or (ii); and

(B) for more than 48 months if the alien can demonstrate that any battery or cruelty under subparagraph (A) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that need for such benefits has a substantial connection to such battery or cruelty.

(c) OPTIONAL APPLICATION TO STATE PROGRAMS.—

(1) AUTHORITY.—Notwithstanding any other provision of law, in determining the eligibility and the amount of benefits of an alien for any State means-tested public benefits program, the State or political subdivision that offers the program is authorized to provide that the income and resources of the alien shall be deemed to include—

(A) the income and resources of any individual who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as inserted by section 632(a)) in behalf of such alien, and

(B) the income and resources of the spouse (if any) of the individual.

(2) PERIOD OF ATTRIBUTION.—The period of attribution of a sponsor's income and resources in determining the eligibility and amount of benefits for an alien under any State means-tested

public benefits program pursuant to paragraph (1) may not exceed the Federal period of attribution with respect to the alien.

(d) MEANS-TESTED PROGRAM DEFINED.—In this section:

(1) The term ''means-tested public benefits program'' means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.

(2) The term ''Federal means-tested public benefits program'' means a means-tested public benefits program of (or contributed to by) the Federal Government.

(3) The term ''State means-tested public benefits program'' means a means-tested public benefits program that is not a Federal means-tested program.

SEC. 632. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) IN GENERAL.—Title II is amended by inserting after section 213 the following new section:

''REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

''SEC. 213A. (a) ENFORCEABILITY.—(1) No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not inadmissible as a public charge under section 212(a)(4) unless such affidavit is executed by a sponsor of the alien as a contract—

''(A) that is legally enforceable against the sponsor by the Federal Government and by any State (or any political subdivision of such State) that provides any means-tested public benefits program, subject to subsection (b)(4); and

''(B) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (b)(2).

''(2)(A) An affidavit of support shall be enforceable with respect to benefits provided under any means-tested public benefits program for an alien who is admitted to the United States as the parent of a United States citizen under section 203(a)(2) until the alien is naturalized as a citizen of the United States.

''(B) An affidavit of support shall be enforceable with respect to benefits provided under any means-tested public benefits program for an alien who is admitted to the United States as the spouse of a United States citizen or lawful permanent resident under section 201(b)(2) or 203(a)(2) until—

''(i) 7 years after the date the alien is lawfully admitted to the United States for permanent residence, or

''(ii) such time as the alien is naturalized as a citizen of the United States,

whichever occurs first.

''(C) An affidavit of support shall be enforceable with respect to benefits provided under any means-tested public benefits program for an alien who is admitted to the United States as the minor child of a United States citizen or lawful permanent resident under section 201(b)(2) or section 203(a)(2) until the child attains the age of 21 years.

''(D)(i) Notwithstanding any other provision of this subparagraph, a sponsor shall be relieved of any liability under an affidavit of support if the sponsored alien is employed for a period sufficient to qualify for old age benefits under title II of the Social Security Act and the sponsor or alien is able to prove to the satisfaction of the Attorney General that the alien so qualifies.

''(ii) The Attorney General shall ensure that appropriate information pursuant to clause (i) is provided to the System for Alien Verification of Eligibility (SAVE).

''(b) REIMBURSEMENT OF GOVERNMENT EXPENSES.—(1)(A) Upon notification that a sponsored alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the sponsor in the amount of such assistance.

''(B) The Attorney General, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

''(2) If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to commence payments, an action may be brought against the sponsor pursuant to the affidavit of support.

''(3) If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

''(4) No cause of action may be brought under this subsection later than 10 years after the alien last received any benefit under any means-tested public benefits program.

''(5) If, pursuant to the terms of this subsection, a Federal, State, or local agency requests reimbursement from the sponsor in the amount of assistance provided, or brings an action against the sponsor pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a sponsor for the amount of assistance provided, or from bringing an action against a sponsor pursuant to an affidavit of support.

''(c) REMEDIES.—Remedies available to enforce an affidavit of support under this section include any or all of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code, as well as an order for specific performance and payment of legal fees and other costs of collection, and include corresponding remedies available under State law. A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

''(d) NOTIFICATION OF CHANGE OF ADDRESS.—(1) The sponsor of an alien shall notify the Federal Government and the State in which the sponsored alien is currently residing within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

''(2) Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

''(A) not less than $250 or more than $2,000, or

''(B) if such failure occurs with knowledge that the sponsored alien has received any benefit under any means-tested public benefits program, not less than $2,000 or more than $5,000.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) SPONSOR.—The term 'sponsor' means, with respect to an alien, an individual who—

''(A) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

''(B) is 18 years of age or over;

''(C) is domiciled in any State;

''(D) demonstrates, through presentation of a certified copy of a tax return or otherwise, (i) the means to maintain an annual income equal to at least 200 percent of the poverty level for the individual and the individual's family (including the alien and any other aliens with respect to whom the individual is a sponsor), or (ii) for an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, the means to maintain an annual income equal to at least 100 percent of the poverty level for the individual and the individual's family including the alien and any other aliens with respect to whom the individual is a sponsor); and

''(E) is petitioning for the admission of the alien under section 204 (or is an individual who accepts joint and several liability with the petitioner).

''(2) FEDERAL POVERTY LINE.—The term 'Federal poverty line' means the income official poverty line (as defined in section 673(2) of the Community Services Block Grant Act) that is applicable to a family of the size involved.

''(3) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.''.

(b) REQUIREMENT OF AFFIDAVIT OF SUPPORT FROM EMPLOYMENT SPONSORS.—For requirement for affidavit of support from individuals who file classification petitions for a relative as an employment-based immigrant, see the amendment made by section 621(a).

(c) SETTLEMENT OF CLAIMS PRIOR TO NATURALIZATION.—Section 316 (8 U.S.C. 1427) is amended—

(1) in subsection (a), by striking ''and'' before ''(3)'', and by inserting before the period at the end the following: '', and (4) in the case of an applicant that has received assistance under a means-tested public benefits program (as defined in subsection (f)(3) of section 213A) administered by a Federal, State, or local agency and with respect to which amounts may be owing under an affidavit of support executed under such section, provides satisfactory evidence that there are no outstanding amounts that may be owed to any such Federal, State, or local agency pursuant to such affidavit by the sponsor who executed such affidavit, except as provided in subsection (g)''; and

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

''(g) Clause (4) of subsection (a) shall not apply to an applicant where the applicant can demonstrate that—

''(A) either—

''(i) the applicant has been 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 applicant and the spouse or parent consented or acquiesced to such battery or cruelty, or

''(ii) the applicant's child has been battered or subject to extreme cruelty in the United States by the applicant's spouse or parent (without the active participation of the applicant in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the applicant when the spouse or parent consented or acquiesced to and the applicant did not actively participate in such battery or cruelty;

''(B) such battery or cruelty has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service; and

''(C) the need for the public benefits received as to which amounts are owing had a substantial connection to the battery or cruelty described in subparagraph (A).''.

(d) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 213 the following:

''Sec. 213A. Requirements for sponsor's affidavit of support.''.

(e) EFFECTIVE DATE.—Subsection (a) of section 213A of the Immigration and Nationality

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 later than 90 days) after the date the Attorney General formulates the form for such affidavits under subsection (f) of this section.

(f) PROMULGATION 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 State and 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 delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes now in use, under construction, or 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) IMPROVED 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 in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(2) PRIORITIES.—Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the United States where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest or most immediate before the Attorney General may obligate funds for construction of any improvement otherwise located.

SEC. 702. COMMUTER LANE PILOT PROGRAMS.

(a) MAKING LAND BORDER INSPECTION FEE PERMANENT.—Section 286(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 project'' and inserting ''Such projects''; and

(3) by striking paragraph (5).

(b) CONFORMING AMENDMENT.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1994 (Public Law 103–121, 107 Stat. 1161) is amended by striking the fourth proviso under the heading ''Immigration and Naturalization Service, Salaries and Expenses''.

SEC. 703. PREINSPECTION AT FOREIGN AIRPORTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 235 the following new section:

''PREINSPECTION AT FOREIGN AIRPORTS

''SEC. 235A. (a) ESTABLISHMENT OF PREINSPECTION STATIONS.—(1) Subject to paragraph (4), not later than 2 years after the date of the enactment of this section, the Attorney General, in consultation with the Secretary of State, shall establish and maintain preinspection stations in at least 5 of the foreign airports that are among the 10 foreign airports which the Attorney General identifies as serving as last points of departure for the greatest numbers of passengers who arrive from abroad by air at ports of entry within the United States. Such preinspection stations shall be in addition to any preinspection stations established prior to the date of the enactment of this section.

''(2) Not later than November 1, 1995, and each subsequent November 1, the Attorney General shall compile data identifying—

''(A) the foreign airports which served as last points of departure for aliens who arrived by air at United States ports of entry without valid documentation during the preceding fiscal years,

''(B) the number and nationality of such aliens arriving from each such foreign airport, and

''(C) the primary routes such aliens followed from their country of origin to the United States.

''(3) Subject to paragraph (4), not later than 4 years after the date of enactment of this section, the Attorney General, in consultation with the Secretary of State, shall establish preinspection stations in at least 5 additional foreign airports which the Attorney General, in consultation with the Secretary of State, determines based on the data compiled under paragraph (2) and such other information as may be available would most effectively reduce the number of aliens who arrive from abroad by air at points of entry within the United States without valid documentation. Such preinspection stations shall be in addition to those established prior to or pursuant to paragraph (1).

''(4) Prior to the establishment of a preinspection station the Attorney General, in consultation with the Secretary of State, shall ensure that—

''(A) employees of the United States stationed at the preinspection station and their accompanying family members will receive appropriate protection,

''(B) such employees and their families will not be subject to unreasonable risks to their welfare and safety, and

''(C) the country in which the preinspection station is to be established maintains practices and procedures with respect to asylum seekers and refugees in accordance with the Convention Relating to the Status of Refugees (done at Geneva, July 28, 1951), or the Protocol Relating to the Status of Refugees (done at New York, January 31, 1967).

''(b) ESTABLISHMENT OF CARRIER CONSULTANT PROGRAM.—The Attorney General shall assign additional immigration officers to assist air carriers in the detection of fraudulent documents at foreign airports which, based on the records maintained pursuant to subsection (a)(2), served as a point of departure for a significant number of arrivals at United States ports of entry without valid documentation, but where no preinspection station exists.''.

(c) CLERICAL AMENDMENT.—The table of contents, as amended by section 308(a)(2), is further amended by inserting after the item relating to section 235 the following new item:

''Sec. 235A. Preinspection at foreign airports.''.

SEC. 704. TRAINING OF AIRLINE PERSONNEL IN DETECTION OF FRAUDULENT DOCUMENTS.

(a) USE OF FUNDS.—Section 286(h)(2)(A) (8 U.S.C. 1356(h)(2)(A)) is amended—

(1) in clause (iv), by inserting '', including training of, and technical assistance to, commercial airline personnel regarding such detection'' after ''United States'', and

(2) by adding at the end the following:

''The Attorney General shall provide for expenditures for training and assistance described in clause (iv) in an amount, for any fiscal year, not less than 5 percent of the total of the expenses incurred that are described in the previous sentence.''.

(b) COMPLIANCE WITH DETECTION REGULATIONS.—Section 212(f) (8 U.S.C. 1182(f)) is amended by adding at the end the following: ''Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline.''.

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to expenses incurred during or after fiscal year 1996.

(2) The Attorney General shall first issue, in proposed form, regulations referred to in the second sentence of section 212(f) of the Immigration and Nationality Act, as added by the amendment made by subsection (b), by not later than 90 days after the date of the enactment of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Amendments to the Immigration and Nationality Act

SEC. 801. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF MEMBERS OF THE ARMED SERVICES.

Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R),

(2) by striking the period at the end of subparagraph (S) and inserting ''; or'', and

(3) by inserting after subparagraph (S) the following new subparagraph:

''(T) an alien who is the spouse or child of a another alien who is serving on active duty in the Armed Forces of the United States during the period in which the other alien is stationed in the United States.''.

SEC. 802. AMENDED DEFINITION OF AGGRAVATED FELONY.

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

(1) in subparagraph (N), by striking ''of title 18, United States Code'' and inserting ''of this Act'', and

(2) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting '', for the purpose of commercial advantage''.

(b) EFFECTIVE DATE OF CONVICTION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)), as amended by section 222(a) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), is amended by adding at the end the following sentence: ''Notwithstanding any other provision of law, the term applies for all purposes to convictions entered before, on, or after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 803. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

(a) IN GENERAL.—Section 202(a) (8 U.S.C. 1152(a)), as amended by section 524(d), is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (6)'', and

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

''(6) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

(b) ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien is not eligible to be admitted to the United States as a nonimmigrant on the basis of a visa issued other than in a consular office located in the country of the alien's nationality (or, if there is no office in such country, at such other consular office as the Secretary of State shall specify).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 804. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(3) by inserting at the end the following paragraph:

''(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens inadmissible under subsection (a)(2) or (a)(3).''.

SEC. 805. TREATMENT OF CANADIAN LANDED IMMIGRANTS.

Section 212(d)(4)(B) (8 U.S.C. 1182(d)(4)(B)) is amended—

(1) by striking ''and residents'' and inserting '', residents'', and

(2) by striking ''nationals,'' and inserting ''nationals, and aliens who are granted permanent residence by the government of the foreign contiguous territory and who are residing in that territory''.

SEC. 806. CHANGES RELATING TO H–1B NONIMMIGRANTS.

(a) PROVISIONS RELATING TO WAGE DETERMINATIONS.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following new paragraphs:

''(3) For purposes of determining the actual wage level paid under paragraph (1)(A)(i)(I), an employer shall not be required to have and document an objective system to determine the wages of workers.

''(4) For purposes of determining the actual wage level paid under paragraph (1)(A)(i)(I), a non-H–1B-dependent employer of more than 1,000 full-time equivalent employees in the United States may demonstrate that in determining the wages of H–1B nonimmigrants, it utilizes a compensation and benefits system that has been previously certified by the Secretary of Labor (and recertified at such intervals the Secretary of Labor may designate) to satisfy all of the following conditions:

''(A) The employer has a company-wide compensation policy for its full-time equivalent employees which ensures salary equity among employees similarly employed.

''(B) The employer has a company-wide benefits policy under which all full-time equivalent employees similarly employed are eligible for substantially the same benefits or under which some employees may accept higher pay, at least equal in value to the benefits, in lieu of benefits.

''(C) The compensation and benefits policy is communicated to all employees.

''(D) The employer has a human resources or compensation function that administers its compensation system.

''(E) The employer has established documentation for the job categories in question.

An employer's payment of wages consistent with a system which meets the conditions of subparagraphs (A) through (E) of this paragraph which has been certified by the Secretary of Labor pursuant to this paragraph shall be deemed to satisfy the requirements of paragraph (1)(A)(i)(I).

''(5) For purposes of determining the prevailing wage level paid under paragraph (1)(A)(i)(II), employers may provide a published survey, a State Employment Security Agency determination, a determination by an accepted private source, or any other legitimate source. The Secretary of Labor shall, not later than 180 days from the date of enactment of this paragraph, provide for acceptance of prevailing wage determinations not made by a State Employment Security Agency. The Secretary of Labor or the Secretary's designate must either accept such a non-State Employment Security Agency wage determination or issue a written decision rejecting the determination and detailing the legitimate reasons that the determination is not acceptable. If a detailed rejection is not issued within 45 days of the date of the Secretary's receipt of such determination, the determination will be deemed accepted. An employer's payment of wages consistent with a prevailing wage determination not rejected by the Secretary of Labor under this paragraph shall be deemed to satisfy the requirements of paragraph (1)(A)(i)(II).''.

(b) INAPPLICABILITY OF CERTAIN REGULATIONS TO NON-H–1B-DEPENDENT EMPLOYERS.—

(1) DEFINITION OF H–1B-DEPENDENT EMPLOYER.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by inserting after subparagraph (D) the following new subparagraphs:

''(E) In this subsection, the term 'H–1B-dependent employer' means an employer that—

''(i)(I) has fewer than 21 full-time equivalent employees who are employed in the United States, and (II) employs 4 or more H–1B nonimmigrants; or

''(ii)(I) has at least 21 but not more than 150 full-time equivalent employees who are employed in the United States, and (II) employs H–1B nonimmigrants in a number that is equal to at least 20 percent of the number of such full-time equivalent employees; or

''(iii)(I) has at least 151 full-time equivalent employees who are employed in the United States, and (II) employs H–1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer. Aliens employed under a petition for H–1B nonimmigrants shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b) under this subparagraph. In this subsection, the term 'non-H–1B-dependent employer' means an employer that is not an H–1B-dependent employer.

''(F)(i) An employer who is an H–1B-dependent employer as defined in subparagraph (E) can nevertheless be treated as a non-H–1B-dependent employer for five years on a probationary status if—

''(I) the employer has demonstrated to the satisfaction of the Secretary of Labor that it has developed a reasonable plan for reducing its use of H–1B nonimmigrants over a five-year period to the level of a non-H–1B-dependent employer, and

''(II) annual reviews of that plan by the Secretary of Labor indicate successful implementation of that plan.

If the employer has not met the requirements established in this clause, the probationary status ends and 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 (E).

''(ii) The probationary program set out in clause (i) shall be effective for no longer than five years after the date of the enactment of this subparagraph.''.

(2) LIMITING APPLICATION OF CERTAIN REQUIREMENTS FOR NON-H–1B-DEPENDENT EMPLOYERS.—Section 212(n) (8 U.S.C. 1182(n)), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

''(6) In carrying out this subsection in the case of an employer that is a non-H–1B-dependent employer—

''(A) the employer is not required to post a notice at a worksite that was not listed on the application under paragraph (1) if the worksite is within the area of intended employment listed on such application for such nonimmigrant; and

''(B) if the employer has filed and had certified an application under paragraph (1) with respect to one or more H–1B nonimmigrants for one or more areas of employment—

''(i) the employer is not required to file and have certified an additional application under paragraph (1) with respect to such a nonimmigrant for an area of employment not listed in the previous application because the employer has placed one or more 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.''.

(3) LIMITATION ON AUTHORITY TO INITIATE COMPLAINTS AND CONDUCT INVESTIGATIONS FOR NON-H–1B-DEPENDENT EMPLOYERS.—Section 212(n)(2)(A) (8 U.S.C. 1182(n)(2)(A)) is amended—

(A) in the second sentence, by inserting before the period at the end the following: '', except that the Secretary may only file such a complaint in the case of an H–1B-dependent employer (as defined in subparagraph (E)) or when conducting an annual review of a plan pursuant to subparagraph (F)(i) if there appears to be a violation of an attestation or a misrepresentation of a material fact in an application'', and

(B) by inserting after the second sentence the following new sentence: ''No investigation or hearing shall be conducted with respect to a non-H–1B-dependent employer except in response to a complaint filed under the previous sentence.''.

(c) NO DISPLACEMENT OF AMERICAN WORKERS PERMITTED.—(1) Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following new subparagraph:

''(E)(i) If the employer, 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 laid off or lays off any protected individual with substantially equivalent qualifications and experience in the specific employment as to which the nonimmigrant 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 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 employer reduced the wage of any such laid off individual during

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 which employs an H–1B nonimmigrant, the employer shall not place the nonimmigrant with another employer where—

''(I) 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

''(II) there are indicia of an employment relationship between the nonimmigrant and such other employer.

''(iii) Clause (ii) shall not apply to an employer's placement of an H–1B nonimmigrant with another employer if—

''(I) the 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, or

''(II) the employer pays 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 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 general company-wide reduction of wages for substantially all employees).

''(iv) For purposes of this subparagraph, the term 'laid off', with respect to an individual—

''(I) refers to the individual's loss of employment, other than a discharge for inadequate performance, cause, voluntary departure, or retirement, and

''(II) does not include any situation in which the individual involved is offered, as an alternative to such loss of employment, a similar job opportunity with the same employer (or with the H–1B-dependent employer described in clause (ii)) carrying equivalent or higher compensation and benefits as the position from which the employee was laid off, regardless of whether or not the employee accepts the offer.

''(v) 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:

''(G) Under regulations of the Secretary, the previous provisions of this paragraph shall apply to complaints respecting a failure of an other employer to comply with an attestation described in paragraph (1)(E)(iii)(I) in the same manner that they apply to complaints with respect to a failure to comply with a condition described in paragraph (1)(E)(i).''.

(3) Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended by inserting ''or (1)(E)'' after ''(1)(B)''.

(d) INCREASED PENALTIES.—Section 212(n)(2) is amended—

(1) in subparagraph (C)(i), by striking ''$1,000'' and inserting ''$5,000'';

(2) by amending subparagraph (C)(ii) to read as follows:

''(ii) the Attorney General shall not approve petitions filed with respect to that employer (or any employer who is a successor in interest) under section 204 or 214(c) for aliens to be employed by the employer—

''(I) during a period of at least 1 year in the case of the first determination of a violation or any subsequent determination of a violation occurring within 1 year of that first violation or any subsequent determination of a nonwillful violation occurring more than 1 year after the first violation;

''(II) during a period of at least 5 years in the case of a determination of a willful violation occurring more than 1 year after the first violation; and

''(III) at any time in the case of a determination of a willful violation occurring more than 5 years after a violation described in subclause (II).''; and

(3) in subparagraph (D), by adding at the end the following: ''If a penalty under subparagraph (C) has been imposed in the case of a willful violation, the Secretary shall impose on the employer a civil monetary penalty in an amount equalling twice the amount of backpay.''.

(e) COMPUTATION OF PREVAILING WAGE LEVEL.—Section 212(n) (8 U.S.C. 1182(n)), as amended by subsections (a) and (b)(2), is further amended by adding at the end the following new paragraph:

''(7) In computing the prevailing wage level for an occupational classification in an area of employment for purposes of paragraph (1)(A)(i)(II) and subsection (a)(5)(A) in the case of an employee of (A) an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity, or (B) a nonprofit scientific research organization, the prevailing wage level shall only take into account employees at such institutions and entities in the area of employment.''.

(f) CONFORMING AMENDMENTS.—Section 212(n) (8 U.S.C. 1182(n)) is further amended—

(1) in the matter in paragraph (1) before subparagraph (A), by inserting ''(in this subsection referred to as an 'H–1B nonimmigrant')'' after ''101(a)(15)(H)(i)(b)''; and

(2) in paragraph (1)(A), by striking ''nonimmigrant described in section 101(a)(15)(H)(i)(b)'' and inserting ''H–1B nonimmigrant''.

(g) EFFECTIVE DATES.—

(1) Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed with the Secretary of Labor on or after 30 days after the date of the enactment of this Act.

(2) The amendments made by subsection (b)(3) shall apply to complaints filed, and to investigations or hearings initiated, on or after January 19, 1995.

SEC. 807. VALIDITY OF PERIOD OF VISAS.

(a) EXTENSION OF VALIDITY OF IMMIGRANT VISAS TO 6 MONTHS.—Section 221(c) (8 U.S.C. 1201(c)) is amended by striking ''four months'' and inserting ''six months''.

(b) AUTHORIZING APPLICATION OF RECIPROCITY RULE FOR NONIMMIGRANT VISA IN CASE OF REFUGEES AND PERMANENT RESIDENTS.—Such section is further amended by inserting before the period at the end of the third sentence the following: ''; except that in the case of aliens who are nationals of a foreign country and who either are granted refugee status and firmly resettled in another foreign country or are granted permanent residence and residing in another foreign country, the Secretary of State may prescribe the period of validity of such a visa based upon the treatment granted by that other foreign country to alien refugees and permanent residents, respectively, in the United States''.

SEC. 808. LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i)(1) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended by striking all that follows ''equalling'' through ''application,'' and inserting ''$2,500''.

(b) ELIMINATION OF LIMITATION.—Section 212 (8 U.S.C. 1182) is amended by striking subsection (o).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for adjustment of status filed after September 30, 1996.

SEC. 809. LIMITED ACCESS TO CERTAIN CONFIDENTIAL INS FILES.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(2) by striking ''Neither'' and inserting ''(A) Except as provided in this paragraph, neither'';

(3) by redesignating the last sentence as subparagraph (D);

(4) by striking the semicolon and inserting a period;

(5) by striking ''except that the'' and inserting the following:

''(B) The'';

(6) 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, and a judge of such court may grant, 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 either an immediate risk to life or to national security, or would be prosecutable 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:

''(E) Nothing in this paragraph 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 authorized 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.

''(iii) Information concerning 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) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (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 (C) as clauses (i) through (iii), respectively,

(C) by striking ''Neither'' and inserting ''(A) Except as provided in subparagraph (B), neither'',

(D) by striking ''Anyone'' and inserting the following:

''(C) Anyone'',

(E) by inserting after the first sentence the following:

''(B) The Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien 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 special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.'', and

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

''(D) Nothing in this paragraph 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 authorized to work).

''(ii) The date of the applicant's adjustment (if any) to the status of an alien lawfully admitted for permanent residence.

''(iii) Information concerning 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. 810. CHANGE OF NONIMMIGRANT CLASSIFICATION.

Section 248 (8 U.S.C. 1258) is amended by inserting at the end the following:

''Any alien whose status is changed under this section may apply to the Secretary of State for a visa without having to leave the United States and apply at the visa office.''.

Subtitle B—Other Provisions

SEC. 831. COMMISSION REPORT ON FRAUD ASSOCIATED WITH BIRTH CERTIFICATES.

Section 141 of the Immigration Act of 1990 is amended—

(1) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting ''; and'', and

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

''(3) transmit to Congress, not later than January 1, 1997, a report containing recommendations (consistent with subsection (c)(3)) of methods of reducing or eliminating the fraudulent use of birth certificates for the purpose of obtaining other identity documents that may be used in securing immigration, employment, or other benefits.''; and

(2) by adding at the end of subsection (c), the following new paragraph:

''(3) FOR REPORT ON REDUCING BIRTH CERTIFICATE FRAUD.—In the report described in subsection (b)(3), the Commission shall consider and analyze the feasibility of—

''(A) establishing national standards for counterfeit-resistant birth certificates, and

''(B) limiting the issuance of official copies of a birth certificate of an individual to anyone other than the individual or others acting on behalf of the individual.''.

SEC. 832. UNIFORM VITAL STATISTICS.

(a) PILOT PROGRAM.—The Secretary of Health and Human Services shall consult with the State agency 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, where practical, for 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 Federal or State agency or official in the performance of official duties. The Secretary and participating State agencies shall institute measures to achieve uniform and accurate reporting of vital statistics into the pilot program 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 year 1996 and for subsequent fiscal years such sums as may be necessary to carry out this section.

SEC. 833. COMMUNICATION BETWEEN STATE AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other 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 sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States. Notwithstanding any other provision of Federal, State, or local law (and excepting the attorney-client privilege), no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

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 undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 835. FEMALE GENITAL MUTILATION.

(a) INFORMATION REGARDING FEMALE GENITAL MUTILATION.—The Immigration and Naturalization Service (in cooperation with the Department of State) shall make available for all aliens who are issued immigrant or nonimmigrant visas, prior to or at the time of entry into the United States, the following information:

(1) Information on the severe harm to physical and psychological health caused by female genital mutilation which is compiled and presented in a manner which is limited to the practice itself and respectful to the cultural values of the societies in which such practice takes place.

(2) Information concerning potential legal consequences in the United States for (A) performing female genital mutilation, or (B) allowing a child under his or her care to be subjected to female genital mutilation, under criminal or child protection statutes or as a form of child abuse.

(b) LIMITATION.—In consultation with the Secretary of State, the Commissioner of Immigration and Naturalization shall identify those countries in which female genital mutilation is commonly practiced and, to the extent practicable, limit the provision of information under subsection (a) to aliens from such countries.

(c) DEFINITION.—For purposes of this section, the term ''female genital mutilation'' means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minora, or labia majora.

SEC. 836. DESIGNATION OF PORTUGAL AS A VISA WAIVER PILOT PROGRAM COUNTRY WITH PROBATIONARY STATUS.

Notwithstanding any other provision of law, Portugal is designated as a visa waiver pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act for each of the fiscal years 1996, 1997, and 1998.

Subtitle C—Technical Corrections

SEC. 851. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) AMENDMENTS RELATING TO PUBLIC LAW 103–322 (VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994).—

(1) Section 60024(1)(F) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (in this subsection referred to as ''VCCLEA'') is amended by inserting ''United States Code,'' after ''title 18,''.

(2) Section 130003(b)(3) of VCCLEA is amended by striking ''Naturalization'' and inserting ''Nationality''.

(3)(A) Section 214 (8 U.S.C. 1184) is amended by redesignating the subsection (j), added by section 130003(b)(2) of VCCLEA (108 Stat. 2025), and the subsection (k), added by section 220(b) of the Immigration and Nationality Technical Amendments Act of 1994 (Public Law 103–416, 108 Stat. 4319), as subsections (k) and (l), respectively.

(B) Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended by striking ''214(j)'' and inserting ''214(k)''.

(4)(A) Section 245 (8 U.S.C. 1255) is amended by redesignating the subsection (i) added by section 130003(c)(1) of VCCLEA as subsection (j).

(B) Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)), as amended by section 130003(d) of VCCLEA and before redesignation by section 305(a)(2), is amended by striking ''245(i)'' and inserting ''245(j)''.

(5) Section 245(j)(3), as added by section 130003(c)(1) of VCCLEA and as redesignated by paragraph (4)(A), is amended by striking ''paragraphs (1) or (2)'' and inserting ''paragraph (1) or (2)''.

(6) Section 130007(a) of VCCLEA is amended by striking ''242A(d)'' and inserting ''242A(a)(3)''.

(7) The amendments made by this subsection shall be effective as if included in the enactment of the VCCLEA.

(b) AMENDMENTS RELATING TO IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994.—

(1) Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) (in this subsection referred to as ''INTCA'') is amended—

(A) by striking ''APPLICATION'' and all that follows through ''This'' and inserting ''APPLICABILITY OF TRANSMISSION REQUIREMENTS.—This'';

(B) by striking ''any residency or other retention requirements for'' and inserting ''the application of any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States''; and

(C) by striking ''as in effect'' and all that follows through the end and inserting ''to any person whose claim is based on the amendment made by subsection (a) or through whom such a claim is derived.''.

(2) Section 102 of INTCA is amended by adding at the end the following new subsection:

''(e) TRANSITION.—In applying the amendment made by subsection (a) to children born before November 14, 1986, any reference in the matter inserted by such amendment to 'five years, at least two of which' is deemed a reference to '10 years, at least 5 of which'.''.

(3) Section 351(a) (8 U.S.C. 1483(a)), as amended by section 105(a)(2)(A) of INTCA, is amended by striking the comma after ''nationality''.

(4) Section 207(2) of INTCA is amended by inserting a comma after ''specified''.

(5) Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraph (K)(ii), by striking the comma after ''1588'', and

(B) in subparagraph (O), by striking ''suspicion'' and inserting ''suspension''.

(6) Section 273(b) (8 U.S.C. 1323(b)), as amended by section 209(a) of INTCA, is amended by striking ''remain'' and inserting ''remains''.

(7) Section 209(a)(1) of INTCA is amended by striking ''$3000'' and inserting ''$3,000''.

(8) Section 209(b) of INTCA is amended by striking ''subsection'' and inserting ''section''.

(9) Section 217(f) (8 U.S.C. 1187(f)), as amended by section 210 of INTCA, is amended by adding a period at the end.

(10) Section 219(cc) of INTCA is amended by striking '' 'year 1993 the first place it appears' '' and inserting '' 'year 1993' the first place it appears''.

(11) Section 219(ee) of INTCA is amended by adding at the end the following new paragraph: ''(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.''.

(12) Paragraphs (4) and (6) of section 286(r) (8 U.S.C. 1356(r)) are amended by inserting ''the'' before ''Fund'' each place it appears.

(13) Section 221 of INTCA is amended—

(A) by striking each semicolon and inserting a comma,

(B) by striking ''disasters.'' and inserting ''disasters,'', and

(C) by striking ''The official'' and inserting ''the official''.

(14) Section 242A (8 U.S.C. 1252a), as added by section 224(a) of INTCA and before redesignation as section 238 by section 308(b)(5), is amended by redesignating subsection (d) as subsection (c).

(15) Section 225 of INTCA is amended—

(A) by striking ''section 242(i)'' and inserting ''sections 242(i) and 242A'', and

(B) by inserting '', 1252a'' after ''1252(i)''.

(16) Except as otherwise provided in this subsection, the amendments made by this subsection shall take effect as if included in the enactment of INTCA.

(c) STRIKING REFERENCES TO SECTION 210A.—

(1)(A) Section 201(b)(1)(C) (8 U.S.C. 1151(b)(1)(C)) and section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) are each amended by striking '', 210A,''.

(B) Section 241(a)(1) (8 U.S.C. 1251(a)(1)), before redesignation by section 305(a)(2), is amended by striking subparagraph (F).

(2) Sections 204(c)(1)(D)(i) and 204(j)(4) of Immigration Reform and Control Act of 1986 are each amended by striking '', 210A,''.

(d) MISCELLANEOUS CHANGES IN THE IMMIGRATION AND NATIONALITY ACT.—

(1) Before being amended by section 308(a), the item in the table of contents relating to section 242A is amended to read as follows:

''Sec. 242A. Expedited deportation of aliens convicted of committing aggravated felonies.''.

(2) Section 101(c)(1) (8 U.S.C. 1101(c)(1)) is amended by striking '', 321, and 322'' and inserting ''and 321''.

(3) Pursuant to section 6(b) of Public Law 103–272 (108 Stat. 1378)—

(A) section 214(f)(1) (8 U.S.C. 1184(f)(1)) is amended by striking ''section 101(3) of the Federal Aviation Act of 1958'' and inserting ''section 40102(a)(2) of title 49, United States Code''; and

(B) section 258(b)(2) (8 U.S.C. 1288(b)(2)) is amended by striking ''section 105 or 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804, 1805)'' and inserting ''section 5103(b), 5104, 5106, 5107, or 5110 of title 49, United States Code''.

(4) Section 286(h)(1)(A) (8 U.S.C. 1356(h)(1)(A)) is amended by inserting a period after ''expended''.

(5) Section 286(h)(2)(A) (8 U.S.C. 1356(h)(2)(A)) 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 striking the colons in clauses (v) and (vi), and

(E) by striking the period at the end of clause (v) and inserting ''; and''.

(6) Section 412(b) (8 U.S.C. 1522(b)) is amended by striking the comma after ''is authorized'' in paragraph (3) and after ''The Secretary'' in paragraph (4).

(e) MISCELLANEOUS CHANGE IN THE IMMIGRATION ACT OF 1990.—Section 161(c)(3) of the Immigration Act of 1990 is amended by striking ''an an'' and inserting ''of an''.

(f) MISCELLANEOUS CHANGES IN OTHER ACTS.—

(1) Section 506(a) of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193) is amended by striking ''this section'' and inserting ''such section''.

(2) Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended by section 505(2) of Public Law 103–317, is amended—

(A) by moving the indentation of subsections (f) and (g) 2 ems to the left, and

(B) in subsection (g), 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. Debate time for each amendment shall 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 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 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 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 en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments 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 conform subsequent references throughout the bill accordingly.

[TITLE I AMENDMENTS:]

In section 102(d)(1), add at the end the following: ''The previous sentence shall not apply to border patrol agents located at checkpoints.''.

In section 104(b)(1), 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 redevelopment 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 the additional positions described in subsection (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 (13)(A), insert ''lawful'' before ''entry''.

In section 301(c), amend subclause (V) of proposed subparagraph (B)(ii) to read as follows:

''(V) 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 nonimmigrant 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: ''No waiver shall be granted 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 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 National Interest Act of 1996), of 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 305(a)(3), amend paragraph (4) of section 241(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 is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

''(B) EXCEPTION FOR REMOVAL OF NONVIOLENT OFFERNDERS 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 (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.

''(C) NOTICE.—Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).''.

In section 305(a)(3), in new section 241(b) of the Immigration and Nationality Act, add at the end the following new paragraph:

''(3) RESTRICTION ON REMOVAL TO A COUNTRY WHERE ALIEN'S LIFE OR FREEDOM WOULD BE THREATENED.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.

''(B) EXCEPTION.—Subparagraph (A) does not apply to an alien deportable under section 237(a)(4)(D) or if the Attorney General decides that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's 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 is a danger to the community of the United States;

''(iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States before the alien arrived in the United States; or

''(iv) there are reasonable grounds to believe that the alien is a danger to the security of the United States.

For purposes of clause (ii), an alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have committed a particularly serious crime. For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.

In section 305(a), in new section 241(d)(2), strike ''any travel documents necessary for departure or repatriation of the stowaway have been obtained'' and insert ''the requester has obtained any travel documents necessary for departure or repatriation of the stowaway''.

In section 305, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following new section:

(c) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276(b) (8 U.S.C. 1326(b)), as amended by section 321(b), is amended—

(1) by striking ''or'' at the end of paragraph (2),

(2) by adding ''or'' at the end of paragraph (3), and

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

''(4) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Attorney General, enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.''.

At the end of section 306, add the following new subsection:

(c) TREATMENT OF POLITICAL SUBDIVISIONS.—Effective as of the date of the enactment of this Act, section 242(j), before being redesignated and moved under subsection (a)(1), is amended by adding at the end the following new paragraph:

''(6) For purposes of this subsection, the term 'political subdivision' includes a county, city, municipality, or other similar subdivision recognized under State law.''.

In section 308(g)(10), add at the end the following:

(H) Section 212(h), as amended by section 301(h), is amended by striking ''section 212(c)'' and inserting ''paragraphs (1) and (2) of section 240A(a)''.

In section 309(a), insert '', 301(h), or 306(c)'' after ''301(f)''.

*In section 309(c), add at the end the following new paragraph:

(7) LIMITATION ON SUSPENSION OF DEPORTATION.—The Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act of more than 4,000 aliens in any fiscal year (beginning after the date of the enactment of this Act). The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.

After section 342, insert the following new section (and conform the table of contents accordingly):

SEC. 343. PROVISIONS RELATING TO CONTRACTS WITH TRANSPORTATION LINES.

(a) COVERAGE OF NONCONTIGUOUS TERRITORY.—.—Section 238 (8 U.S.C. 1228), before redesignation as section 233 under section 308(b), is amended—

(1) in the heading, 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 further amended by inserting '' or railroad train'' after ''aircraft''.

In section 308(a)(2), in the item inserted relating to section 233, strike ''contiguous''.

Strike section 356 and insert the following (and conform the table of contents accordingly):

SEC. 356. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERTAION 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 governmental 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) 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.

In section 359(a), strike the quotation marks at the end of the matter inserted and insert the following:

''(C) The amounts required to be refunded from the Immigration Enforcement Account for fiscal year 1996 and thereafter shall be refunded in accordance with estimates made in the budget request of the Attorney General for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after notification to the Committees on Appropriations of the House of Representatives amd the Senate in accordance with section 605 of Public Law 103–317.

''(D) The Attorney General shall prepare and submit annually to the Congress statements of financial condition of the Immigration Enforcement Account, including beginning account balance, revenues, withdrawals, and ending account balance and projection for the ensuing fiscal year.''.

[TITLE V AMENDMENTS]

At the end of section 512, add the following new subsection:

(c) PERMITTING PERFORMANCE BOND IN LIEU OF INSURANCE.—Section 213 (8 U.S.C. 1183) is amended—

(1) by inserting ''(a)'' after ''213.'', and

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

''(b)(1) IN GENERAL.—An alien excludable under paragraph (4)(D) of section 212(a) may, if otherwise admissible, be admitted in the

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 executing an affidavit of support for the alien pursuant to section 213A if the alien demonstrates that the alien, despite reasonable attempts, has been unable to secure insurance described in section 212(a)(4)(D)(i). Such performance bond shall be in such amount and containing such conditions (including conditions similar to those specified for bonds and undertakings under subsection (a)) 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)(O), or 101(a)(15)(P)''.

In section 524(a)(2), in the subsection (d)(2) inserted by such section, add at the end the following:

''(C) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States or adjustment of status under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) 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 such waiver by the Attorney General 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 limitation for humanitarian immigrants), and insert the following:

(d) SPECIAL RULES IN CASE OF ADJUSTMENT OF STATUS.—Section 245 (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 the table of 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 policy.

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 immunizable diseases and for testing and treatment of symptoms of 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(6), 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 subtitle A of title VI of the bill, insert the following new part (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 under the program for financial assistance and this section.''; 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 deferral granted 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 deferral 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 date of enactment, any deferral 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)(A), 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 declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary 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 1987'' and inserting ''or applying for financial assistance''; and

(B) by inserting at the end the following new sentence:

''In the case of an individual applying for financial assistance, the Secretary may not provide such assistance for the benefit of the individual before such documentation is presented and verified under paragraph (3) or (4).'';

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''or applying for financial assistance'';

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting '', not to exceed 30 days,'' after ''reasonable opportunity''; and

(II) by striking ''and'' at the end; and

(ii) by striking clause (ii) and inserting the following new clauses:

''(ii) in the case of any individual who is already receiving assistance, may not delay, deny, reduce, 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

''(iii) in the case of any individual who is applying for financial assistance, may not deny the application for such 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—

''(I) in the case of any individual who is already receiving assistance, delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

''(II) in the case of any individual who is applying for financial assistance, deny the application for such assistance on the basis of the individual's immigration status, 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.''; and

(6) by striking paragraph (6) and inserting the following new paragraph:

''(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to use the assistance (including residence in the unit assisted).''.

SEC. 617. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e)(4) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)(4)) is amended—

(1) in paragraph (2), by inserting ''or'' at the end;

(2) in paragraph (3), by striking '', or'' at the end and inserting a period; and

(3) by striking paragraph (4).

SEC. 618. 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 an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or 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–AA63 (Docket No. R-95–1409; FR–2383–F–050), published in the Federal Register of March 20, 1995 (Vol. 60., No. 53; pp. 14824–14861), shall not apply after the expiration of such period.

In section 621(a), in amended paragraph (4)(A), strike ''thereof, or'' and insert ''thereof, and'' and strike ''or both,''.

In section 621(a), in paragraph (4), strike subparagraph (B) and strike clause (i) of subparagraph (C) and redesignate subparagraph (C)(ii) as subparagraph (B).

Amend subsection (a) of section 631 to read as follows:

(a) FEDERAL PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (except as provided in paragraph (2)), in determining the eligibility and the amount of benefits of an alien for any Federal means-tested public benefits program (as defined in subsection (d)) the income and resources of the alien shall be deemed to include—

(A) the income and resources of any individual who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as inserted by section 632(a)) in behalf of such alien, and

(B) the income and resources of the spouse (if any) of the individual.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

In section 631(b), amend paragraph (1) to read as follows:

(1) PARENTS OF UNITED STATES CITIZENS AND ADULT SONS AND DAUGHTERS OF CITIZENS AND PERMANENT RESIDENTS.—Subsection (a) shall apply with respect to an alien who is admitted to the United States as the parent of a United States citizen under section 203(a)(2) of the Immigration and Nationality Act, as amended by section 512(a), or as the son or daughter of a citizen or lawful permanent resident under section 203(a)(3) of such Act, until the alien is naturalized as a citizen of the United States.

In section 631(b)(4)(A), strike ''if the alien'' and all that follows and insert ''if the alien is able to prove to the satisfaction of the Attorney General that the alien has been employed for 40 qualifying quarters of coverage as defined under title II of the Social Security Act and the alien did not receive any benefit under a means-tested public benefits program of (or contributed to by) the Federal Government during any such quarter.''.

In section 632(a), in new section 213A(a)(2)(D)(i), strike ''if the sponsored alien'' and all that follows and insert the following: ''if the sponsored alien is able to prove to the satisfaction of the Attorney General that the alien has been employed for 40 qualifying quarters of coverage as defined under title II of the Social Security Act and the alien did not receive any benefit under a means-tested public benefits program of (or contributed to by) the Federal Government during any such quarter.''.

In section 632(a), amend paragraph (3) of the section 213A of the Immigration and Nationality Act inserted by such section, to read as follows:

''(3) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.

''(B) EXCEPTIONS.—Such term does not include the following benefits:

''(i) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

''(ii) The provision of short-term, non-cash, in kind emergency relief.

''(iii) Benefits under the National School Lunch Act.

''(iv) Assistance under the Child Nutrition Act of 1966.

''(v) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

''(vi) The provision of services directly related to assisting the victims of domestic violence or child abuse.

''(vii) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

''(viii) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

''(ix) Benefits under the Head Start Act.''.

In section 632(a), in new section 213A(e)(1)(D), strike ''a tax return or otherwise'' and insert ''an individual's Federal income tax returns for the individual's most recent two taxable years and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are accurate copies of such returns''.

In section 632(a), in new section 213A(e)(1)(E), insert ''who is a United States citizen and'' after ''(or is an individual''.

After section 632, insert the following new sections (and conform the table of contents accordingly):

SEC. 633. COSIGNATURE OF ALIEN STUDENT LOANS.

Section 484(b) of the Higher Education Act of 1965 (20 U.S.C. 1091(b)) is amended by adding at the end the following new paragraph:

''(6) Notwithstanding sections 427(a)(2)(A), 428B(a), 428C(b)(4)(A), and 464(c)(1)(E), a student who is an alien lawfully admitted under the Immigration and Nationality Act, otherwise eligible for student financial assistance under this title, and for whom an affidavit of support has been provided under section 213A of such Act shall not be eligible for a loan under this title unless the loan is endorsed and cosigned by the alien's sponsor under such section or by another credit-worthy individual who is a citizen or national of the United States.''.

SEC. 634. STATUTORY CONTRUCTION.

Nothing in this title may be construed as an entitlement or a determination of an individual's eligibility or fulfillment of the requisite requirements for any Federal, State, or local governmental program, assistance, or benefits. For purposes of this title, eligibility relates only to the general issue of eligibility or ineligibility on the basis of alienage.

[TITLE VIII AMENDMENTS]

After section 810, insert the following new sections (and conform the table of contents accordingly):

SEC. 811. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)), as amended by section 301(b)(1), is amended—

(1) by redesignating paragraph (10) as paragraph (11), and

(2) by inserting after paragraph (9) the following new paragraph:

''(10) CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.—Any alien who seeks to enter the United States for the purpose of performing labor as a health care-worker, other than a physician, is inadmissible unless the consular officer receives a certification from the Commission on Graduates of Foreign Nursing Schools or a certificate from an equivalent independent credentialing organization approved by the Secretary of Labor verifying that—

''(A) the alien's education, training, or experience meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application and is comparable to that required for an American practitioner of the same type;

''(B) any foreign license submitted by the alien is authentic and unencumbered;

''(C) the alien must have the ability to read, write, and speak the English language at a level required for standard business communication, as demonstrated by the alien's score on one or more standardized tests; and

''(D) if the alien is a registered nurse, the alien has passed an examination testing both nursing skills and English language proficiency.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens entering the United States more than 180 days after the date of the enactment of this Act.

Amend section 834 to read as follows (and conform the table of contents accordingly):

SEC. 834. REGULATIONS REGARDING HABITUAL RESIDENCE.

Not later than 6 months after the date of the enactment of this Act, the Commissioner of the Immigration and Naturalization Service shall issue regulations governing rights

of ''habitual residence'' in the United States under the terms of Compacts of Free Association (Public Law 99–239, Public Law 99–658, and Public Law 101–219).

After section 121, insert the following:

SEC. 122. ACCEPTANCE OF STATE SERVICES TO CARRY OUT DEPORTATION FUNCTIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer, or any other officer of the Department of Justice, under this Act in relation to deportation of aliens in the United States (including investigation, apprehension, detention, presentation of evidence on behalf of the United States in administrative proceedings to determine the deportability of any alien, conduct of such proceedings, or removal of aliens with respect to whom a final order of deportation has been rendered) may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function.

''(3) In performing a function under this subsection an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agent of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code, (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting a suspicion that a particular alien is not lawfully present in the United States or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

In section 308(e)(1), insert after the colon the following (and redesignate subparagraphs (A) through (P) as subparagraphs (B) through (Q), respectively):

(A) Section 287(g) (8 U.S.C. 1357(g)) (as added by section 122).

In section 523, make the following amendments:

(1) in section 212(d)(5)(C)(i), remove ''or'';

(2) in section 212(d)(5)(C)(ii), remove the ''.'' and add ''or'';

(3) add at the end the following:

''(iii) the alien has filed an application to adjust status to that of an immigrant under section 203, and must travel outside the United States for emergent business or family reasons.''

Strike section 611 (and conform the table of contents accordingly).

In section 531, in paragraph (3) of section 208(d), insert at the end of the first sentence the following sentence:

''Such fees shall not exceed the Attorney General's costs in adjudicating the applications.''

In section 701, make the following amendments:

On page 328, line 24 delete: ''and Secretary of the Treasury''.

Page 329, line 4 delete: ''and the United States Customs Service''.

Page 329, line 10 delete: ''and the Secretary of the Treasury''.

Page 329, line 19 to 20 delete: '', in consultation with the Secretary of The Treasury.''.

Page 329, line 23 insert after ''inspection'': ''by the Immigration and Naturalization Service''.

Page 330, line 1 to 2 delete: '', the United States Customs Service,''.

In section 531, amend section 208(a)(2)(B) of the Immigration and Nationality Act (as amended by such section) by striking ''30 days'' and inserting ''180 days''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas, Mr. SMITH.

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

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Chairman, I want to thank my colleague, the gentleman from Texas, for his help on the manager's amendment. His amendment is included in it.

Mr. Chairman, this amendment makes a number of technical and conforming changes to the underlying attacks of H.R. 2202, and in addition it includes several amendments that were proposed by several of my colleagues; specifically, the gentleman from California, Mr. COX, the gentlemen from Florida, Mr. FOLEY and Mr. MCCOLLUM, and the gentlemen from California, Mr. DORNAN, Mr. GALLEGLY, and Mr. CAMPBELL, were each responsible for significant portions of this amendment.

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.

Mr. Chairman, the amendment is a situation in which the majority giveth and the majority taketh away, to some extent. Three of the provisions in the amendment are in our view good, and helpful; in particular, the one that does not disqualify people with children who are here whose parents are illegal aliens from participating in Head Start, because our effort, of course, is to keep every child in school and to get every child educated, no matter what their status.

The other changes, however, raise some questions. I think they raise some questions which should have been the subject to hearings in committee. For example, the proposal that the Attorney General be given authority to deputize State and local law enforcement officers to even conduct deportation proceedings raises some very serious questions with regard to workability and with regard to perhaps constitutionality. I am not sure we want them to be conducting deportation proceedings.

The third proposal that is in the amendment which raises questions as well, and I think some very practical ones, suggests that the law would read that a person who is eligible for housing assistance and knowingly permits someone not eligible to use their housing would then face a 2-year termination of their housing assistance.

While none of us want to encourage anyone who is not eligible to be able to use public housing, the possibility for accidentally having someone in your home for a period of time who is not eligible, there are just an unlimited number of possibilities. Also, what does ''use'' mean? Does that mean overnight? Does that mean an evening of dinner? What does that mean? The consequences are enormous. The potential for being able to accidentally have this happen to you are enormous. I am surprised that the majority would bring that kind of a provision forward. I would hope to modify it substantially in conference if this amendment were to be adopted and stay in the bill all the way.

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 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 gentleman 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 unfortunate, 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 in 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 cause these eligible recipients of 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, have had some hearings to 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 the Federal Government to enforce or administer the laws of the Federal Government, because you never know when it get 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 too far in deputizing State and local law enforcement agencies in what they could and could not do, and what that might mean.

Mr. Chairman, this particular amendment allows the Attorney General, at 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 questionable immigration status, 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 discuss it then, but I see nothing 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 amendment of the gentleman 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 in the process.

Mr. Chairman, if the Federal Government has a law that requires an honest procedure for admission into the country, and people violate it willfully, once they are successful in doing so, once they make it across the border, they are not 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 problems of illegal immigration, and with millions, 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 murders, rapes, robberies, or what have you in America, we would have a big bottleneck, 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. 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.

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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 ongoing 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 country. We simply don't have the manpower and resources to take this action and to 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, undermanned Immigration Service to handle.

I commend the gentleman for including this in the bill and strongly urge support for the manager's amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 4 minutes.

Mr. BECERRA. Mr. Chairman, let me mention one other provision within this amendment that does cause some concern, and that is a change again 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 this 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 obligate themselves to provide the support necessary for this immigrant to come into the country, that 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 be jointly sponsoring an immigrant that wishes to come into this country, as a family member of otherwise. It makes it a requirement that the joint sponsor be a citizen.

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 be a citizen and 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 out of committee and onto the House floor the bill looks different. The manager's amendment is now making additional changes which we did not have a chance to debate in committee. I think it is unfortunate because what we will do in the cases of very worthy individuals who are seeking to provide sponsorship, the financial obligation to have someone come into this country under family-based unification, that now that will no longer be possible.

I do not understand the rationale for it and perhaps before the debate is over we will hear it. But to me it seems unfortunate that we are making changes that did not get the light of day and we are being told that this is meaningful reform. This is just another reason why I believe that ultimately this is going to be a bill that will be difficult for at least this Member of Congress to support, but certainly on the manager's amendment there are sufficient reasons to object to the bill.

Having said that, I would urge Members to oppose this particular manager's amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in favor of the amendment and point out to my colleagues that the concern that was previously stated about the participation of States or local government in the issue of immigration control as being somehow a new radical idea just is not reflected in reality. Especially the gentleman from California. my colleague from California, must obviously be aware that the State of California at this time participates in immigration control through the participation of the National Guard of the State of California, who actually not only does observation and enforcement along the border for the INS but also does transportation and transport and processing for the Federal Government.

And so this local-Federal cooperative effort on immigration control is not something new that is in this bill. It basically is a reflection of reality, that there are certain situations out there that we need to do in cooperation with States and local government.

Mr. Chairman, let me make this point quite strong, and I want to say it to both sides of the aisle. There are people who believe that the Federal Government ought to be involved in law enforcement across the aisle in this country, across the board. There are those who believe the Federal Government should be involved in education across the board in this country. Their opinion is their opinion. They have the right to that opinion. But let me remind everybody here that it does not take an act of Congress for a school board to elect a teacher. It does not take an act of Congress for a city to hire a police officer. But, Mr. Chairman, it takes an act of Congress for local government and the States to cooperate with us on immigration control. It takes an act of Congress to address these issues that are before us in these amendments.

So as we run around with a lot of issues of a lot of things we would like to do, that are nice to do, immigration control and management is something that only this body has the right to do as determined by the Constitution, as declared by the Supreme Court.

So I would ask my colleagues, rather than finding the excuses to sort of walk away and side slip off this issue, to recognize that they want to justify being involved in all these other issues that are nice to do, but they recognize that the Constitution and the Supreme Court has ruled only Congress has the right to address these issues. Local participation in immigration control can only be delegated by the Congress of the United States. The city and the State and the school board cannot determine those things. If you do not want to have the guts to stand up and say, we want to cooperate with local government, to delegate this right and this responsibility and these authorities, then you should not be in this House or in the other house that believes in the Constitution, because this is a responsibility, Mr. Chairman, that we cannot give up, that we must accept.

Mr. GALLEGLY. Mr. Chairman, I rise in support of the manager's amendment. I want to especially thank the chairman of the subcommittee for including two of my amendments in this text.

My first amendment would expand a criminal alien identification system pilot program to include Ventura County. This program will help INS officers to identify whether persons arrested are illegal aliens or previously convicted criminal aliens and will help speed deportation.

My second amendment addresses the ability of illegal aliens to receive Federal housing assistance despite the fact that HUD housing law expressly prohibits illegal aliens from receiving this assistance.

My amendment would tighten existing HUD law and regulations by closing waiting list loopholes, would require verification of eligibility, would prorate assistance for families of mixed eligibility and would suspend assistance if a family knowingly permits other non-eligible tenants to use the assistance.

I want to thank Housing Subcommittee Chairman LAZIO and ranking member KENNEDY and their staffs for their assistance. I also want to express my appreciation to HUD for their constructive input and their support.

I urge passage of this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The amendment was agreed to.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer amendments en bloc pursuant to the authority granted in the rule, consisting of No. 2 Traficant; No. 11 Cardin, as modified, No. 25 Lipinski; No. 26 Farr, No. 27 Traficant; No. 29 Vento; No. 30 Waldholtz; No. 31 Kleczka; and No. 32 Dreier, and I ask unanimous consent that the modification to amendment No. 11 be considered as read and printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendments en bloc, as modified.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. SMITH of Texas, consisting of No. 2 Traficant; No. 11 Cardin, as modified; No. 25 Lipinski; No. 26 Farr, No. 27 Traficant; No. 29 Vento; No. 30 Waldholtz; No. 31 Kleczka; and No. 32 Dreier:

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

At the end of subtitle A of title I insert the following new section:

SEC. 108. REPORT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Defense, shall contract with the Comptroller General to track, monitor, and evaluate the Administration's border strategy to deter illegal entry, more commonly referred to as prevention through deterrence. To determine the efficacy of the Administration's strategy and related efforts, the Comptroller General shall submit to Congress a report of its findings within one year after the date of the enactment of this Act and, for every year thereafter, up to and including fiscal year 2000. Such a report shall include a collection and systematic analysis of data, including workload indicators, related to activities to deter illegal entry. Such a report shall also include recommendations to improve and increase border security at both the border and ports-of-entry.

AMENDMENT NO. 11 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 process, the Attorney General shall make worksite enforcement of employer sanctions a top priority of the Immigration and Naturalization Service.

(2) REPORT.—Not later than 1 year after the date of 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 Procurement 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. 25 OFFERED BY MR. LIPINSKI:

At the end of subtitle B of title VIII insert the following new section:

SEC. 837. ADJUSTMENT OF STATUS FOR CERTAIN POLISH AND HUNGARIAN PAROLEES.

(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 1 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), (C), or (E) of paragraph (3)) with respect to such an adjustment for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, 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)(2).

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

AMENDMENT NO. 26 OFFERED BY MR. FARR OF CALIFORNIA

At the end of subtitle 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 or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(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. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(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 site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examination Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(d) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

AMENDMENT NO. 27 OFFERED BY MR. TRAFICANT:

After section 836, insert the following new section (and conform the table of contents accordingly):

SEC. 837. SENSE OF CONGRESS; REQUIREMENTS REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the 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 notice describing the statement made in subsection (a) by the Congress.

AMENDMENT NO. 29 OFFERED BY MR. VENTO:

At the end of subtitle 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.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(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 paragraph (3)) 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 has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) 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 MRS. WALDHOLTZ:

After section 836, insert the following:

SEC. 837. SENSE OF THE CONGRESS REGARDING THE MISSION OF THE IMMIGRATION AND NATURALIZATION SERVICE.

It is the sense of the Congress that the mission statement of the Immigration and

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. 31 OFFERED BY MR. KLECZKA:

At the end of subtitle B of title VIII insert the following new section:

SEC. 837. AUTHORIZATION OF REIMBURSEMENT OF CERTAIN 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, 1996, 123 days after the end of fiscal year 1995.

(2) While H.R. 2880, the continuing appropriation measure funding certain operations of the Federal Government from January 26, 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 to States after the initial grants 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, reserving the right to object, I was 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 amendments. If 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 object 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].

□ 2100

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 this time to me.

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 point. 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 us. I very much appreciate the inclusion of this and the 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 Lipinski 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 groups 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 to Poles who were erroneously notified of their eligibility for visas but did not receive a visa. If I recall correctly, I had an amendment very similar to this, but it did not apply just to Poles, it applied to anyone who applied for a visa. But as a result of the elimination of categories of immigrants in the bill, there were a number of people who should be refunded moneys 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 emigrate into this country, a fee must be paid typically by the sponsor of the immigrant, someone who says I will state here that I will be responsible for this immigrant to make sure that this person does not become a public charge as he or she wishes to enter this country; I will pay a fee to have the application for admission processed.

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 that if somebody paid a fee and now the service the fee is meant 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 gentlewoman 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 of Congress that the mission statement 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 drug 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 percent were illegal aliens. Because of the lack of sufficient funding and staffing, the local INS office has been unable to handle this volume of cases and has had to focus almost exclusively on the worst offenders.

I would like to submit for the RECORD a letter sent to me by Captain Roy Wasden of the Salt Lake Police Department that outlines the difficulties that the police are having dealing with this problem.

In a drug sweep early this year, Salt Lake police arrested 193 people for felony narcotic violations, of which 156 were illegal aliens. The INS tried to help Salt Lake police process the illegal aliens, but they did not have enough staff and ran out of funds. As a result the suspects were back on the streets.

Sadly, that action had a tragic result. One of the illegal aliens arrested and released, later shot and killed Diane Purper, a mother of five, over a minor traffic dispute. Since the killer had been arrested four times prior to this shooting, perhaps this tragedy could have been avoided if the INS would have had the manpower to do their job and deport this individual after his first arrest.

As the INS works to detect, apprehend, and deport illegal aliens, a much grater emphasis should be given to arresting and deporting criminal illegal aliens. I urge my colleagues to support this amendment so that the INS can have a clear mandate from the House that we must rid our communities of these criminal elements.

SALT LAKE CITY CORP.
POLICE DEPARTMENT,
Salt Lake City, UT, March 1, 1996.

Hon. ENID GREENE-WALDHOLTZ,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN: In the spring of 1994 the Salt Lake City Police Department began to see that a large number of undocumented aliens were involved in crimes in the Salt Lake area. The largest problem existed in the drug arena. Officers started a strong order maintenance effort in the areas of the city that were plagued by open air drug markets. In this initial effort all violations of the law were challenged. Officers were making thousands of stops and arrests for minor violations such as littering, trespassing, jay walking, open container, etc. In an effort to gauge the magnitude of the undocumented alien problem officers tried to determine the number of persons they encountered that were undocumented aliens. During the approximate time frame of May to November 1994 we found that in about 7,000 contacts around 6,000 persons told the officers that they 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 our records indicate that we made 3,652 arrests for felony level narcotics violations. Of those arrests, 2,922 were undocumented aliens (80%). The local I.N.S. 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 were a record number of homicides (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 victims 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 community.

This year we have conducted one drug operation in the city that netted 193 felony narcotic arrests with 156 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 5 over a traffic dispute. He is still at large and had 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 in particular 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. Please 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 thousands of 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 illegally.

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 admits, "this law was 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. Not only has worksite 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 compiled 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 IRAC, and 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 authorities or 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 CHAIRMAN. 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 $110,000,000. 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, and 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 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 experience with triple fencing is in 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 land acquisition and the type of fence 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] 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 fence—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 it 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.

□ 2115

Mr. Chairman, instead of jeopardizing the safety of our Border Patrol agents and merely shifting the problem of illegal crossings away from the 14 miles of the San Diego border, we need to put our resources where they will do the most good as determined by the professionals on the line. Only then will we have a demonstrable impact on stopping illegal entry into the 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 there are a number of mistakes 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 this: As a former 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 that he really did not mean it when he said that the border fence would stop illegal immigration if it was erected 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 provision in this lengthy Sandia analysis that engineers the fence, which is dedicated to safety, and it said we are going to do a number of things for safety. It said we are going to make sure that the cars are armored that go in between. We are going to give them plenty of turn-around room. And most importantly, we are going to have safety gates that they can exit from on a moment's notice and that backup can proceed into if they are in-between these fences.

Mr. Chairman, the border is still out of control, despite the resources that we voted in this Congress. We need to have a secure barrier. The most famous and most knowledgeable and I think one of the Border Patrol chiefs with the best safety record supports this fence. We need to build it. It is in the bill.

I would ask all Members to support it.

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

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

Mr. BILBRAY. Mr. Chairman, I would like to commend the gentleman from California [Mr. HUNTER] because I think this body ought to recognize that the gentleman not only had the foresight but he also had the intestinal fortitude to address an issue that was ignored too long.

We remember when this man was ridiculed because he talked about taking surplus matte and basically free welding classes being given to the National Guard to weld up a structure along the border. And everybody laughed at the gentleman from 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 a mile of the border where Mr. HUNTER's fence went up, I say to 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, this is a man 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 this man stood up years ago and said that physical structures are part, not all, but part of the answer. I thank my colleague for giving us this fence.

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 my friend, the gentleman from Texas.

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, further proceedings on the amendment offered by the gentleman from California [Mr. BEILENSON] will be postponed.

It is now in order to consider amendment No. 4 printed in part 2 of House Report 104–483.

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:

Part 2 amendment number 4 offered by Mr. MCCOLLUM: After section 216, insert the following new section (and conform the table of contents accordingly):

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 physical 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, and

(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.

(4) EFFECTIVE DATE.—All social security account number cards 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(b)(1)(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 pursuant to 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) EDUCATION CAMPAIGN.—The Commissioner of Immigration and Naturalization, in consultation with the Commissioner of Social Security, shall conduct a comprehensive campaign to educate 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—

(1) the progress and status of developing a secured social security account number card under this section,

(2) the incidence of counterfeit production and fraudulent use of social security account number cards, and

(3) the steps being taken to detect and prevent such 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 any 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 this is something that is 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 legalized a few years ago 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 seeing our cultural, our social and our economic costs skyrocket in those communities, and that is why we are here tonight addressing the illegal immigration portion of this bill.

Well, how do we stop that? 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 visa overstays. They never crossed 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. It is now against the law for 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 counterfeited, most fraudulently used official document of the United States.

We can buy a counterfeited 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 resistent 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 the next 3 years 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 after 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 Hall of Famer.

(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,
Washington, DC, March 19, 1996.

Hon. JIM BUNNING,
House of Representatives,
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 a genuine official 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 would be as 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 counterfeit-resistant. The current card includes most of the features that have recently been incorporated in the newly redesigned $100 bill, such as small disks that can be seen with the eye, but that cannot be reproduced by color photocopiers. In addition, the current card is printed on banknote-quality paper that has a blue marbleized background with raised 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 document similar to the U.S. passport. 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 to the employee's Social Security 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 upgraded 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 identification card. 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 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 replace all 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 staffing needs 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 adversely affect 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 crime legislation calling for a reduction 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 available to the agency would be to defer or discontinue other work loads associated with the administration of the Social Security program. We believe that this possibility could pose a grave threat to SSA's ability to carry out the essential tasks associated with assuring 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 onset 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 them.

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.

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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.

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 result 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 job. It is also utilized in welfare. It is utilized in a lot of other places. I add not one new use to the Social Security card.

Second, through the year 2006 at least there is no real new cost to issuing cards because 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, but it is not. It is the most fraudulently used card today in America, it is rampant with counterfeiting, and that is why INS and others have so much trouble with it.

I do not wish to expand in any way, and I do not believe the costs I am imposing in any way, impinges in the way that the Social Security Administration wants, and neither does the Congressional Budget Office.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I rise in strong support of the McCollum amendment.

When Congress enacted employer sanctions as part of the 1986 Immigration Reform and Control Act, we did so in recognition of the fact that the primary reason immigrants come to the United States is to find jobs, and that we cannot possibly stop illegal immigration unless we stop employers from hiring illegal immigrants.

Unfortunately, however, we made the employer sanctions law virtually impossible to enforce, because we failed to provide a sound and dependable way for employers to determine whether or not a prospective employee is here in the United States legally.

Right now, a person can use any of 29 documents to demonstrate work eligibility. That has given rise to a huge, multimillion-dollar industry in counterfeit Social Security cards, and other documents, that are easy to forge.

It has also put employers in the position of trying to determine whether or not work authorization documents are authentic. Many employers, not wanting to take on that responsibility simply avoid hiring employees who look or sound foreign, causing widespread discrimination against U.S. citizens and legal residents.

H.R. 2202 wisely reduces the number of documents a job seeker can use to prove employment authorization, but 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.

I would like to point out 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 proposal would simply help ensure that the Social Security care 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 employment eligibility—as 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. JACOBS. 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 they 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 everybody was up in arms about 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 1½ 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, as some have suggested. 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 other 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 yield.

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 redesigned $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 marbleized background with raised 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. MCCOLLUM. 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 support of the McCollum amendment. This is not 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 just 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 $51 million over the next 10 years.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I believe that 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.

□ 2145

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, but we can 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 wishful 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 quacks it is not a duck, but 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 that would create 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 identifier 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 that have no verification behind them. 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.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is correct.

Mr. JACOBS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I would like to point out one thing about the Social Security Administration and their ability to deliver the services that they are now required 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 waiting a year 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's administrative budget 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 study that showed we can save $6 in benefits for every $1 we spend on continuing disability 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 rise in support of the 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 a law and 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, 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, against the law 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 that the public gets angry with us on: 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 hypothetical,'' et cetera?

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, yes, do 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, ''We will plug the loophole. We will just put pictures on birth certificates.'' States issue birth certificates. Now go out and get the 50 States to issue birth certificates with pictures on them. We do not have jurisdiction to do that. This is flawed. It will not work.

Finally, we have heard all evening long on this amendment that it is either a nickel ninety-eight or it is $3 billion. They say, ''Well, the Congressional Budget Office,'' which the gentleman from Florida, [Mr. MCCOLLUM], never had much faith in the past as I recall, says it hardly amounts to anything. He said the Social Security Administration can do it for peanuts, which is a bad taste in my mouth from the other day, by the way. However, the proponents of this amendment say that it will cost the Social Security Administration far less than $3 billion. The Social Security Administration says it will cost the Social Security Administration $3 billion.

I say to my friend, the gentleman from New York, even though we are in dire straits financially in this Government, I think the cause is worthy. If I thought it would be effective, I would probably be advocating it. I do not think it is effective. I think it fits right into that old show tune, ''I Got Plenty of Nothing,'' and in this case it would be about $3 billion worth of nothing, and that we clearly cannot afford.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to clarify something. I had the Social Security Administration folks in my office a week ago this last Friday. I listened to what they had to say. I batted around a number of ideas with them, including the possibility of renewing the Social Security card every 10 years. They told me how expensive and difficult that would be; what it would be like if we required hardening and doing a lot of other things.

Then I presented to them the passport and the $100 bill concept. They said ''Look, the cost is not in creating the new card, the cost is in if you force us to reissue it to everybody.'' So I developed an amendment that does not require them to issue a new card to everybody or to reissue something every 10 years, or to reissue at all. I simply have an amendment out here to prevent fraud, as the gentleman from New York said, with the existing Social Security card, where we take it and make the single piece of paper that is not 24 pages long like the passport, that the gentleman from Texas [Mr. SAM JOHNSON] was referring to, so it does not cost anything near $60 apiece; one page, just do the type of threading, coloring, and inking this passport does, and the threading, coloring, and inking that the $100 bill does. It does not require them to do a picture or anything else, it would just make this more secure.

I said, ''This is not going to cost very much,'' and CBO said, ''Yes, it will not cost a whole lot to do this.'' I think it is the lease 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 it work, a key to making employer sanctions work being the key to making it truly meaningful.

When we say, as the law now says, it is illegal to knowingly hire an illegal alien, and when you go to get a job, one, not the only, but one of the documents you may produce in conjunction with the driver's license is the Social Security card. We must make it tamper-resistent. We must make it at least as counterfeit-proof as the $100 bill.

I urge the adoption of the McCollum amendment for the sake of saving us from the illegal alien overrun we have.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BUNNING of Kentucky. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] will be postponed.

It is now in order to consider amendment No. 5 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. TATE

Mr. TATE. 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. TATE: In section 301(c) of the bill (relating to revision to ground of inadmissibility for illegal entrants and immigration violators), in subparagraph (A) of section 212(a)(6) of the Immigration and Nationality Act as proposed to be amended by such section of the bill insert after clause (ii) the following clauses, and redesignate clause (iii) accordingly:

''(iii) ALIENS WHO HAD THE INTENT TO ILLEGALLY ENTER.—Any alien who had the intent to illegally enter the United States and who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission is inadmissible.

''(iv) OTHER ALIENS WHO HAD THE INTENT TO ILLEGALLY ENTER.—Any alien not described in clause (i) who had the intent to illegally enter the United States and who has been ordered removed under section 240 or any other provision of law and who again seeks admission is inadmissible.

In redesignated clause (v) (as redesignated by this provision), strike ''(i) and (ii)'' and insert ''(i) through (iv)''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Washington [Mr. TATE] and the gentleman from Texas [Mr. BRYANT] each will control 15 minutes.

The Chair recognizes the gentleman from Washington [Mr. TATE].

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

Mr. Chairman, first and foremost, I would like to thank the chairman of the committee, the gentleman from Texas [Mr. SMITH], for his tireless efforts on this issue. 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, illegals enter at the expense of those that play by the rules, and there is no incentive to comply. There is not much differentiation between a criminal, someone who has

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 in regards to immigration, to restore 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.''

□ 2200

This amendment is a one-strike, commonsense provision. It provides incentives for people to obey our laws, not to reward those that break our laws. There is a right way, Mr. Chairman, and a wrong way to enter this country. We need to reward those that enter the right way.

Mr. Chairman, I believe 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 deported, is still 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 what America is all about.

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 processed 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-abiding individuals.

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 scarce 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 law sends the wrong message to would-be illegal immigrants—you won't be penalized for breaking United States law. It is no wonder that so many illegal immigrants are drawn to crime once they reach our country. Police organizations in my home state believe that illegal aliens have a significant impact on crime.

According to the U.S. Attorney for western Washington, illegal aliens in the Puget Sound region are involved in bank fraud, credit fraud, check kiting, false marriages, assault, extortion, and drug dealing. The Tacoma Police Department reports that illegal aliens account for a large percentage of narcotics related crime in its jurisdiction, while the Seattle Police Department reports illegal aliens are involved in international organized crime rings and ethnic street gangs. The Governor's office recently released statistics showing that illegal aliens account for 14 percent of Washington State's prison population. My colleagues have assured me that there are similar problems in their States. Clearly, these are not the caliber of people that deserve legal immigration benefits from U.S. taxpayers.

That is why I am working to enact this reasonable change to American immigration law. Simply said, if you don't obey immigration laws, you will not get a green card. Illegal immigrants will be illegal forever.

My amendment will deter immigration at no cost to the American taxpayers. A preliminary/informal cost estimate from the Congressional Budget Office finds that my amendment will not significantly affect the Immigration and Naturalization Service's workload, and therefore, will result in no significant costs to the Federal Government.

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. I have consulted with legislative counsel and counsel and the Judiciary Subcommittee on Immigration and Claims. They agree that because my amendment applies only to individuals who intentionally entered the United States illegally, it will not affect 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 another 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 to have 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 give those who play by the rules and 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, Eagle Forum, 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.

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 avoid Federal officials by sneaking 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

a visa or other documentation required by Federal law to enter the United States and whose legal admission is denied because the Federal immigration officials determined that the applicant'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. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

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 amendment that is going to make this bill tough for everybody to support, many of the people who are supporting it.

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 if they come into the country illegally and are ordered removed. We have already got a stiff penalty in the bill. That is an increase over the current law. It also proposes in the bill a new 10-year bar on any alien unlawfully present in the country for an aggregate period of 1 year. That is a pretty tough penalty in my view. This amendment just goes further and says they are going to be excluded permanently if they come into the country illegally one time.

Let me just point something out. It is going to have no deterrent value because 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 no doubt lead to a variety of very cruel situations where somebody comes into the country 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 people like that later on as a member of a family are going to be eligible to come in in some fashion or apply to come in in some fashion, and I think it is wrong to put something in the law that is not going to deter anything, but lead to what very likely would be an inadvertent family tragedy.

They can come back and say the Attorney 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 of the United States? I do not think very many at all.

We have already got a tough provision 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 an 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 gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of this amendment. 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 granddaughter of Polish immigrants. We must remember the distinction between legal and illegal entry into America. Hundreds of thousands of people enter this country legally every year and contribute a great deal to our society. However, hundreds of thousands more scoff at our laws by sneaking across our borders. I know firsthand. I have watched them. They overstay their visitor visas and they abuse our legal immigration system. Our current immigration laws send the wrong message to individuals that would break our laws: ''If at first you don't succeed, try, try again to receive the fruits of our society.''

This amendment is going to bring honesty and integrity back to the U.S. immigration 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.''

Never again will those who break the law be rewarded with a temporary or immigrant visa. No longer will they be able to enjoy the benefits of our hardworking citizens and the ones they are entitled to. Not 1 year later, not 10 years later. ''One strike and you're out.''

This amendment will return a strong sense of law and order to the U.S. immigration 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 immigration is once again seen as a noble experience that enriches America both economically and socially rather than be demeaned by criminality and deceit. That means denying the benefits of our society to those who break our immigration laws while rewarding the honesty and patience of hundreds of thousands of others with the opportunity to obtain their goal, a chance to live the American dream.

Mr. Chairman. I urge my colleagues to support this amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BECERRA].

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

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 without 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 account not one bit what the circumstances may have been for that individual who was in the country.

If that individual happened to be here and had a great deal of family here and made the mistake of trying to come in here without documents, let us make the person pay a price. But to forever banish that individual from seeing a family member in this country I think is extremely harsh.

Ten years is 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 treats classes of people differently. If you happen to be here through a visitor's visa or a student visa, you have come into this country legally. You entered with proper documentation and the authority of this country to be here. If you overstay the tenure of that visa, whatever the term may be, then you have now become undocumented because you no longer have a right to be in this country. Yet this particular amendment does not address that problem.

Is it a big problem? More than 50 percent of all the people that are in this country as undocumented come into this country legally. They they overstay their visas and do not return, and then they become undocumented individuals. Yet this amendment would do nothing to those individuals who have come into the country under legal means, yet overstayed and are now undocumented.

Here again we seem to see an amendment that attacks the issue with a very small perspective, with blinders, and says only to those who have crossed a border, and certainly the focus is on the southern 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.'' Admittedly, you committed a wrong, and everyone should admit that, and that person should be punished, not only with deportation but with punishment that would require that person not be able to come into this country for a time. But this amendment goes well

beyond and says never again will you set foot in this country regardless of how compelling your case is to perhaps at some point come back. At the same time while it is doing this as dramatically to this one individual, this immigrant, in denying him or her access, it says to fully 50 percent or more of those who are undocumented into this country, that they do not have to worry about this amendment because it will not apply. I think that is not only unfair treatment but unwise policy.

I would urge Members to reject this amendment and vote against it.

Mr. TATE. Mr. Chairman, I yield myself 30 seconds to respond.

A couple of points. This amendment is directed at intent, the intent to knowingly come into the United States and breaking our laws of immigration. If the gentleman does have concerns in other areas of illegal immigration, I would like to join with him to address some of those issues. This amendment is specifically on those whose intent is to violate our immigration laws.

Mr. Chairman, with that I yield 2 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 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 years 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 forebears 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 get in.

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 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 enough of a zing out of the press release when it gets back home again.

□ 2215

The fact of the matter is you are putting these people that will never even know what our law is and wander into the country, come to the country on purpose trying to make a better life for themselves in the same situation in which we put international terrorists. It is perfectly ridiculous to say we are going to have a permanent ban on somebody who is totally ignorant of our laws and comes into our country illegally. The bill puts a 10-year probation on some and 5 years on others. It is based on a lengthy study by the commission that was chaired by Barbara Jordan and by the previous commission that came out of the 1986 bill. This amendment is not based on any study. I think on the face of it, obviously it is not going to have any impact. Do not pile on this bill and make it impossible to pass, for goodness sakes. There is no point in putting these folks in the same category that you put an international terrorist. There is no logical person that thinks that a jobless person who is desperately looking for a job as a waiter and comes across the border is going to know in advance he is going to be permanently barred from the United States if he does that. There is no way to argue that. I just simply urge you guys not to take everything to extremes. You are going to get a good enough press release by voting for the bill. Do not mess the bill up with something like this.

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

Mr. TATE. Mr. Chairman, I yield myself 1 minute to respond.

The press release argument is, let us face it, is a bogus argument. What this comes down to is common sense. That is what we are looking at. There is a right way to come to America and a wrong way. It is unfair to those that stand in line, that go through the bureaucracy, that do it the right way, to find out that there is someone standing maybe in front of them that came here previously.

Once again, this comes back to the issue of intent. There is a wrong way and a right way. We have got to continually come back to that. It is unfair to those that play by the rules to see someone next to them that does not.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. LAUGHLIN].

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

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 our generosity. 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 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 word 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 the job. The result is he 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 have 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 you put these 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 these people deserve 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. TATE. I thank the gentleman for allowing me some time.

A couple of points in your example. The poor gentleman that was lured across the border would not fall under this, because, if you look specifically in the bill, it talks about intent, not someone who has had the issue misrepresented to them that was lured across the border. It deals with intent to knowingly come across.

Mr. BRYANT of Texas. Reclaiming my time, we are talking about a situation in which a business on the other side of the border which was offering jobs, and the guy says, well, I know I do not have any papers, I am going to cross anyway and get that job because I need the money. That is what I am talking about. That would purely manifest intent.

Mr. TATE. Mr. Chairman, it comes back, there is a right way and a wrong way to come across the border, and the ends do not justify the means. Once again, that is taking the jobs away from working Americans when someone comes across the border the wrong way. Once again, it is a privilege to come into this country.

Mr. BRYANT of Texas. Reclaiming my time, I think everybody agrees with that. That is kind of a platitude. We are talking about the difference of a 10-year ban and lifetime ban. Why would you stick anybody with a lifetime ban, for goodness sake?

Mr. TATE. Once again, with the limited Federal resources we have in this country, with my own example in Tacoma, WA, all the resources our taxpayers pay to the local police departments, and substantial amount of time spent investigating narcotics claims in the city of Tacoma, WA, not a border town, along our southern border or our northern border, a town like Tacoma, WA, where they are spending those resources, those taxpayers have a right to ensure those dollars are being used properly.

Mr. BRYANT of Texas. Reclaiming my time, let us talk about immigration. So a Canadian wanders across the border at a young age and wants to get a job and goes back again and finds out 20 years later, when he goes to apply to come here legally, maybe he has got a job, maybe married to an American, he cannot come for the rest of his life because he came across the border into Washington State when he was a young man. Is that not a curious result? For the rest of his life, he is permanently banned. Is that not a curious result?

Mr. TATE. Once again, I reflect back to my earlier statements. That it is not unreasonable to expect someone that would come to this country, when there are people waiting to come here, that they should be able to jump ahead in line, and the people, I think, of this country would be outraged to find out we have very few laws on the books.

Mr. BRYANT of Texas. Suppose a person gets married. You mean, they cannot come in the country with their new wife because at a young age they crossed the border illegally, for the rest of their life they cannot come across and live with their spouse.

Mr. TATE. Our current law, as you know and I know, currently provides preference to spouses to come to this country. In fact, they get priority.

Mr. BRYANT of Texas. This is a permanent ban in your amendment.

Mr. TATE. There is a right way and a wrong way to come to America.

Mr. BRYANT of Texas. Reclaiming my time, let us get this pinned down. Is it or is it not the case that your amendment would say that a person who crossed the border at an early age and later in life married an American citizen, could not come in the country to live with his American citizen spouse because the Tate amendment said the rest of his life he is banned. Is not that what it means? That is what it means.

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

Mr. TATE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, several issues that I would like to address once again. What we are talking about here is eliminating fraud in our system to ensure that those that come across the border have played by the rules. What frustrates Americans, as the gentlewoman from New Jersey stated, is there are people that come to our country many times that do not play by those rules. We are trying to bring honesty and integrity back to the system. What has made this country great, as I stated in my opening remarks, is it has been open to people from all walks of life, from all backgrounds, that have made this country the great country that is.

But many people find it interesting that we do not have laws on the books to deal with those that come back come to our country illegally and come back years later and are still qualified and may be ahead in line. Once again, we need incentives in our system to encourage people to comply with our laws.

My amendment is just common sense, says one strike and you are out proposal, that is not going to cost the taxpayers more money. It is, in fact, going to save money. It will reward people that come here the right way and that they should not be trampled on by those that come here the wrong way.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield myself the balance of my time.

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 coming illegally. You can be banned for 5 years in one category, 10 years in the other. That is enough.

We did a lot of work on this bill; we considered it a very, I think, careful way. We took our time with it. It is based on a lot of study and a lot of work by a lot of experts. These sort of ad hoc ideas that sound great when you send it back home in the newspaper, but have enormously negative consequences on a lot of people and do not deter any bad actions should not be in this bill.

I urge Members to vote against the Tate amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. TATE].

The amendment was agreed to.

Mr. GOODLATTE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TAYLOR of North Carolina) having assumed the chair, Mr. BONILLA, Chairman of the

Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 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.

□ 2230

SPECIAL ORDERS

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

The 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.]

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

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE STUDENT LOAN PROGRAM AND THE DEPARTMENT OF EDUCATION

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 backlog caused by the irresponsible mismanagement 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 private banking 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 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 entity 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 share risk with the private sector. The Federal Government cosigns 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 is trying to process applications for loans that would be approved by 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 last 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, 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.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

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

BRIDGEHAMPTON 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 for winning the New York State Class D boys basketball championship. It is indeed a

momentous 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 same Carl Johnson, by the way, as coach but formerly as a player who 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 scholastic basketball title as both a player and a 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 eager young 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 Bridgehamption's athletic director is Mary Anne Jules.

Mr. Speaker, Bridgehamption finished the season with a 20–4 record. Besides the New York 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 Bridgehamption 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 Bridgehamption 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, followed the action on local radio station WLNG. With multiple championships garnered on the basketball hardwood with only minimal resources, Bridgehamption 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. May you 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 night after traveling 350 miles to upstate 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, arrived 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 school, where the community feasted 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 captured 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 1991. The team won three straight state titles from 1978 to 1980, and earned its previous state championship in 1986.

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.''

The Killer Bees perform so consistently well with minimal resources that management gurus John Katzenbach and Douglas Smith profiled them in their 1992 book, ''The Wisdom of Teams,'' published by Harvard Business School Press.

''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 helped organize 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

NAFTA, GATT, and other weak trade policies.

We had a trade deficit of $153 billion last year, Mr. Speaker. Most economists say that we lose at least 20,000 jobs for each $1 billion. That means we lost over 3 million jobs last year due to imports, 3 million jobs lost to other countries. We simply cannot keep letting this happen every year. We do not want a trade war, Mr. Speaker, but we seem to be in one now and we seem to be losing.

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.

□ 2245

If we are ever going to do anything about this horrendous under employment, 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 Nation first, even 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 holding 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 balance our budget this year, not 7 years from now. The right thing to do is to lower taxes on working families. The average person pays half of his or her income in taxes now, counting taxes of all types: Federal, State and local, sales, property, income, gas, excise, Social Security, and on and on.

The right thing to do is to drastically downsize our Government and decrease its costs. Right now only Government bureaucrats and fat cat Government contractors are benefiting. The few are benefiting at the expense of the many.

The right thing to do is to let our own people keep more of their own money so more families could stay together. The kindest, most compassionate thing we could do for our children is to create another high-sounding Government program, but the kindest, most compassionate thing to do would be to let parents keep more of their own money so they can do more good things for their own children. The question is, do we want to spend the money on the bureaucrats and their unbelievable administrative costs, or do we want to spend the money on our children? Even our crime rate, 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. Every study, 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 created 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 the 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 heritage 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 ''Sorting 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 for the private sector what we know the private sector can do best, 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, they will become bankers collecting the money for the taxpayer, lending the money as a bank would do. I suggest to you, Mr. HOEKSTRA, that would be a disastrous event, that they have a 900,000 backlog in just processing applications.

Can you imagine if they also lent the money and had to collect the money?

And their excuse for a 900,000 backlog is it 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 do very 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 another myth is that the 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? It is the American people. 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 that there are millions of dollars of unreconciled money responsible by 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 gentlewoman 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 my State of California bears the brunt 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 new personal information of the employee.

It does not create a new Government data base.

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 intrusion into our lives. I have stated time and time again that 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 de facto INS agents, and without the means to 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 easy 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 business 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.

□ 2300

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 would 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 drugs or medical devices, because FDA has been so far mired down in overregulation and delay. I believe that it is a bipartisan effort that we are undertaking here in the House to make sure we speed up 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

up those processes of FDA reform, which we think is legislation whose time has arrived.

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. BARTON], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from North Carolina [Mr. BURR], 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, we all know that the main job 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 to 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 through Friday, March 29, on account of medical 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.

Mr. RADANOVICH (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.

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.

Mr. 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.

Mr. 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. SHAYS, 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. VUCANOVICH.

Mr. MCINTOSH.

Mr. BAKER of California.

Mr. COMBEST.

Mr. PACKARD.

Mr. NETHERCUTT.

Mr. GOODLING in two instances.

Mr. CHRISTENSEN.

Mr. GINGRICH.

Mr. GILMAN.

Mr. FAWELL.

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 were 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.

ADJOURNMENT

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. 19n and 19dd(f); to the Committee on Resources.

2265. A letter from the Secretary of Agriculture, transmitting the Department's report entitled ''Southeast Alaska Public Lands Information Center, Hydaburg Branch'' report to Congress, April 1995, pursuant to Public Law 99–664, 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:

Mr. CLINGER: Committee on Government Reform and Oversight. National Drug Policy: A Review of the Status of the Drug War (Rept. 104–486). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. 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 enhance Iran's ability 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. LOFGREN):

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 exports to terrorist countries; to the Committee on International Relations.

By Mr. GREENWOOD:

H.R. 3110. A bill to amend title II of the Social Security Act to provide for disclosure 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 frequent flyer mileage awards; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. FRANKS of New Jersey):

H.R. 3112. A bill to amend the Water Resources Development Act of 1992 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. MCKEON, Mr. KNOLLENBERG, 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 accounts; to the Committee on 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. DELLUMS, Mr. SERRANO, Mr. ACKERMAN, and Mr. MARKEY):

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 the 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. BREWSTER, Mr. METCALF, Mrs. CHENOWETH, Mr. COBURN, Mr. HANCOCK, Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. DUNCAN, and Mr. COOLEY):

H.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States to provide 8-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, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. FAZIO of California.

H.R. 218: Mr. HOSTETTLER, Mr. EHRLICH, 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. 822: 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. BONIOR.

H.R. 1023: Mr. GONZALEZ, Ms. WOOLSEY, and Mr. FAZIO of California.

H.R. 1078: Mr. VENTO.

H.R. 1148: Mr. SANDERS.

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. DELLUMS, and Ms. WATERS.

H.R. 1464: Mr. GOODLATTE.

H.R. 1499: Mr. MCINTOSH.

H.R. 1619: Mr. RAHALL, Mr. TALENT, and Mr. SHAW.

H.R. 1627: Mr. NEY.

H.R. 1684: Mr. LEVIN, Ms. NORTON, Mr. SHAYS, Mr. JONES, Mr. UPTON, Mrs. SMITH of Washington, Mr. BAKER of California, Mr. BECERRA, Mr. BISHOP, Mr. BONIOR, Mr. BORSKI, Mr. CAMP, 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. JOHNSTON of Florida, Ms. KAPTUR, Mr. KLINK, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MINGE, Mr. MOLLOHAN, Mr. NADLER, Mr. ORTIZ, Ms. PELOSI, Mr. CHAPMAN, Mr. POMBO, Mr. POMEROY, Mr. POSHARD, Ms. PRYCE, Mr. RANGEL, Mr. ROBERTS, Mr. ROSE, Mr. RUSH, Ms. SLAUGHTER, Mr. STOCKMAN, Mr. TAYLOR of Mississippi, Mr. VOLKMER, Ms. WATERS, Mr. WATT of North Carolina, Mr. WISE, and Mr. TAYLOR of North Carolina.

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. 1920: Mr. TATE.

H.R. 2065: Mr. MORAN.

H.R. 2101: Mr. RANGEL.

H.R. 2241: Ms. WOOLSEY.

H.R. 2242: Mr. GILCHREST 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. 2607: Mrs. KELLY and Ms. BROWN of Florida.

H.R. 2618: Ms. LOFGREN and Mr. CAMPBELL.

H.R. 2636: Mr. MATSUI.

H.R. 2723: Mr. WICKER.

H.R. 2724: Mr. HINCHEY, Mr. FALEOMAVEAGA, Mr. HILLIARD, and Ms. VELAZQUEZ.

H.R. 2725: Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. HILLIARD, and Ms. VELAZQUEZ.

H.R. 2779: 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. 2822: Mr. MANZULLO.

H.R. 2827: Mr. VENTO and Mr. SANDERS.

H.R. 2875: Mr. DEUTSCH, Mr. HILLIARD, Mr. FRAZER, 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. LATOURETTE, and Mr. MASCARA.

H.R. 3010: Mr. SAWYER, Mr. UNDERWOOD, and Mr. LIPINSKI.

H.R. 3023: Ms. KAPTUR.

H.R. 3043: Mr. MCHUGH, Ms. MCKINNEY, and Mr. GUNDERSON.

H.R. 3067: Mr. DOOLEY and Mr. STUPAK.

H.R. 3086: 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. 51: Ms. FURSE.

H. Con. Res. 148: Mr. LINDER, Mr. MCCOLLUM, Mr. DICKEY, Mr. ROSE, Mr. FRAZER, Mr. BAKER of Louisiana, Mr. MCDADE, Mr. BERMAN, Ms. PRYCE, Mr. BROWNBACK, and Mr. POMBO.

H. Res. 39: Mr. VENTO, Ms. ROYBAL-ALLARD, and Ms. PELOSI.

H. Res. 49: Mrs. MORELLA, Mrs. CLAYTON, Mr. CONYERS, and Mr. KENNEDY of Massachusetts.

H. Res. 381: Mrs. MORELLA, Mr. BAKER of Louisiana, and Mr. PALLONE.

H. Res. 385: Mr. 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. 1972: Mr. BARCIA.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, MARCH 19, 1996 No. 38

Senate

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,
Washington, DC, March 19, 1996.

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 rollcall 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 downpayment 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

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

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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 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.

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 (for Pressler) amendment No. 3514 (to amendment No. 3466), to provide funding for a Radar Satellite project at NASA.

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 is such projects, in excess of operating costs and debt service.

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.

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.

Santorum amendment No. 3484 (to amendment No. 3466), expressing the Sense of the Senate regarding the budget treatment of federal disaster assistance.

Santorum amendment No. 3485 (to amendment No. 3466), expressing the Sense of the Senate regarding the budget treatment of Federal disaster assistance.

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 (.367%) to offset Federal disaster assistance.

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.

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.

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 fiscal year 1997.

Bond (for McCain) 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.

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 would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland.

Murkowski-Stevens amendment No. 3524 (to amendment No. 3466), to reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumers.

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 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.

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).

Hatfield (for Burns) amendment No. 3551 (to amendment No. 3466), to divide the ninth judicial circuit of the United States into two circuits.

Burns amendment No. 3552 (to amendment No. 3551), to establish a Commission on restructuring the circuits of the United States Courts of Appeals.

AMENDMENT NO. 3513

The ACTING PRESIDENT pro tempore. Under the time agreement on these amendments, there is 1 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 medical hospitals and to individual residents in training, loans, and other Federal assistance that is available for these individuals and these 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. Many 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 regulations on the part of 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 nonreligious-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 refused to undergo 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.

We, in discussion 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 impede the accrediting council 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 training in the performance of or referrals for induced abortions.

We have had numerous discussions with the Senator from Maine relative to this 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 will be cosponsored by the Senator from Maine. We resolved the language differences. It also addresses an issue of second-degree, which would have prolonged the debate

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.

The Senator from Maine is present 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. There are no yeas and nays ordered, so the Chair is corrected. Since there is a time agreement, it takes unanimous consent.

Mrs. BOXER. I object at this time.

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 withhold 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 colleague has proposed an amendment that will 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 or 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 in 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 that—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, and I understand 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 public 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.

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

Mr. COATS. Mr. President, I ask unanimous consent that the time that is now running during any quorum call be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. 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. 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. CAMPBELL. Mr. President, I ask unanimous consent that I 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 reauthorize 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 most all motor vehicles on the road today. Certainly, the American public has demonstrated a continuing love affair with motor vehicles since their introduction over 100 years ago in this country, enjoying vehicles for transportation and recreational endeavors, ranging from racing to show competitions, and as the way of creating individual expression that has been extremely popular in the last 100 years.

In addition, research and development connected with motor sports competition and specialty applications has 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, 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 call 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. 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. 3019.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3513), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . 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 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 any other program of training in the health professions, 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 POSTGRADUATIE 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 acceditation 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, regardless of whether such standard provides exceptions or exemptions. The government involved shall formulate such regulations or other mechanisms, or enter into such agreements with accrediting agencies, as are necessary to comply with this subsection.

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

''(B) 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 of medical competency applicable only to those individuals who have voluntarily elected to perform abortions.

''(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 a portion of the bill 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 for 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 where treatment of life-threatening 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 place 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 this accreditation. The Medicare 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, one, 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 engage in this mandatory practice.

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 hospital, nor do 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 was included in the accrediting 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:

> Those involved in resident education at the University of Texas Medical Branch made a 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 Interruption Clinic, or PIC as it was known at the time. First, the PIC was a money loser. Since there was no reimbursement for elective abortions from either State funds or Medicaid a great deal of expense of the PIC was underwritten by faculty professional income. 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, resident, and staff morale. Individuals morally opposed to performing elective abortions were not required to participate. This led to a perception, by trainees performing abortions, that they were carrying a heavier clinical load than trainees not performing abortions. As fewer and fewer residents choose to become involved in the PIC, this perceived maldistribution 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,'' except to provide such instruction to our trainees. The 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 addressed her concerns to make sure that we 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 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 Senator from Tennessee, Dr. FRIST, spoke this morning. He certainly knows more about these procedures and more about the medical concerns than this Senator from Indiana. He has looked this bill over very, very carefully and believes that the language incorporated in the Coats amendment is most appropriate, and he is supportive of that. I think that is a solid endorsement from someone who clearly understands the issue in great depth and understands the accrediting process, supports that process, but believes there ought to be this exemption.

Mr. President, I have not yet asked for the yeas and nays on this. My understanding is that the vote will be ordered, along with other votes, after 2 p.m. So I will now ask for the yeas and nays for this amendment.

The PRESIDING OFFICER (Mr. SMITH). 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. Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. I wanted to clarify that. I know we lost some time here. So I have 15 minutes remaining to discuss both amendments, is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Thank you very much, Mr. President.

I want to explain why it was that it took the Senate extra time to get to this point of debating these amendments. The modified amendment came to the attention of my staff, in its final form, late last night. I was on a plane coming back from California, where I had a full schedule. When I returned at midnight, clearly, it was too late to contact my colleagues, and, therefore, I needed some time to really read the amendment and understand its implications, because the amendment, as modified, is of grave concern to me.

The longer I have to look at this amendment, the more concerned I am about it. I would like to explain to my colleagues why. Before I do that, I want to explain also that those in this

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 as a result of the Coats amendment, you quickly come to the conclusion, Mr. President, that theoretically—and we hope 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 safe, 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, who would like 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 current 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 abortions. However, 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, ''You know, it isn't worth it. We will 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 days of 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 ultimate result of this. That is 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 interests 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 that 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 up-or-down 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 object to that, but I know I do not 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.

Now, 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 cosponsor 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 moneys.

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.

Why 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

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 just another 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, DC's presence 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.

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 a unanimous-consent request that my remaining time be reserved.

The PRESIDING OFFICER. The Senator has 6 minutes 6 seconds remaining, and that time will be reserved.

The quorum call will be charged to no one at this particular point.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. 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. 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 help 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 the bill in the House 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 bill.

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 to Juneau 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 the 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 is 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 Greems Creek Mine.

Since Kennecott determined that it would be unable to fully explore all the areas of 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 permit 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 revert 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 inholdings 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 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 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

Committee be discharged from further consideration of H.R. 1787, and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1787) to amend the Federal Food, Drug, and Cosmetic Act to repeal the Saccharin notice requirement.

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. 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.

Again, I make a disclaimer, Mr. President, that I am making this statement at the request of the clerk in the absence of leadership where more detailed knowledge is present as to the specifics involved.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's reservation is duly noted.

So the bill (H.R. 1787) was considered and passed.

Mr. SPECTER. I thank the Chair.

In the absence of any other Senator on 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the time is controlled. I yield myself 12 minutes from Senator BOXER.

The PRESIDING OFFICER. The Senator from California has 5 minutes remaining. Senator MURRAY has 7½, and Senator FEINSTEIN has 7½.

Mr. KENNEDY. I yield myself 3 minutes, Mr. President.

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

AMENDMENT NO. 3508

Mr. KENNEDY. Mr. President, very briefly, there are two major proposals before the Senate this afternoon. One proposal prohibits the District of Columbia from using locally raised funds to provide abortions for its residents. It allows the Congress of the United States to undermine the constitutional rights of poor women and thus, their ability to receive an abortion.

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 long arm 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 need assistance from the District of Columbia. 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 we will not require that 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, a highly 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 residents. Those individuals and institutions will not be required to participate in certain medical procedures that violate their conscience or their 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 Senator's time has expired.

Mr. KENNEDY. Mr. President, I yield whatever time remains.

Mrs. 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 safe, competent 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. 3513, 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 ensure 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, and just as important, it preserves 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 it also will ensure 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 prochoice 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 provides 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 whether we like it or not—and certainly 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 developing a 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. This is a compromise to preserve those standards. This is a compromise to ensure that it does not jeopardize the 273 ob-gyn programs that otherwise would have been affected if this compromise was not before us. That is the risk, and that is why I worked with the Senator from Indiana to ensure that would not happen.

It is inappropriate for this institution to be involved 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 everybody 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 of 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 will not do an abortion 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 residents, individual 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.''

AMENDMENT NO. 3508

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 has been 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, then, bears the ultimate constitutional and full responsibility for the District's abortion policies.

Second is the question of separating or mingling.

I ask the Senator from Maine if I could have an additional 2 minutes from her time?

Ms. SNOWE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Maine has 17 minutes remaining.

Ms. SNOWE. Yes, I yield the Senator 2 additional minutes.

Mr. COATS. Second, 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. We all know that the District has 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 conferees. 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 not trying to do, what we are opposing, what I am 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 time 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 will.

Mrs. BOXER. Thank you very much, Mr. President. I want to respond to Senator COATS' point on the D.C. issue when he says, ''Look, we still allow them to use their own local funds for rape and incest 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 in 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 any one of 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 long arm of U.S. Senators ought 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 just learn it from reading a book, you can look at 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 that doctors do not have to be trained in actually doing those procedures.

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

Mrs. BOXER. I will yield on the Senator's time, because I am running out of time. I will yield on Senator SNOWE's time.

The PRESIDING OFFICER. The Senator asked to be notified when she had 5 minutes remaining. She has 5 minutes.

Mrs. BOXER. Why do I not yield to the Senator on Senator SNOWE's time?

Mr. COATS. If that is appropriate with the Senator from Maine.

Mrs. BOXER. I retain my 5 minutes.

Ms. SNOWE. I yield 2 minutes.

Mr. COATS. Mr. President, I just want to inform the Senator from California and our colleagues that what I stated was that on the basis of letters that we have received from a number of trained physicians in obstetrics and gynecology that the similarities between the procedure which they are trained for, which is a D&C procedure, and the procedures for performing an abortion are essentially the same and, therefore, they have the expertise 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 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 state that 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,
Elm Grove, WI, March 23, 1995.

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, specified in Sec. 407. Civil Rights for Health Care Providers.

Senator Coats' amendment is certainly accurate in finding the ACGME's revised 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 moral 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. Why they 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 life of the human being. The Obstetrician 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 intentionally takes the life of the baby and exposes the mother to a normally unnecessary operation. All of this violates the moral basis of the physician's code. The physician cannot be cast as a killer. He or she is a healer and an agent of the patient for healing. If the regulation mandate from the ACGME is an attempt to require physicians to perform a morally reprehensible act to serve a political charge, then the ACGME has stepped well beyond it's reason for existence.

The stated premise behind the ACGME's revision of the standards was to ''address the need for enhanced education in the provision of primary and preventative health care for women by obstetrician-gynecologists''. (ACGME Press Release, 16 Feb. 95) How does abortion training enhance the provision of 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 cares for the well-being of mother and child. To talk of abortion as primary care is a distortion of the meaning of care. We cannot define killing as care. Does abortion training enhance preventative health care for women? What does it prevent? Exposure to sexually transmitted diseases? No. Pregnancy? It certainly doesn't prevent pregnancy. The woman is already pregnant (which means she is already carrying a very dependent human life whom the Ob-Gyn is normally committed to care for, too, working to ensure the baby's successful entrance into the world). What does it prevent, then? Responsibility for my actions? Maternal love? Enhanced education in the provision of primary and preventative health care for women could cover a lot of territory. 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 her child's life . . . these do not seem to fit into this educational objective.

It must be noted that all Ob-Gyn physicians are trained to do D&C's and to handle 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 other than mandating that training programs include this procedure in their curricula.

Thank you for reading through a somewhat lengthy letter. The issue really is significant. It deals with a controversial area; a procedure that is legal to perform, but morally questionable and lamented by most Americans as an indication that something 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 ''running out of business'' training programs that could not obey the ACGME mandate. And, there is the chilling advocacy of the notion that the doctor should be killer.

I ask you, on behalf of the many members of the NFCPG, and other medical professional men and women of conscience who cannot obey this regulation, to support Senator Coats' amendment and keep true choice available to us.

God bless you in your many varied and difficult duties.

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. It has come to my attention that Senator Coats, during upcoming hearings to reauthorize the Health Professions Education Act, will make efforts to protect the rights of Obstetrics and Gynecology training programs who choose not to teach techniques of abortion for contraception. For this I am deeply grateful.

The Commission which accredits training programs for residents in Obstetrics and Gynecology has made significant changes in requirements for accreditation. In the near future, ''hands on'' experience with elective abortion will be a required component of an approved residency training program. Although an individual trainee may invoke moral grounds to excuse himself from participating, no approved program, or program director, may excuse themselves.

Requirements for an accredited residency training are ultimately approved by the AMA's Committee on Graduate Medical Education (ACGME), and are listed in the Essentials of an Approved Residency. Under the current Essentials of an Approved Residency, an approved program is required to teach its trainees about management of abortion related complications, and provide some exposure to the technique of abortion. Currently a program may fulfill this requirement by providing instruction to residents in the care of women with spontaneous incomplete abortions or missed abortions. Requirements that become effective January 1 1996 specifically require training in the performance of elective abortion as a contraception technique.

Those involved in resident education at the University of Texas Medical Branch made a 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 Interruption Clinic,'' or the PIC as it was known at the time. First, the PIC was a money loser. Since there was no reimbursement for elective abortions from either state funds or Medicaid a great deal of the expense of the PIC was underwritten by faculty professional income. 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, resident, and staff morale. Individuals morally opposed to performing elective abortions were not required to participate. This led to a perception, by trainees performing abortions, that they were carrying a heavier clinical load than trainees not performing abortions. As fewer and fewer residents chose to become involved in the PIC, this perceived maldistribution 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.

Regardless of our reasons, the failure to teach the technique of elective abortion has never been a factor in the approval of our program by an accrediting agency. When the changes to the Essentials of an Approved Residency become effective next January, I will never be forced to participate in the performance of abortion; but I am distressed that, to keep my current job, I would be forced to cooperate in an educational mission that espouses these objectives. To me, a ''non-combatant'' working to advance amoral objectives bears significant culpability. How could a pro-life physician ever become a Program Director if required to teach this curriculum? How could any Catholic hospital support such a training curriculum, even if its trainees went elsewhere to obtain the skills? Shouldn't program directors have freedom of choice to decide if a morally controversial area is included in their program? Where does a pro life medical student obtain training in an abortion free environment?

Aside from my personal problems there are larger issues. Due to a number of forces, there recently has been a de facto segregation of the abortionist from the mainstream of practitioners of Obstetrics and Gynecology. The abortionist has become a specialist apart from the rest of us—they are practitioners of a peculiar paraspecialty. Trainees completing a residency program in Obstetrics and Gynecology recognize that the professional community considers the abortionist to be a physician on the fringe of respectability. In addition to this marginalization by the professional community, marketplace forces make a new practitioner avoid abortions. Patients do not tend to seek obstetric services from physicians heavily identified with abortion. Young physicians who start doing abortions soon have a medical practice which only does abortions. Residents, hoping to practice the breadth of our specialty, structure their new practices accordingly. Changing the Essentials of an Approved Residency is a deliberate attempt by those wishing to disseminate abortion services to try to reintroduce abortion into the ''everyday practice'' of our specialty. Their claim that unique technical skills are involved in performing elective abortions, that are different from technical skills involved in treating spontaneous abortions, is ridiculous and a clear attempt to mislead. The changes in training requirements were not made to serve an educational agenda—only a political agenda.

This change in the Essentials is coercive. It will make my participation in furthering an amoral educational objective a condition of employment. I currently have the right not to teach that which is morally repugnant. I hope my right can be protected.

Sincerely,

EDWARD V. HANNIGAN, M.D.,
Frances Eastland Connally Professor.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 2, 1995.

DEAR COLLEAGUE: There is one thing that can be said with certainty about the abortion training mandate of the Accreditation Council for Graduate Medical Education: it has nothing to do with ensuring that medical residents receiving training will be better equipped to provide appropriate health care

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 women's health emergency.

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 legalized abortion have failed to do: to make abortion a part of mainstream of medical care and force doctors and hospitals to do abortion as if a refusal on their part would constitute substandard medical practice. Can there be any doubt whatsoever that after they define abortion as a part of standard medical care for residents, they 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 forcing doctors and hospitals to adhere to a particular ideology, they are requiring them in the name of practicing good medicine—to actually kill defenseless, unborn human lives. It is not enough for them that medical residents are already learning the techniques that could be used in abortion, but learning these without using them to destroy live human beings. Abortion advocates are not satisfied unless these techniques are used to kill unless residents resistance in this killing is actually numbered.

This attempt to overturn the healing ethic that is the very lifeblood of medical residency 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,
Russell Senate Office Building,
Washington, DC.

This is a letter of support for any legislation that would prevent a residency program from being forced to implement a special kind of training that would be against the ethical and moral teachings of the institution in which the residency program resides. Specifically, we decry the decision made by the ACGME to mandate induced abortion training in all residency programs. There are major flaws in the reasoning of the ACGME: 1) an assumption that somehow abortions are not being carried out because of lack of providers: there is certainly no evidence of this locally or nationwide; 2) failure of the ACGME to recognize the fact that training to perform an induced abortion is exactly the same training as to perform a uterine evacuation procedure in the context of a missed abortion; 3) assuming that OB/GYN residency graduates are not performing induced abortion because they don't know how to; clearly every graduating OB/GYN resident from any program in the United States has the capabilities of being able to perform induced abortions but chooses not to on the basis of conscience and possibly also for a concern for personal rather than because they don't know how to do it; 4) by coming out so strongly for induced abortion, the ACGME creates further polarization in the United States over a very inflammatory issue when further polarization is counterproductive, 5) failing to recognize the philosophical integrity of an institution by arbitrarily forcing health care providers or individuals to do something against their institutional ethics.

In conclusion, the directors of the St. John Hospital and Medical Center's OB/GYN residency program strongly support legislation preventing coercion of a residency program toward implementing an unnecessary training that is against any institution's ethical and moral philosophy and thereby only contributes to the further polarization of the abortion issue in the United States.

MICHAEL PRYSAK, Ph.D., M.D.,
Program Director
and Vice Chief of Obstetrics.

PROVIDENCE HOSPITAL AND
MEDICAL CENTERS,
Southfield, MI, March 29, 1995.

Hon. DAN COATS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COATS: I urge the Senate Labor and Human Resources Committee to adopt the amendment you offered to S. 555, Health Professional Education Consolidation and Reauthorization. This amendment would neither limit abortion services currently available in this country, nor would it prevent physicians from seeking the training they might choose in order to perform abortions. This amendment would not interfere with a woman's legal right to choose an abortion. This amendment is about the right of institutions to refuse participation or cooperation in procedures which directly violate their ethical codes.

The reason that our organization, Providence Hospital and Medical Centers, supports this is because:

As a Catholic institution, we hold that direct 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 classifies the direct killing of innocent human life to be among the gravest forms of evil, cooperating 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 programs in Catholic hospitals, about a third of all OB/GYN residency programs in the United States. We cannot afford losing these programs. Trying to coerce health care facilities who are morally opposed to direct abortions into cooperating with the new ACGME guidelines will not resolve the issue of the dwindling number of physicians being willing to perform abortions in the United States. It will only exacerbate the situation.

How would mandating abortion training enhance the provision of primary and preventative health care for women? Primary health care involves the prevention of a pathology. 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—Mission/Ethics Services.

CHRISTIAN MEDICAL & DENTAL SOCIETY,
Richardson, TX, February 15, 1995.

CHRISTIAN DOCTORS PROTEST ABORTION
TRAINING MANDATE

DALLAS, TX.—The Christian Medical & Dental Society (CMDS) announced today that it is protesting a medical council's decision to mandate abortion training as politically induced, personally coercive and professionally unnecessary. The Council 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, the vast majority of whom oppose abortion on demand.'' He cited the results of an independent nationwide poll of obstetricians, conducted in 1994 by the PPS Medical Marketing Group in Fairfield, New Jersey, that revealed that over 59 percent of obstetricians disagreed with the statement that ''every OB/GYN residency training program should be mandated to include elective abortion training.''

Stevens says the Council's decision ''is apparently induced by political pressure from pro-abortion groups who want to force their belief system on a medical community that has largely rejected abortion.'' Stevens said that ''pro-abortion leaders are worried that few doctors are willing to perform abortions, based on personal convictions as well as the sheer repugnancy of the act itself.''

Stevens said that despite the Council's technical allowances for moral or religious objections, the practical effect of the Council's ruling will be to pressure every resident and teaching hospital into performing abortions.

''Throwing in a little verbiage about 'moral or religious objections' does little to remove 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 administrators,'' Stevens noted.

''In everyday practice, when one resident attempts to opt out of the procedure, he or she can face intense pressure from colleagues who would be forced to take up the slack by performing more abortions,'' Stevens asserted. ''The mandate will also effectively discourage those opposed to abortion on demand 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 involving 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 inadequately prepared for professional practice? Of course not! There is absolutely no practical 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 evidenced by the fact that roughly a third of all residency programs in the U.S. do not even offer it.''

To receive a free booklet on bioethical issues or for more information on the Christian Medical & Dental Society, contact CMDS at P.O. Box 830689, 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 and 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 section 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 for abortion training. The only obligations on programs that do not provide the training are to inform 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 an accredited institution.

This amendment creates a loophole by allowing entities to not meet educational and training standards for ob-gyns set 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 prevents States from requiring that 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 standards, which were unanimously approved by the sponsoring medical organizations, reflect the input of physicians, medical specialists, hospital administrators, clinicians, researchers, and educators who bring 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

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 woman used her 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 embryo 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 such as 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.

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.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I think it is always important that, when we are discussing 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 U.S. Congress 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 vote against this amendment. 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 say, 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 organizations 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 Specialties 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 Obstetricians 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 would like to quote 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 great sensitivity 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, also, 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 for 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 7,400 in America.

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 to ensure 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 amendment.

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 will 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 someone 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 says to us that an 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 7½ 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 speak immediately following the hour of 12:40, and that we extend the time.

The PRESIDING OFFICER. That will require postponing the recess.

Mrs. BOXER. That is correct, until 12:55, so the Senator can have his 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I say to my friend that we may not use all this time. I think it is important that when we stand on the floor of the Senate and talk about a compromise, we understand what we are compromising. A compromise was made on this issue previously. Institutions and ob-gyn residents already have a very generous and appropriate clause for a religious or moral objection. So not only individual doctors and residents in medical school, but also we, the institutions themselves, may exercise a conscious clause exemption.

So now to take that compromise and say we need to compromise because the House has some terrible language—Mr. President, I came here to fight for the issues that I think are right. I came here to fight for a woman's right to choose. I believe that there are some things you can compromise, and I was very pleased to support a religious conscience clause.

But if you take it further, theoretically, under the Coats amendment, every single medical school in this country could say that they were no longer going to teach residents how to perform surgical abortions, and they would still get their Federal funds.

Now, you can stand up here and read off everybody who belongs to the American College of Obstetricians and Gynecologists. The fact is that they prefer current policy. Yes, they are willing to go with the Coats amendment as a lesser of two evils, but why are we not fighting this, straightforwardly fighting this, and saying this is nonsense—saying it is nonsense that institutions who have no religious problem would still be able to not teach surgical abortion and get Federal funds?

On the issue of Washington, DC, they would be the only one of 19,000 cities to be told by the Federal Government what they can or cannot do with their local funds.

Mr. President, I see that the Senator from New Jersey has just come on the floor. We have precious few moments remaining. I would be very pleased if he is ready to yield to him the time I have remaining, if I might inquire how much that would be.

The PRESIDING OFFICER. There are 4 minutes 52 seconds of Senator MURRAY's time remaining.

Mrs. BOXER. I ask the Senator from New Jersey if he would like my remaining time?

Mr. LAUTENBERG. I would appreciate having some time from the distinguished Senator from California.

Mrs. BOXER. I yield the Senator from New Jersey the remainder of my time.

Mr. MCCAIN. Will the Senator allow me 30 seconds to make a request to modify my pending amendment?

Mr. LAUTENBERG. I am happy to do it, and I ask unanimous consent that it does not come off the remaining time.

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

AMENDMENT NO. 3521, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment No. 3521.

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

The amendment (No. 3521), as modified, is as follows:

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.

AMENDMENT NO. 3513, AS MODIFIED

Mr. LAUTENBERG. Mr. President, the one thing that mystifies me about some of the actions that we take here is, why is it that a few want to control the thoughts for so many? It 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 funding issue, and to intrude on people's private lives.

To suggest that the way to deal appropriately with the sparseness of funds is to take away people's right to learn as part of a medical education, and that they might lose their Federal funding—not might, 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, who may be distressed by 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. Is that not ridiculous that we would object to having someone learn 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, I hope, Mr. President, that both bodies will reject this. I hope the Senate will decline 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 we will reject 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 a compromise. Let us not 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 allow Federal funds to go 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 naming groups.

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 ob-gyn programs, and the medical association is made up of the profession of physicians. That is who supports this amendment. They say it is acceptable. They saw what I saw. 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 ob-gyn 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 let funding go 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 the fact that 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 establishing, or 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 nor 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.

AMENDMENT NO. 3525

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. 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 and 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 to address this scam.

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 of gold in this country was $300 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-percent 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.'' Today gold is $400 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 process of doing it, and we will not get one thin dime out of it.

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 Babbitt was required by law to give Barrick Resources 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 Senators who own land with gold or silver or 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 the United States got for that $1 billion? Why, they got a whopping $700—enough to take your family out to dinner about 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—who 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 are going to be required—we have not done it yet, but under the law, because 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 platinum and palladium. 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 Murkowski bill, they had the decency to say, ''We will give you a 3-percent net smelter return for all the copper we mine.'' That is still less than private property owners charge, but it is at least reasonable. If the taxpayers of this country were getting a severance tax or a net smelter return royalty over the next 7-year 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 not swimmable 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 Main Street America—you 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 of the streams and lakes not being fishable and swimmable from the point that 65 percent of them are? No. Nobody wants to turn the clock back on the environment.

The air we breathe, the water we drink goes to the very heart of our existence, and we are cutting the Environmental Protection Agency's budget. Too much regulation, they say. That may be true. Cut the regulations back, but do not cut back the quality of water and air.

Here is an opportunity to find an awful lot of money that we have been giving away since 1872, originally to encourage people to move west. You think about the rationale for the 1872 law—to encourage 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m..

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3533

Mr. KERRY. Mr. President, I will vote to support the Bond amendment to the underlying Lautenberg-Kerry amendment only because it provides some additional funding for environmental programs that are critical to improving the health and safety of all Americans and because it is the most that Democratic negotiators could wrest from the Republicans for these purposes. Regrettably, this Bond-Mikulski compromise eliminates any opportunity to pass the Lautenberg-Kerry amendment which contains almost double the funding for environmental protection, including water infrastructure funding for the State revolving loan fund and additional funds to cleanup of Boston Harbor.

However, I hope that the overwhelming support for the Bond-Mikulski compromise amendment will demonstrate to the House conferees that the vast majority of Senators want to support increased funding for critical

environmental protection. I plan to work with the White House and the Senate and House conferees 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 Environmental 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 Lautenberg-Kerry 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 cleaning up Boston Harbor—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 cops on the street.

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 it and other agencies operate have been subjected to far more than their fair share of cuts in 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 their friends who own 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. What 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 ensure a clean, healthy environment to all 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. 3533.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—81

Abraham	Dorgan	Lieberman
Akaka	Exon	Lugar
Baucus	Feingold	Mack
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murray
Bradley	Graham	Nunn
Breaux	Grassley	Pell
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burns	Hatfield	Reid
Byrd	Heflin	Robb
Campbell	Hollings	Rockefeller
Chafee	Inouye	Roth
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thompson
Dodd	Lautenberg	Warner
Dole	Leahy	Wellstone
Domenici	Levin	Wyden

NAYS—19

Ashcroft	Helms	Nickles
Brown	Hutchison	Santorum
Coats	Inhofe	Smith
Faircloth	Kyl	Thomas
Gramm	Lott	Thurmond
Grams	McCain	
Gregg	Murkowski	

So the amendment (No. 3533) was agreed to.

Mr. BOND. 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.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, there will be a number of votes. I ask unanimous

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 distinguished majority leader, are we going to have a minute or so between each vote so an explanation can be made for the RECORD, at least, of 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. 3508

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, on the Boxer amendment No. 3508.

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, violates 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 for, essentially, an unrestricted right to 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 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 still not allow Federal 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.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (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	Feinstein	Moseley-Braun
Baucus	Glenn	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Nunn
Boxer	Hollings	Pell
Bradley	Inouye	Pryor
Bryan	Kennedy	Robb
Bumpers	Kerrey	Rockefeller
Byrd	Kerry	Roth
Campbell	Kohl	Sarbanes
Chafee	Lautenberg	Simon
Cohen	Leahy	Snowe
Daschle	Levin	Specter
Dodd	Lieberman	Wellstone
Feingold	Mikulski	Wyden

NAYS—55

Abraham	Ford	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Hatfield	Santorum
Conrad	Heflin	Shelby
Coverdell	Helms	Simpson
Craig	Hutchison	Smith
D'Amato	Inhofe	Stevens
DeWine	Jeffords	Thomas
Dole	Johnston	Thompson
Domenici	Kassebaum	Thurmond
Dorgan	Kempthorne	Warner
Exon	Kyl	
Faircloth	Lott	

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, 3531, 3484, AND 3488 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 Senate will be in order.

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 rollcall. And 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. 3496

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 Jonathan 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 May, 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 Jonathan 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. 3496 WITHDRAWN

Mr. GORTON. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the Gorton Amendment No. 3496.

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, as I understand the Senator from Illinois, his amendment has been cleared on both sides.

Mr. SIMON. My amendment has been agreed to by the managers on both sides.

Mr. DOLE. I was just informed maybe it had not been cleared on this side.

Mr. SIMON. I ask unanimous consent, Mr. President, that it be temporarily set aside.

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

Under a prior unanimous-consent agreement, the Senator from Indiana is recognized for 1 minute.

AMENDMENT NO. 3513, AS MODIFIED

Mr. COATS. Mr. President, the amendment on which we are about to vote prevents the Government from discriminating against 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:

[Rollcall Vote No. 39 Leg.]

YEAS—63

Abraham	Faircloth	Lott
Ashcroft	Ford	Lugar
Bennett	Frist	Mack
Biden	Gorton	McCain
Bond	Graham	McConnell
Breaux	Gramm	Moynihan
Brown	Grams	Murkowski
Bryan	Grassley	Nickles
Burns	Gregg	Nunn
Campbell	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Heflin	Santorum
Cohen	Helms	Shelby
Conrad	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Dorgan	Leahy	Warner

NAYS—37

Akaka	Glenn	Murray
Baucus	Harkin	Pell
Bingaman	Hollings	Pryor
Boxer	Inouye	Reid
Bradley	Kennedy	Robb
Bumpers	Kerrey	Rockefeller
Byrd	Kerry	Sarbanes
Chafee	Kohl	Simon
Daschle	Lautenberg	Specter
Dodd	Levin	Wellstone
Exon	Lieberman	Wyden
Feingold	Mikulski	
Feinstein	Moseley-Braun	

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 on 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, this is the amendment we temporarily set aside. I have modified it in line with the request of the managers. It is now acceptable on both sides, and I offer the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3511, as modified, to amendment No. 3466.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

On page 582, line 14, strike ''$1,257,134,000'' and insert ''$1,257,888,000''.

On page 582, line 16, before the semicolon insert the following: '', and of which $5,100,000 shall be available to carry out title VI of the National Literacy Act of 1991''.

On page 582, line 16, strike ''$1,254,215,000'' and insert ''$1,254,969,000''.

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a) Section 428(n) of the Higher Education Act of 1965 (20 U.S.C. 1078(n)) is amended by adding at the end the following new paragraph:

''(5) APPLICABILITY TO PART D LOANS.—The provisions of this subsection shall apply to institutions of higher education participating in direct lending under part D with respect to loans made under such part, and for the purposes of this paragraph, paragraph (4) shall be applied by inserting 'or part D' after 'this part'.''.

(b) The amendment made by subsection (a) shall take effect on July 1, 1996.

On page 592, line 7, strike ''$196,270,000'' and insert ''$201,294,000''.

On page 592, line 7, before the period insert the following: '', of which $5,024,000 shall be available to carry out section 109 of the Domestic Volunteer Service Act of 1973''.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

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

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

The question is on agreeing to the amendment No. 3511, as modified.

The amendment (No. 3511), as modified, was agreed to.

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.

The motion to lay on the table was agreed to.

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.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, this bill started with a $4.8 billion contingency fund which represented our 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 us take this contingency appropriation out. If we have an agreement with the President, let us negotiate 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. 3519. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 67, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—33

Abraham	Gramm	Mack
Ashcroft	Grams	McCain
Brown	Grassley	McConnell
Burns	Gregg	Murkowski
Coats	Helms	Nickles
Coverdell	Hutchison	Pressler
Craig	Inhofe	Roth
DeWine	Kempthorne	
Faircloth	Kyl	
Frist	Lott	
Santorum	Thomas	Thurmond
Smith	Thompson	Warner

NAYS—67

Akaka	Exon	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murray
Boxer	Graham	Nunn
Bradley	Harkin	Pell
Breaux	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Robb
Byrd	Hollings	Rockefeller
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Shelby
Cochran	Johnston	Simon
Cohen	Kassebaum	Simpson
Conrad	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
Dodd	Kohl	Wellstone
Dole	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

So the amendment (No. 3519) was rejected.

AMENDMENT NO. 3520

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3520.

The yeas and nays have not been requested.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I proposed 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 going into the conference committee on the energy assistance program, which the House has attempted to eliminate. It urges the President to release emergency energy assistance money, which he already has under the LIHEAP program.

This is a sense-of-the-Senate amendment. It is extremely important, not just for cold-weather States, but also for some of the Southern States that have experienced cold weather this winter.

I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join with my colleague, Senator SANTORUM, and 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.

This amendment will be of substantial assistance in conference as we attempt to provide advanced funding for LIHEAP for next year. It is critical because of the way the appropriations process has worked when we have had continuing resolutions. Under the continuing resolutions, if there is not advanced funding for the program, we will not have the funds available and the States and local governments will not be able to do their planning. So I think this is a very important amendment.

Mr. KERRY. Mr. President, my Republican colleagues will come to this floor and vote for millions of dollars in corporate welfare, and then vote against providing $168 to assist a 73-year-old widow in New Bedford to pay her heating bill.

They'll vote to fund the Defense Department at a level above what the Defense Department has requested, and they'll turn around and vote against 143,000 families in Massachusetts.

All this sense of the Senate does, Mr. President, is ask the President to release about $300 million in emergency assistance LIHEAP funding to people who need it. It's been a long, cold winter in New England and across this country—a record amount of snow has fallen in my State—and it has been very, very cold. Too many people just can't pay their heating bills. We simply should do the right thing and release this money.

This year, those in Massachusetts who need help paying their heating bills are going to receive about $20 million less than they did last year. The release of emergency funds still won't bring us close to what was received last year, but it will help hard-working families struggling to make ends meet, seniors who are having the safety net stripped from beneath them in this Congress, and the disabled who deserve our help.

Mr. President, if my Republican colleagues can vote in unison for millions of unnecessary dollars for defense, I would like to hope they could do as much to release a few extra dollars already appropriated to help people financially survive the winter.

Mr. JEFFORDS. Mr. President, I rise today to offer with my colleague from Minnesota, Senator WELLSTONE, an amendment on the Low Income Home Energy Assistance Program [LIHEAP]. The amendment is a sense-of-the-Senate resolution with two parts.

The first calls upon the Senate to hold its position on advance appropriations for LIHEAP in fiscal year 1997 when we go to conference with the House. Advance appropriations allow States to plan properly for next winter and enable their programs to be fully operational by the time the cold weather begins.

The second part calls upon the President to use the LIHEAP emergency funds to meet the energy needs of America's low income citizens. If this bill passes, there will be no additional LIHEAP funds available for the rest of this year. Under existing law, the President has the authority to use emergency funds to help low income families pay their energy bills. He should do so.

I am very pleased that the chairman of the subcommittee was able to include $1 billion in advance appropriations for LIHEAP in this bill. The House bill does not include these funds and we must fight to keep them.

The recent temporary funding bills severely limited the rate at which States could draw down their LIHEAP allocations and caused serious disruptions in States' ability to provide assistance to low income families. If LIHEAP funds had not been appropriated in advance in the fiscal year 1995 Labor-HHS appropriations bill, the President would not have been able to release $578 million in energy assistance in December.

These funds enabled millions of low income households to keep their homes warm during the coldest winter months. Both the Senate fiscal year 1996 Labor-HHS appropriations bill and the administration's budget request for fiscal year 1996 included advance appropriations in fiscal year 1997 for LIHEAP.

Last week I joined with 16 of my colleagues in writing to Chairman HATFIELD asking that he include advance appropriations. I ask that a copy of this letter be included in the RECORD.

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

NORTHEAST MIDWEST SENATE COALITION,
Washington, DC, March 6, 1996.

Hon. MARK HATFIELD,
Senate Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: Before March 15th, the Senate may consider an appropriations bill to provide funds needed through the remainder of FY1996. We are writing to urge you to include at least $1 billion in advance appropriations for the Low Income Home Energy Assistance Program (LIHEAP) for FY1997 in this bill. Advance appropriations allow states to plan properly for next winter and enable their programs to be fully operational by the time the cold weather begins.

The recent temporary funding bills severely limited the rate at which states could draw down their LIHEAP allocations and caused serious disruptions in states' ability to provide assistance to low income families. If LIHEAP funds had not been appropriated in advance in the FY1995 Labor/HHS Appropriations bill, the President would not have been able to release $578 million in energy assistance in December. These funds enabled millions of low income households to keep their homes warm during the coldest winter months. As you know, both the Senate FY1996 Labor/HHS Appropriations bill and the Administration's budget request for FY1996 included advance appropriations in FY1997 for LIHEAP.

We must ensure that state LIHEAP programs can operate effectively next winter. Advance appropriations are essential. We urge you to include at least $1 billion in advance appropriations funding for LIHEAP for FY1997. Thank you.

Sincerely,

James M. Jeffords, Co-Chairman. Daniel Patrick Moynihan, Co-Chairman. Herb Kohl, John Glenn, Olympia Snowe, John F. Kerry, Paul Wellstone, Chuck Grassley,——— ———, Carol Moseley-Braun, Bill Cohen, John H. Chaffee, Chris Dodd, Patrick Leahy, ——— ———, Rick Santorum, Bob Smith.

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 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/HHS subcommittee—the Senator from Pennsylvania and the Senator from Iowa.

While $900 million is not sufficient to meet the energy 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 under the advance appropriations and 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, spring 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 occurred, 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 keeps 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 benefit levels 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 call to 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 the 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 funds have been cut 40 percent from last year and there is no money left. We need to use the emergency funds.

Mr. President, I urge my colleagues to support this amendment. This winter is not 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 calender, 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 cuts to LIHEAP and the failure of the Congress to finalize spending for the year.

Thankfully, President Clinton was able to release emergency funding when extended and severe cold weather spells threatened to result in a crisis situation for thousands of people in my State of Wisconsin and throughout the Nation.

LIHEAP has traditionally received forward funding by the Appropriations Committee so that States will know what to expect and may plan for the next heating season.

Forward funding this year also served to prevent partisan budget

fighting from holding up emergency help. Even though many important programs were held hostage during the Government shut-downs, forward funding allowed the President to release critical heating assistance when it was needed the most.

Despite the President's action, the LIHEAP program was still hit with $400 million in cuts from previous levels, which represented a 25-percent loss this winter.

LIHEAP has continued to receive severe cuts even though home heating represents a disproportionate cost for low income households. Recent reductions in the program has led to steep shortfalls for States and prevented many families from qualifying for assistance.

In Wisconsin, over 126,000 families depend upon the Low Income Home Energy Assistance Program. This year, Wisconsin families have been forced to confront an annual reduction of $100 due to LIHEAP cuts.

Given the funding shortfall this winter and the real prospect that severe weather conditions will likely drag on over the next month, it is important that remaining Federal assistance be allocated to the States. This resolution would call on the President to use his authority to do just that.

Low income families and elderly people struggle year in and year out with bitter cold weather and ever rising heating costs. For these families, the LIHEAP program has provided life-saving help when heating bills or needed furnace repairs become impossible.

We must preserve LIHEAP and allow those who still need help this year to receive emergency assistance. We should also affirm the Senate position and make sure that LIHEAP is prepared to meet energy assistance needs in the future through forward funding.

I urge my colleagues to support this sense-of-the-Senate resolution.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to add Senators DODD, MOYNIHAN, KERRY, and MOSELEY-BRAUN as additional cosponsors.

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

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM], is recognized.

Mr. GRAMM. Mr. President, I do not see anybody rising in opposition. If there is time, and if nobody wishes to speak in opposition to this amendment, I would like to speak in opposition.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. GRAMM. Mr. President, I think we have reached the point of being ridiculous here. We have added $5.6 billion to Government spending right here in this bill. We are now so eager to spend money that we are no longer spending it this year, we are spending it next year. We cannot wait until next year to spend money on a program. We have to do it right now.

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 bill clerk called the roll.

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—77

Abraham	Exon	Lugar
Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Frist	Murray
Bingaman	Glenn	Nunn
Bond	Graham	Pell
Boxer	Grassley	Pressler
Bradley	Gregg	Pryor
Breaux	Harkin	Reid
Bryan	Hatch	Robb
Bumpers	Hatfield	Rockefeller
Burns	Heflin	Roth
Byrd	Hollings	Santorum
Campbell	Hutchison	Sarbanes
Chafee	Inouye	Simon
Coats	Jeffords	Simpson
Cohen	Johnston	Smith
Conrad	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thurmond
Dodd	Lautenberg	Warner
Dole	Leahy	Wellstone
Domenici	Levin	Wyden
Dorgan	Lieberman	

NAYS—23

Ashcroft	Grams	McCain
Brown	Helms	McConnell
Cochran	Inhofe	Murkowski
Coverdell	Kassebaum	Nickles
Craig	Kempthorne	Shelby
Faircloth	Kyl	Thomas
Gorton	Lott	Thompson
Gramm	Mack	

So the amendment (No. 3520) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3524, AS MODIFIED

Mr. MURKOWSKI. I ask unanimous consent to send a modification of amendment No. 3524 to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The amendment (No. 3524), as modified, is as follows:

On page , beginning with line , insert the following:

SEC. . SEAFOOD SAFETY.

(a) Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the ''Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products'' (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that—

(b) The Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainly that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

Mr. BUMPERS. 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 feeding 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 1938. While these authorities for purchase will 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 beyond that 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, was 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. MCCAIN. 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. BREAUX. 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 Mississippi.

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 temporarily lay aside 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. LOTT. 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 vitiated 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 absence of a quorum.

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 move to modify or second degree, whatever. So 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, dispose of 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. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 3526, AS MODIFIED

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to modify my amendment No. 3526. 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. THURMOND. Mr. President, I understand this amendment now has been agreed to by both sides. There is no objection. We tried to work everything out in a satisfactory manner. I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3526, as modified.

The amendment (No. 3526), as modified, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I inquire of the Chair if I am correct on indicating, as I did, that all the amendments that were part of the unanimous consent agreement have been acted upon and disposed of in some manner?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, as I say, I am going to take this time to recite those amendments that are in the managers' package. Then I will ask for a quorum call to give time for people to come to the floor or to indicate an interest in either one of these. They are open to second degree or for striking:

One amendment by Senators CHAFEE and KEMPTHORNE on ESA funding; an amendment by Senator BURNS on a hydroelectric facility in Montana; an amendment by the Finance Committee on reimbursement of certain claims under the Medicaid Program; an amendment by Senator COHEN to repeal the requirement to discharge or retire members of the Armed Services who are HIV positive; an amendment by Senators DORGAN and CONRAD, additional funds for B–52's; an amendment by Senators BENNETT and HATCH, photographic technology; an amendment by Senators BREAUX and JOHNSTON on machine tools; an amendment by Senator BOND earmarking ER highway funds within those appropriated; an amendment by Senator DASCHLE which earmark CDBG funds within those appropriated; two amendments by Senator SANTORUM, two sense-of-the-Senate amendments regarding offsets for title II disaster assistance and language that makes adjustments to discretionary spending to offset disaster assistance; an amendment by Senator GORTON, a Walla Walla, WA, veterans medical center naming; an amendment by Senators DEWINE and MCCONNELL, provides $11.8 million for local governments for the development of criminal justice identification systems, offset from foreign operations Eximbank.

Let me say all of these amendments either have been offset or they do not

have a major impact on the overall bill that we are recommending from the committee. But these are all part of the managers' package. I did not want anyone to be blindsided or have any thought of any right being diminished by the action of the committee.

Excuse me, Mr. President, there is a second page. Amendments, like mushrooms, tend to grow in the night:

An amendment by Senator MCCAIN on allocation of health care resources at VA; an amendment by Senator HATFIELD, Umpqua River basin from existing funds; an amendment by Senator MCCAIN on disaster funds allocated in accordance with established prioritization processes; a technical amendment making section changes; an amendment by Senator MURKOWSKI; Greens Creek, AK.

Mr. President, at the time when we move to act on these packaged amendments, I will also ask unanimous consent that the following statements and colloquies be placed in the RECORD: A statement by Senator HUTCHISON; a statement by Senator DEWINE; a colloquy by Senators STEVENS and CAMPBELL; a colloquy by Senators SPECTER and PELL; a colloquy by Senators SIMON and SPECTER; a colloquy by Senators HOLLINGS, MCCAIN, and SPECTER; a colloquy by Senators MCCONNELL and LEAHY; and a colloquy by Senators HARKIN, JOHNSTON, and SPECTER.

I would also ask further that a statement by Senator MCCAIN be printed in the RECORD at the appropriate place following the Burns amendment adopted herein. That is a lot.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me ask the distinguished Senator if there is not also a Dole amendment on the IRS commission, which he did not list.

Mr. HATFIELD. I am told there is. Typographical error.

Mr. BUMPERS. Would the Senator add that to the unanimous-consent request?

Mr. HATFIELD. I have not asked yet unanimous consent, but we do have that included. That is on the second page.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. Mr. President, I ask unanimous consent to speak as in morning business for just a few minutes.

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

Mr. WELLSTONE. Thank you, Mr. President.

NATIONAL DOMESTIC VIOLENCE HOTLINE

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 TTD 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 C-SPAN, 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.

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.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3553 TO AMENDMENT NO. 3466

Mr. HATFIELD. Mr. President, I send to the desk the managers package, as I have outlined it and explained it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself and Mr. BYRD, proposes an amendment numbered 3553 to Amendment No. 3466.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATFIELD. Mr. President, again, let me call to the Senate's attention—as I have done now in the Republican caucus at lunch, and others in the Democratic Caucus, I think, had similar material—that we have put together, with the clearance of Senator BYRD on the Democratic side of the aisle, a managers package to accommodate those Members who were not present when a unanimous-consent agreement was entered into at 7:45 last Thursday night. The deadline was 8:05. So there were those who were negotiating at that time with other colleagues.

I have recited those amendments and we have indicated very clearly that people's rights to either modify, to change, second degree, or strike were certainly open.

We have waited now close to half an hour for anyone to appear to take advantage of that opportunity.

I ask unanimous consent that the statements that the following statements and colloquies—I am just boxing those together—be placed in the RECORD. As I recited before, there is a statement by Senator HUTCHISON; a statement by Senator DEWINE; a colloquy by Senators HATFIELD and SPECTER; a colloquy by Senators STEVENS and CAMPBELL; a colloquy by Senators SPECTER and PELL; a colloquy by Senators SIMON and SPECTER; a colloquy by Senators HOLLINGS, MCCAIN, and SPECTER; a colloquy by Senators MCCONNELL and LEAHY; a colloquy by HARKIN, JOHNSTON, and SPECTER; a colloquy by Senators SIMON and SPECTER; a colloquy by Senators MCCAIN and BURNS, which I ask be placed in the RECORD in the appropriate place following the Burns amendment that we will have adopted in this package.

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

SEMATECH

Mrs. HUTCHISON. Mr. President, the purpose of my amendment is to restore the funding level for Sematech to the full amount authorized in the 1996 Defense authorization bill.

Mr. President, semiconductor manufacturing leadership is as critical to America's national defense and economic security today as it was in 1987 when Sematech was formed. Sematech has proven to be a model for government-industry cooperation. Unlike so many other programs, Sematech has produced all that it has promised it would and then took the unprecedented step of deciding to decline all future direct Federal funding.

It is indeed ironic that as this program come to an end, our competitors in Japan recently announced they are establishing a consortium modeled after Sematech. They have publicly admitted that the success of Sematech has resulted in America reclaiming world market share leadership in both chips and the equipment used to manufacture them and the Japanese now feel the need for their own Sematech.

We must never surrender our leadership or our resolve to be the technology leader of the world. In this the final year of funding, I believe we have an obligation to provide adequate funding to ensure Sematech is able to complete its mission and finish research

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 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 Commerce, 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 role for the Federal Government than to be funding 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. This is what Congress 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 educational 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 from Colorado 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 amount of $5 million 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 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 important in 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 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 DATABANK

Mr. HOLLINGS. 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 databank.

Mr. SPECTER. I am familiar with the issue and would be glad to discuss it with my friends from South Carolina and Arizona.

Mr. HOLLINGS. 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 databank. 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 the record clear that the Senate 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 databank 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. HOLLINGS. I thank my colleagues and yield the floor

FOREIGN OPERATIONS

Mr. LEAHY. 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 bill, for 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 or military construction funds, the $25 million transfer to the Commerce, Justice, State Subcommittee may occur. However, if any of the Israel 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 Public Law 104–107.

Mr. MCCONNELL. Mr. President, the Senator from Vermont, Senator LEAHY, 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 their efforts.

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 request 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 diagnosis. This is a particularly 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. In order that 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 for bringing this component of telemedicine 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 funding.

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, language included in the Senate committee report under the Health Care Financing Administration Research, Demonstrations, and Evaluations account that encourages HCFA to give ''full and fair consideration'' to a proposal 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 integrated 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. The information management system recommended in this report language would serve as a prototype for other health care delivery systems, and offers 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

health-related entitlements while maintaining quality care. I also agree that the information management system referenced in the committee report is precisely the kind of project that HCFA should be exploring to achieve these objectives.

Mr. SIMON. Thank you for your interest in this important project.

FLINT CREEK

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 licensee receives no payment or consideration for the 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 receive no fee revenues whatsoever, 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.

CDBG FUNDS

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 by EPA also 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 EPA funding for such site 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 is one which the HUD CDBG program was 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 which has such purposes under its current authorization, and as such, is a more appropriate means of addressing the legitimate concerns of this community.

THE COMMITTEE FOR MINORITY VETERANS AND THE COMMITTEE ON WOMEN VETERANS

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 travel budget of 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, the Senator 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 the two centers.

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 a annual 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 committee 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.

DEVILS LAKE BASIN

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 stated on 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 National Weather Service forecast on March 1, we anticipate record high lake levels again 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.

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. BOND. 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 colleague 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–52H aircraft 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 conventional precision guided munitions or in support of our nuclear deterrent. The B–52 is our most proven bomber, and as a result of consistent upgrades which are continuing, the B–52 is a thoroughly modern aircraft. Gen. Michael 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 over Russian 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–52's or any strategic systems, with fiscal year 1996 funds.

Recent events in the Taiwan Strait and frequent threatening Iraqi military maneuvers near Kuwait 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 Botton-Up Review [BUR] found that 100 deployable conventional bombers are needed to win one major regional conflict [MRC] before swinging to another MRC. Because of the slow pace of conventional upgrades to the B–1 fleet and the continuing production of the B–52, however, we could only deploy 92 global range bombers if we had to go to war today. Sending dual-capable B–52's 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 currently under development 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 full funding for the B–52 bomber fleet. 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–52's 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 attrition 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 transfer 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 have run my 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–52's. 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 would 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–52's flying is that Russia has not yet ratified the START II Treaty. START II is the arms control treaty that requires both us and the Russians 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 the force of these 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 cut our nuclear arsenal 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 backs 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 bombers 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, in 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 Gen. 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 capable 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 home State run through 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 very well 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. I share 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 program 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 Vermont programs 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, and was confirmed by a formal survey of the Carl T. Hayden VA Medical Center in Phoenix, which was conducted by the Veterans of Foreign Wars [VFW] in April 1994.

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 failed to implement 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 made only minimal changes in funding allocations. The maximum loss to a facility was 1 percent of its past budget and the average gain was also 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 has resorted to rationing health care or eliminating health care to certain veterans in areas of high demand.

The GAO says:

> Because of differences in facility rationing practices, veterans' 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 address 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 at the bottom of 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 (10), Veterans Health Administration, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert F. O'Toole, 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 medical center, 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 those 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 medical center. In discussing their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O'Toole in tears when completing their tour. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the shortage in staffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the station was grossly underfunded. Which 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 has not received a fair distribution of the 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 area was designed to handle 60,000 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 that we feel should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Veterans Medical Center. Currently, the medical center has a FTE of 1530 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 Resource Program Management (RPM) within their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and 158th overall. To reach the average productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is realized that this station will never be permitted to enjoy that level of staffing, it is felt that they, 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 mandatory work load, and the great influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been given Phoenix in addition to their FY 94 budget 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 clinical 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 would 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,
Washington, DC, February 7, 1996.

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 appropriations across a nationwide network of hospitals, clinics, and nursing homes. The challenge is made greater by the shifting demographics of veterans. While nationally the veteran population is declining, veterans have migrated from northeastern and midwestern states to southeastern and southwestern states in the past decade, offsetting veteran deaths in these 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 processes, VA made a considerable investment in implementing a new system, called the Resource Planning and Management (RPM) system, for use initially in fiscal year 1994. VA considers RPM to be a management decision process to use to formulate its budget, allocate most of its resources, and compare facility performance.[1] 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 envisioned that the system would improve VA's management of limited medical care resources, better define future resource requirements, and enable VA to explore opportunities to improve quality and efficiency in its health care system. This vision included improving the equity of its allocations by more closely linking 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 resource allocation system. First, VA is restructuring its organization to establish 22 veterans integrated service networks (VISN) that will replace four 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.[2] 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.[3]

Because of your interest in this issue, you asked us to review the equity of VA's resource allocation system, particularly as it related to the allocations made to the Carl T. Hayden Medical Center in Phoeniz, 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?

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[1] Footnotes at end.

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?

In September 1995, we sent you our preliminary observations.[4] This report presents our final results.

To accomplish our objectives, we first needed to apply a definition of the term ''equity.'' We based our evaluation of the equity of the system's distribution on VA's vision for RPM.[5] We considered the following two elements to be characteristics of an equitable system:

It provides comparable resources for comparable workload.

It provides resources so that veterans within the same priority categories have the same availability of care, to the extent practical, throughout the VA health care system.

We then reviewed VA documents and analyzed RPM system data to determine the degree to which these two elements were present. We discussed potential reasons for any inequities in allocations with VA Headquarters, the Boston Development Center, the RPM Committee, and facility officials in several locations. To assess potential changes to address inequities, we discussed such changes with VA officials and reviewed VA documents on its original plans for RPM and minutes of several RPM committees and work groups. Further details of our scope and methodology are in appendix I. We performed our review between December 1994 and October 1995 in accordance with generally accepted government auditing standards.

RESULTS IN BRIEF

The resource allocation system gives VA the ability to identify potential inequities in resource distribution and to forecast workload changes. Data generated by the system show wide differences in operating costs among facilities that VA considers comparable, even after factors such as locality costs and patient mix differences are considered. VA's data also show some facilities' overall patient workloads increasing by as much as 15 percent between 1993 and 1995, and others' workloads declining by as much as 8 percent. However, in the two budget cycles in which RPM has been in effect, VA used it to make only minimal changes in facilities' funding levels—the maximum loss to any facility was about 1 percent of its past budget and the average gain was also about 1 percent. As such, VA's distribution of resources has remained almost exclusively related to incremental changes to the amount that each facility has received in the past.

To date, VA has chosen not to use the RPM system to help ensure resources are allocated more equitably. VA officials indicated that larger reallocations were not made during the first 2 years of RPM to allow facilities time to understand the process. VA officials also cited several other reasons that significantly larger reallocations among facilities could not be made. Although VA is taking some actions on these issues, it has not fully addressed concerns that (1) facilities cannot efficiently adjust to large budget changes, (2) VA needs a better understanding of the reasons for the variations, and (3) resources allocated to facilities outside the RPM process should also be considered in judging the equity of distributions. VA's reasons for not using RPM to even out differences in veteran access to care were less clear as there appeared to be confusion within VA about whether the resource allocation system was intended to achieve this goal.

FOOTNOTES

[1] VA in 1995 operated 172 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.

[2] 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. At the time of our review, the system was known as RPM.

[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, the provision would require the Secretary of VA to develop a plan for the allocation of health care resources to ensure that veterans having similar economic status, eligibility priority, and/or similar medical conditions have similar access to care regardless of the region in which the veterans reside. The plan will include, among other things, procedures to identify reasons for variations in operating costs among similar facilities.

[4] See VA's Medical Resource Allocation System (GAO/HEHS–95–252R, Sept. 12, 1995).

[5] This vision was described in the Secretary's statements to the Congress on RPM and in other VA publications.

Mr. GRAHAM. Mr. President, I am here to offer my enthusiastic support as an original cosponsor of Senator MCCAIN's amendment. Mr. President, as a nation, we have always been able to come together in times of crisis—especially in times of war.

Despite our sometimes vehement disagreements, we as citizens of this great country have always been able to put partisanship aside when our young men and women are called to fight for democracy. For this—we can all be very proud. But the strength of a nation is displayed not just during war, but also in its aftermath. When the battles have long since raged, and the memories of welcome home parades have faded, it is at this time when our Nation can proudly display its commitment to those who fought the battles to keep this country free—our Nation's veterans. Mr. President, please take note when I say ''Our Nation's Veterans.'' They are not Florida's veterans or Arizona's veterans or New York's veterans. They are our veterans, and we as a nation have a collective responsibility to honor the commitment we made to them. When Members of this honorable body, including my esteemed colleague from Arizona, volunteered to do battle for America's freedom, no one asked what geographic region they came from. That question would have been so insignificant as to border on the absurd.

Sadly, after our veterans returned home, and it is our turn to honor our commitments to them—where they live matters a great deal. Mr. President, just last month, the General Accounting Office published a rather startling report.

Allow me to highlight a few of the report's findings.

The Department of Veterans Affairs has had a system in place for 3 years, known as RPM—Resource Planning and Management—designed to give veterans better access to health care regardless of where they live. While not perfect, the system as designed would go a long way toward equal treatment for veterans.

However, despite the time, money, and effort put into designing such a system—VA has chosen not to use it. Between 1993 and 1995, some VA facilities' patient workloads have skyrocketed by as much as 15 percent. At other facilities, patient workloads have decreased by 8 percent.

Despite this wide disparity in patient workload change, the VA has used its own resource allocation system to change any given facility's budget by the minuscule total of plus or minus 1 percent.

The decision to pay homage to bricks and mortar rather than to our Nation's veterans has its price—and our Nation's veterans pay it. GAO reports that patient workload increases above historical workload are funded at 17 cents on the dollar—so if a veteran moves from New York to Florida—he will get 83 percent less care solely because he moved. That is not right.

Surely, though, the VA must have compelling reasons for not acting on the RPM system. Surely, there must be terrible consequences should VA decide to forgo the status quo. Again, sadly—no. VA's justifications for inertia are weak—but here they are.

First, VA claims that facility managers will have difficulty in adjusting to the large budgetary changes that would come about should resource allocation become more equitable. Mr. President, isn't adjusting to budget fluctuations what makes for good management, and in this case good government? In a private sector system, the chief executive of the hospital makes budgetary decisions based on forecasting patient workload on an annual basis. Why should we demand any less from the VA? Further, any difficulties VA facility managers have in adjusting to budgetary changes pale in comparison to the difficulties our veterans face as a result of VA's inertia. This seems to me, Mr. President, as a perfect example of the tail wagging the dog.

Second, the second justification for failing to treat veterans equally is that VA doesn't understand why some facilities are able to make do with less funding while others require more resources for the same number of patients. VA reasons that until it understands why some facilities are more efficient than others, the agency won't implement a system that achieves fairness. Mr. President, it is a given that facilities which receive more than their share of resources will use all of these resources and facilities which receive less than their share will struggle and make do as best they can—rationing care along the way. But there are breaking points for even the most efficient facilities. And the consequences for these facilities fall squarely on our Nation's veterans and manifest themselves in concrete ways.

For instance, a veteran who would normally have to wait 2 weeks to see an orthopedic surgeon may have to wait 6 months to see one should he choose to retire to Florida and Arizona. Or, a veteran who used to get free prescription glasses up North is laughed out of the VA facility down South. Because of this disparity, some

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 VA develop a plan for their fair allocation 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 in the end, providing equal care 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. CHAFEE. Mr. President, 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 the U.S. Fish and Wildlife Serivce from $750,001 to $2,000,001. The total amount available for the Fish and Wildlife Service's resource management activities is increased by $1,249,999 to accommodate this addition to the listing account. Senator KEMPTHRONE and I proposed this amendment in order to address concerns raised during debate last week on the Endangered Species Act listing moratorium.

Let us review the bidding.

On March 13, the Senate approved a second-degree amendment offered by Senator HUTCHISON and Senator KEMPTHORNE to Senator REID's underlying amendment to strike the moratorium on final listings under the Endangered Species Act. The Hutchison second-degree amendment imposes a moratorium on final decisions to list species as threatened or endangered and on final decisions to designate critical habitat. However, the Hutchison amendment allows the Fish and Wildlife Service to use funds appropriated under the omnibus bill to issue emergency listings, to propose species for listing, and to review and monitor species on the candidate list.

Mr. President, I oppose Senator HUTCHISON's second-degree amendment because I believe that a moratorium on adding species to the threatened and endangered list is wrong. Thus, I supported Senator REID's amendment to strike the provisions that would impose a moratorium on adding new species to the threatened and endangered lists. Make no mistake about it—I continue to oppose the provision in this bill that would impose a moratorium on final decisions by the Secretary of the Interior or the Secretary of Commerce to list a species or to designate critical habitat under the Endangered Species Act.

During the March 13 debate on the ESA moratorium, it was pointed out that the second-degree amendment offered by Senators HUTCHISON and KEMPTHORNE increased the authority of the Fish and Wildlife Service, as compared to that included in the underlying bill, but provided only $1 in new funding. This would have resulted in a difficult situation for the Fish and Wildlife Service as appropriations for listing activities would have been sorely inadequate to meet the needs and requirements of the law. In other words, it would have been nearly 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 emergency listings and other listing activities that are authorized under the Hutchison amendment.

Mr. President, it was a pleasure to work with Senator KEMPTHORNE and Senator HUTCHISON on this amendment. And, while I oppose 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 to include this provision in the managers' amendment.

HIV-POSITIVE SERVICEMEMBERS

Mr. NUNN. Mr. President, the National Defense Authorization Act for fiscal year 1996, which was signed into law by the President on February 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 procedure would require the Armed Forces to discharge, not later than August 31, 1996, those who are physically capable of performing their military duties and who are, today, providing valuable service to the Nation.

The new mandatory discharge policy rejects the judgment of the Armed Forces that HIV-positive servicemembers should be treated no differently from others whose medical condition renders them nondeployable.

That judgment was made by the Joint Chiefs of Staff during the Reagan administration, and was recently reemphasized by Secretary of Defense, Bill Perry, and JCS Chairman, Gen. John Shalikashvili.

The new policy represents a sharp break with the traditional military practice of considering medical discharge on a case-by-case basis. In my judgment, the new policy is unnecessary, wasteful, unfair, and unwise.

The new policy is unnecessary because HIV-positive personnel represent a tiny fraction of our Armed Forces. Out of the 1.4 million members of the Armed Forces on active duty, only 1,150 are HIV positive. That is less than one-tenth of 1 percent.

Moreover, these HIV-positive servicemembers constitute only one-fifth percent of the 5,000 personnel in the military who are permanently nondeployable for medical reasons.

If we can usefully accommodate some 4,000 individuals who are nondeployable for reasons other than HIV, there is no reason why we should discharge the small additional fraction who are HIV positive.

The policy is wasteful because it will be throwing 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 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 new 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 emphasized 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 conditions 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.

That period provided 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 complied 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, including 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 more striking.

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. There has been no showing, 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. That 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 have to 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 are ample 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 it in court.

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 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 on the authorization bill and I spoke out against it on the floor of the Senate during debate on the conference report.

Today, I support the amendment that would 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 administration—works well. The amendment 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 anyone seriously contend that about 1,000 personnel—less than 0.1 percent of the active force—could have a meaningful impact on readiness?

Assistant Secretary of Defense Fred Pang clearly expressed the Department's position, writing,

As long as these members can perform their required duties, we see no prudent reason to separate and replace them because of their antibody status. However, as with any Service member, if their condition affects their performance of duty, then the Department initiates separation action . . . the proposed provision would not improve military readiness or the personnel policies of the Department.

Lt. Gen. Theodore Stroup, Jr., Army Deputy Chief of Staff for Personnel has echoed these sentiments, writing,

It is my personal opinion that HIV-infected soldiers who are physically fit for duty should be allowed to continue on active duty.

I ask unanimous consent that a column I wrote on this subject for the Los Angeles Times be printed at this point in the RECORD.

[From the Los Angeles Times, Feb. 6, 1996]

CONGRESS MISSES THE ''MAGIC'' SHOW

MILITARY: A BILL OUSTING THE HIV-POSITIVE HAS NOTHING TO DO WITH READINESS; IT'S SIMPLY DISCRIMINATION

(By Barbara Boxer)

Americans cheered last week as Earvin ''Magic'' Johnson triumphantly returned to the Los Angeles Lakers. In just 27 minutes, he scored 19 points and dispelled any remaining doubt about his ability to compete at the highest level.

To their credit, Magic's fans, coaches, teammates and even his NBA opponents welcomed him back with open arms. Imagine how absurd it would be if Congress, just as Magic demonstrated his Hall of Fame talent, passed a law requiring the NBA to fire all basketball players who have the HIV virus.

This past week, Congress did something just that absurd.

A little-noticed provision of the annual military spending bill requires the Pentagon to fire all soldiers, sailors and Marines who test positive for the HIV virus, even if they perform their duties as skillfully as Magic Johnson makes a no-look pass. The military strongly objected to this provision, but Congress did not care. The president has called the new policy unfair, but because it is part of a larger bill that includes urgently needed funding for our troops in Bosnia, he will sign it into law.

Under current policy, military personnel with the HIV virus are permitted to remain in the services as long as they are able to perform their duties. If their health deteriorates, the military initiates separation procedures and provides disability benefits and continued health insurance coverage for them and their dependents. So they can remain near health care providers, military personnel with HIV are placed on ''worldwide nondeployable status,'' which means that they cannot be sent on overseas missions. Soldiers with other serious chronic illnesses, such as severe asthma, cancer and diabetes are also nondeployable. In fact, only about 20 percent of the more than 5,000 nondeployable personnel are infected with HIV.

The congressional authors of the new policy, led by Rep. Robert K. Dornan of Orange County, argue that nondeployable personnel degrade military readiness because they cannot be sent overseas. However, their true motive appears to be less lofty than protecting the readiness of our forces. The new policy irrationally singles out military personnel with HIV. If backers truly believe that nondeployable personnel harmed readiness, why wouldn't they seek to oust soldiers with diabetes and asthma? The only conceivable answer is that readiness is not their real motivation. Their motivation is discrimination, pure and simple.

Can anyone seriously contend that 1,059 HIV-positive soldiers—less than 0.1 percent of the total force—can meaningfully affect readiness? The Pentagon doesn't think so. Its top personnel policy expert, Assistant Defense Secretary Fred Pang, recently wrote that ''as long as these members can perform their required duties, we see no prudent reason to separate and replace them . . . The proposed provision would not improve military readiness or the personnel policies of the department.''

If Magic Johnson can run and leap with the best of them, why can't a military clerk file with the best of them, or a military driver drive with the best of them?

Perhaps the worst aspect of the new policy is its total rejection of the compassion and camaraderie for which the armed forces are rightfully praised. The United States of America does not kick its soldiers when they are down. We have a proud tradition of standing by those courageous enough to dedicate their careers to the defense of our nation. That tradition will end the day this new policy is enacted.

Military personnel discharged under the new policy will lose their jobs even if they exhibit no signs of illness. They will lose their right to disability benefits and their spouses and children will lose their health care coverage. This policy is worse than wrong, it is un-American.

The same day that President Clinton signs the bill that includes this new policy, a bipartisan group of senators will introduce legislation to repeal it. The president and our senior military leaders support repeal. Despite their strong support, the odds are unclear. But I am certain about one thing: Those who vote ''no'' should take a good look in the mirror.

DISASTER-RELATED FUNDS

Mr. MCCAIN. Mr. President, my amendment will require that any disaster-related funds earmarked in this bill for specific projects by Federal agencies will be allocated according to the established, priority-based procedures of those agencies.

This amendment would ensure that funds 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 who may be well-intentioned in their desire to receive funding for a local project. This amendment will simply ensure that taxpayer funding made available under this appropriations bill will be spent according to recognized priorities, as opposed to 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 subjected 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 how we should be spending 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 townships all across America 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 areas. In doing so, the EDA is barraged with hundreds and hundreds more requests for Federal aid than they can possibly fulfill. In fact, Mr. President, the EDA has such a backlog on official funding requests that they stopped accepting 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 losses, natural disaster, and declining local economies. Nationally, the EDA has received over $320 million in community-based funding requests that local officials and residents are anxiously awaiting an answer on.

Clearly, the EDA has an extremely difficult task in deciding which projects to fund. They do so by considering factors such as an areas' per capita income; unemployment rate; the local poverty level; the loss of population in the community; and the general distress level of residents in the area. There will always be more disappointed applicants than there are

winners in a competitive system, but at least the EDA is utilizing a set of economic criteria to ensure that the taxpayer dollars it administers are scrutinized, and flow to the projects which represent truly compelling needs.

Mr. President, we have before us a mammoth new appropriations bill which presents an inviting target for Members to evade this competitive system, and bypass its reasonable guidelines for the expenditure of taxpayer dollars. The earmark added to this bill effectively sweeps aside higher priority requests, and arbitrarily puts one unauthorized project at the head of the line. Instead of a community receiving flood control assistance because it's needs are urgent and meritorious, this one project will prevail over hundreds of others because it secured political support. Well intentioned support, I'm sure, but unfair nonetheless.

As I have said many times on this floor, Mr. President, during one of my many unsuccessful attempts to curb the Congress's seemingly unquenchable thirst for more spending, my criticisms about this specific project is about process. I in no way contend that the Devils Lake Basin flood control program is unnecessary. I fully recognize that the Senators from North Dakota are affirmatively responding to requests for assistance from some of their constituents.

What I do contend is that the Senate should not respond to such requests—requests that all 100 Members of this body receive on a daily basis—in a manner that circumvents a thorough, merit-based process, and substitutes quick-and-easy earmarks in yet another emergency spending bill.

While I am opposed to the Senate again condoning what I feel is an indefensible process, let me state that I have not offered this amendment out of any respect for endless bureaucratic analysis; I offer it because there are dire problems facing our communities and the taxpayers who support them, and it is wrong to subvert their efforts to play by the rules when they are in need of Federal disaster aid.

Again, I don't question the possible benefits of the Devil's Lake Basin project. I do question the wisdom in the Senate boosting it to the head of the line for funding from the Economic Development Administration, when there are 84 other project's among North Dakota's neighboring States that are also anxiously awaiting funding. Unlike Devil's Lake Basin, however, these communities are properly competing for funding from the EDA for their disaster needs.

I have been advised by the EDA, Mr. President, that they did not request funding for the Devil's Lake Basin project, nor have the project's sponsors officially filed a request for funds with the EDA's Denver Regional Office, which allocates funding to North Dakota and nine other Western and Midwestern States. Therefore, dozens of communities in States such as Colorado, Kansas, Missouri, South Dakota, Iowa, Wyoming, and Utah will continue to have their needs go unaddressed by EDA, while $10 million in new moneys they might have competed for will instead be diverted to a single project.

I am not talking about mere pennies, either. The total earmark for the Devils Lake Basin project in this bill is larger than the entire expected budget of the EDA's Denver Regional Office for fiscal year 1996. This one project will receive almost $13 million in Federal aid, while 84 communities in the above 9 States will have to compete with each other for the $11 million that the Denver office is anticipating for this year. Without a doubt, a number of these requests are emergency projects.

Regrettably, many communities who have developed meritorious proposals, and are willing to play by the rules by competing for scarce taxpayer dollars, will never get a dime from the EDA.

Obviously, Mr. President, every Senator in this body is interested in receiving Federal funds for infrastructure and disaster aid for their State. I'm certainly no exception. Arizona has over $6 million in requests pending with the EDA, some of which have been pending for several years. For Arizona to even have a chance at having one project funded, communities in my State must compete with 115 requests from seven other States in Region 7, which includes California, Idaho, Alaska, and Hawaii. These States currently have over $100 million in requests pending at the EDA. Most of these will be rejected due to the intense competition, yet Devils Lake Basin is guaranteed $10 million without having to face any competition.

The $3.8 million earmark for the Devils Lake Basin project in this bill from the Fish and Wildlife Service is similar in the respect that it was not officially requested by the agency, in its submission to the Appropriations Committee for inclusion in this bill. There are other earmarks in the bill, as well.

The amendment I am offering is very simple, and entirely fair to every Member of this body, and every State in our Nation. It simply says that funding provided in this bill to the EDA, the Fish and Wildlife Service, HUD, and other agencies will be awarded according to the established prioritization process of those agencies.

Mr. KENNEDY. Mr. President, I rise to express my deep concern about the title VIII of the pending appropriations bill, the so-called Prison Litigation Reform Act [PLRA].

Its proponents say that the PLRA is merely an attempt to reduce frivolous prisoner litigation over trivial matters. In reality, the PLRA is a far-reaching effort to strip Federal courts of the authority to remedy unconstitutional prison conditions. The PLRA is itself patently unconstitutional, and a dangerous legislative incursion into the work of the judicial branch.

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 was never the subject of a committee 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, Associate Attorney General 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 several of 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 very substantial impediment to the settlement of prison conditions suits—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'';
>
> The proposal to terminate relief two years after issuance is misguided because, in those cases where the problems have not been remedied, the ''Justice Department and other Plaintiffs 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, 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.

In addition, 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 ''potential 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.

Finally, 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 believe the Senate is positioned to consider detailed improvements to the PLRA during debate on this omnibus appropriations bill. But the abbreviated nature of the legislative process should not suggest that the proposal is noncontroversial in Congress.

It is my hope that after the President vetoes this bill, as I expect he will, that the administration seek to negotiate 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,
Washington, DC, February 2, 1996.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MADAM 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, State, and Justice Departments 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 unwisely reduce the power of the federal courts to remedy constitutional and statutory violations in prisons, jails, and juvenile detention facilities.

PLRA was considered 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. Mr. Schmidt noted that provisions limiting the power of federal courts to issue relief in prison conditions cases would ''create a very substantial impediment to the settlement of prison conditions suits—even if all interested parties are fully satisifed 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 Plaintiffs 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, we should aim at the resolution of disputes 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 dated June 21, 1995. The Office found that the ''potential 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.

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 concerns about the Prison Litigation Reform Act, a section of S. 1594. In attempting to curtail frivolous prisoner lawsuits, this legislation goes much too far, and instead may make 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 inhumane 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 virtually 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 threat to the general public, 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 carefully review these provisions and work with Congress to make the necessary changes to remedy the myriad of constitutional and practical problems found in this far-reaching 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

REFORMS RELATING TO PRISONER LITIGATION

The Department also supports improvements of the criminal justice system through the implementation of other reforms. Several pending bills 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 Civil Rights of Institutionalized Persons Act (CRIPA) for state prisoner suits, and adopt other safeguards against abusive prisoner litigation. We have endorsed these reforms in an earlier communication to Congress.[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 specific provisions in the bill. In some instances, we have recommendations for alternative formulations that could realize the bill's objectives 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 Turning Out Prisoners'' (STOP) proposal. The Violent Crime Control and Law Enforcement Act of 1994 enacted 18 U.S.C. 3626, which limits remedies in prison conditions litigation. The STOP proposal would amend this section to impose various additional conditions and restrictions. We support the

[1] Letter of Assistant General Shalla F. Anthony to Honorable Henry J. Hyde concerning H.R. 3, at 17–19 (January 26, 1995).

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 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 title II

As noted above, we support the enactment of this set of provisions.

The Civil Rights of Institutionalized Person Act (42 U.S.C. §1997e) currently authorizes federal courts to suspend §1983 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 provision.

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 state and local jurisdictions to seek certification for their grievance systems.

Section 103(f) of S. 3 strengthens safeguards against and sanctions for false allegations of poverty 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 may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.'' Section 103(f)(1) 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 dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief may be granted or is frivolous or malicious even if partial filing fees have been imposed by the court.''

Section 103(f)(2) of S. 3 adds a new subsection (f) to 28 U.S.C. 1915 which states that an affidavit of indigency by a prisoner shall include a statement of all assets the prisoner possesses. The new subsection further directs the court to make inquiry of the correctional institution in which the prisoner is incarcerated for information available to that institution relating to the extent of the prisoner's assets. This is a reasonable precaution. The new subsection concludes by stating that the court ''shall require full or partial payment of filing fees according to the prisoner's ability to pay.'' We would not understand this language as limiting the court's authority to require payment by the prisoner in installments, up to the full amount of filing fees and other applicable costs, where the prisoner lacks the means to make full payment at once.

B. S. 866

Section 2 in S. 866 amends the *in forma pauperis* statute, 28 U.S.C. 1915, in the following manner: (1) The authority to allow a suit without prepayment of fees—as opposed to costs—in subsection (a) is deleted. (2) A prisoner bringing a suit would have to submit a statement of his prison account balance for the preceding six months. (3) A prisoner would be liable in all cases to pay the full amount of a filing fee. An initial partial fee of 20% of the average monthly deposits to or average monthly balance in the prisoner's account would be required, and thereafter the prisoner would be required 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 initial partial fee. (4) If a judgment against a 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.

In essence, the point of these amendments is to ensure that prisoners will be fully liable for filing fees and costs in all cases, subject to the proviso that prisoners will not be barred from suing because of this liability if they are actually unable to pay. We support this reform in light 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 sponsors 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 dismiss the case at any time if the allegation of poverty is untrue or if the action is frivolous or malicious or fails to state a claim. 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 review as promptly as possible suits by prisoners against governmental entities or their officers or employees, and to dismiss such suits if the complaint fails to state a claim or seeks monetary relief from an immune defendant. This is a desirable provision that could avoid some of the burden on states and local governments of responding to nonmeritorious prisoner suits.

Section 6 provides that a court may order revocation of good time credits for federal prisoners if (1) the court finds that the prisoner filed a malicious or harassing civil claim or testified falsely or otherwise knowingly presented false evidence or information to the court, or (2) the Attorney General determines that one of these circumstances has occurred and recommends revocation of good time credit to the court.

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. Like other prisoner 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 discretionary judicial decisions 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, and (3) on receipt of such a determination, 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.[2]

C. The STOP Provisions

As noted above, we support the basic objective of the STOP proposal, including 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.

It is not necessary that prisons be comfortable or pleasant; the normal distresses and hardships of incarceration are the just consequences of the offenders' own conduct. However, it is necessary to recognize that there is nevertheless a need for effective safeguards against inhuman conditions in prisons and other facilities. 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 guards, preventable rape, deliberate indifference to serious medical needs, and lack of sanitation that jeopardizes health. Prison crowding may also be a contributing element in a constitutional violation. 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, or when crowded conditions lead to a breakdown in security and contribute to violence against inmates, the crowding can be addressed as a contributing cause of a constitutional violation. *See generally Wilson* v. *Seiter,* 501 U.S. 294 (1991); *Rhodes* v. *Chapman,* 452 U.S. 337 (1981).

[2] 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 redress when such violations occur. While Congress may validly enact legislative directions and guidance concerning the nature and extent of prison conditions remedies. It must also take care to ensure that any measures adopted do not deprive prisoners of effective remedies for real constitutional wrongs.

With this much background, I will now turn to the specific provisions of the STOP legislation.

The STOP provisions of S. 400 and title III of H.R. 667—in proposed 18 U.S.C. 3626(a)—provide that prospective relief in prison conditions suits small extend no further than necessary to remove the conditions causing the deprivation of federal rights of individual plaintiffs, that such relief must be narrowly drawn and the least intrusive means of remedying the derivation, and that substantial weight must be given to any adverse impact on public safety or criminal justice system operations in determining intrusiveness. They further provide that relief reducing or limiting prison population is not allowed unless crowding is the primary cause of the deprivation of a federal right and no other relief will remedy that deprivation.

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 violation is found or enactment of the STOP legislation), and that such relief shall be immediately terminated if it was approved or granted in the absence of a judicial finding that prison conditions violated a federal right.

Proposed 18 U.S.C. 3626(c) in the STOP provisions requires prompt 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.

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 the prosecution or custody of persons 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 prohibits the use of masters in prison conditions suits in federal court, except for use of magistrates to make proposed findings concerning complicated factual issues. Proposed 18 U.S.C. 3626(f) in the STOP provisions imposes certain limitations on awards of attorney's fees in prison conditions suits under federal civil rights laws.

Finally, 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 before, on, or after its enactment.

The bills leave unresolved certain interpretive questions. While the revised section contains some references to deprivation of federal rights, several parts of the section are not explicitly limited in this manner, and might be understood as limiting relief based on state law claims in prison conditions suits in state courts. The intent of the proposal, however, is more plausibly limited to setting standards for relief which is based on claimed violations of federal rights or imposed by federal court orders. If so, this point should be made clearly in relation to all parts of the proposal.

A second interpretive question is whether 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 masters—is not, by its terms, limited to federal court proceedings. Hence, most parts of the revision appear to be intended to apply to both federal and state court suits, and would probably be so construed by the courts. To avoid extensive litigation over an issue that goes to the basic scope of the proposal, this question should be clearly resolved 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 fundamental principles. Congress possesses significant authority over the remedies available in the lower federal courts, subject to the limitations of Article III, and can eliminate the jurisdiction of those courts altogether. In the latter circumstance, state courts (and the U.S. Supreme Court on review) would remain available to provide any necessary constitutional remedies excluded from the jurisdiction of the inferior federal courts. Congress also has authority to impose requirements that govern state courts when they exercise concurrent jurisdiction over federal claims, see Fielder v. Casey, 487 U.S. 131, 141 (1988), but if Congress purports to bar both federal and state courts from issuing remedies necessary to redress colorable constitutional violations, such legislation may violate due process. See, e.g., Webster v. Dob, 486 U.S. 592, 603 (1988); Bowen v. Michigan Academy of Family Physicians, 476 U.S. 667, 681 n.12 (1986); Bartlett v. Bowman, 816 F.2d 695, 703–07 (D.C. Cir. 1987). We therefore examine the proposal's various remedial restrictions from that perspective.

Proposed 18 U.S.C. 3626(a)(1) in the proposal goes further than the current statute in ensuring that any relief ordered is narrowly tailored. However, since it permits a court to order the ''relief . . . necessary to remove the conditions that are causing the deprivation of . . . Federal rights,'' this aspect of the proposal appears to be constitutionally unobjectionable, even if it constrains both state and federal courts.

Proposed 18 U.S.C. 3626(a)(2) bars relief that reduces or limits prison population unless crowding is the primary cause of the deprivation of a federal right and no other relief will remedy the deprivation. We strongly support the principle that measures limiting prison population should be the last resort in prison conditions remedies. Remedies must be carefully tailored so as to avoid or keep to an absolute minimum any resulting costs to public safety. Measures that result in the early release of incarcerated criminals, or impair the system's general capacity to provide adequate detention and correctional space, must be avoided when any other feasible means exist for remedying constitutional violations.

Certain features of the formulation of proposed 18 U.S.C. 3626(a)(2) however, raise constitutional concerns. In certain circumstances, prison overcrowding may result in a violation of the Eighth Amendment, see Rhodes v. Chapman, 452 U.S. 337 (1981). Hence, assuming that this provision constrains both state and federal courts, it would be exposed to constitutional challenge as precluding adequate remedy for a constitutional violation in certain circumstances. For example, severe safety hazards or lack of basic sanitation might be the primary cause of unconstitutional conditions in a facility, yet extreme overcrowding might be a substitute and independent, but secondary, cause of such conditions. Thus, this provision could foreclose any relief that reduces or limits prison population through a civil action in such a case, even if no other form of relief would rectify the unconstitutional condition of overcrowding.

This problem might be avoided through an interpretation of the notion of a covered ''civil action'' under the revised section as not including habeas corpus proceedings in state or federal court which are brought to obtain relief from unconstitutional conditions of confinement. See e.g., Preiser v. Rodriguez, 411 U.S. 475, 499 (1973). However, this depends on an uncertain construction of the proposed statute, and the proposal's objectives could be undermined if the extent of remedial authority depended on the form of the action (habeas proceedings vs. regular civil action). Since the relief available in habeas proceedings in this context could be limited to release from custody, reliance on such proceedings as an alternative could carry heavy costs in relation to this proposal's evident objective of limiting the release of prisoners as a remedy for unconstitutional prison conditions.

A more satisfactory and certain resolution of the problem would be to delete the requirement in proposed 18 U.S.C. 3626(a)(2) that crowding must be the primary cause of the deprivation of a federal right. This would avoid potential constitutional infirmity while preserving the requirement that prison caps and the like can only be used where no other remedy would work.

Proposed 18 U.S.C. 3626(b)—which automatically terminates prospective relief after two years, and provides for the immediate termination of prospective relief approved without a judicial finding of violation of a federal right—raises additional constitutional concerns. It is possible that prison conditions held unconstitutional by a court may persist for more than two years after the court has found the violation, and while the court order directing prospective relief is still outstanding. Hence, this provision might be challenged on constitutional grounds as foreclosing adequate judicial relief for a continuing constitutional violation.

However, we believe that this provision is constitutionally sustainable against such a challenge because it would not cut off all alternative forms of judicial relief, even if it applies both to state court and federal court suits. The possibility of construing the statute as not precluding relief through habeas corpus proceedings has been noted above (as has the possibility that habeas may provide only limited relief), More importantly, the section does not appear to foreclose an aggrieved prisoner from instituting a new and separate civil action based on constitutional violations that persisted after the automatic termination of the prior relief.

A more pointed constitutional concern arises from the potential application of the restrictions of proposed 18 U.S.C. 3626(b) to terminate uncompleted prospective relief ordered in judgments that became final prior to the legislation's enactment. The application of these restrictions to such relief raises constitutional concerns under the Supreme Court's recent decision in Plauty, Spendthrift Farm, Inc., 115 S.Ct. 1447 (1995). The Court held in that case that legislation which retroactively interferes with final judgments can constitute an unconstitutional encroachment on judicial authority. It is uncertain whether Plaut's holding applies with full force to the prospective, long-term relief that is involved in prison conditions cases. However, if the decision does fully apply in this context, the application of proposed 18 U.S.C. 3626(b) to orders in pre-enactment final judgments would raise serious constitutional problems.

While we believe that most features of that STOP proposal are constitutionally sustainable, at least in prospective effect, we find two aspects of the legislation to be particularly problematic for policy reasons.

First, the proposal apparently limits prospective relief to cases involving a judicial finding of a violation of a federal right. This could create a very substantial impediment to the settlement of prison conditions suits—even, if all interested parties are fully satisfied with the proposed resolution—because the defendants might effectively have to concede that they have caused or tolerated unconstitutional conditions in their facilities in order to secure judicial approval of the settlement. This would result in litigation that no one wants, if the defendants were unwilling to make such a damaging admission, and could require judicial resolution of matters that would otherwise be more promptly resolved by the parties in a mutually agreeable manner.

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 would have the burden 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 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 18 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 minimum of 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. 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—in 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 10 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.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator is recognized.

COMMON SENSE PRODUCT LIABILITY REFORM ACT

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 pulls 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 line up with the special interests—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, modest reform. But 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, the 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 on 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 are worried 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 growth bill.

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 now 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—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—in 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 10 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 new 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, because 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 sit down and 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 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 this is the most dastardly 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 anecdotal nonsense—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 threatening a veto 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 bankrolling.

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 this story will strike you, but 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. We were looking at her, and 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 sitting right here close to me said, 'Don't bother with the cup. 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 brought up, namely, 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 must 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. I find it 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 cumulation 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 product liability reform 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 every Congress we have worked on this particular piece of legislation.

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 2 votes short of the 60 needed. 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.

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.

To their credit, the sponsors 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 committee took up the bill in 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 the views of some of his advisors and the strong support of many Democrats, the President has decided to veto this bill.

Frankly, I believe this bill has seen more roadblocks in the last decade than practically any other bill we have seen. I venture to guess that product liability has been subject to more cloture votes than any other bill: two in 1986, 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.

THE VETO THREAT

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, has 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 is an ''unwarranted intrusion on 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 ''increas[ing] the incentive to engage 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. They are merely there for cover, to allow a veto to proceed. That is a shame. I am inclined to agree with my friend from West Virginia, who has worked so long on this bill, when he says with regret that ''special interest and obvious, raw political considerations in the White House are overriding sound and reasonable policy judgment.''

THE 1996 PRODUCT LIABILITY CONFERENCE REPORT

No question about it—this bill is sound and reasonable policy. 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 they engaged 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 an 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 are fair, providing 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 noneconomic losses; punitives are meant to deter and punish. Under the bill, punitives may be awarded if a ''clear and convincing evidence'' standard proving ''conscious, flagrant indifference to the right of safety of others'' is met. The amount awarded may not exceed two times the amount awarded for compensatory loss, or $250,000—whichever 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 inproportion 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 certainly 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, GORTON, 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 constituencies aligned against this 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 3554.

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. 3523

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. 3523 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 taxicab 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 not be complying 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 and Karla Swenson, for attorneys fees and expenses they encountered when their adoption of a Lakota Sioux Indian child ran afoul of the requirements of the Indian Child Welfare Act.

First, let me say, I understand the difficulty the Swenson family had with that case, and I understand why Senator CRAIG wants to try to help them. But I oppose this kind of earmark of funds for the private relief of certain individuals because it bestows Federal funds without any legislative record, without any reliable accounting of costs, and without any reasonable factual inquiry.

My colleagues should note that the Idaho State courts twice refused to award the Swensons their attorneys fees and expenses in this case. In their sworn affidavit filed with the court seeking fees and expenses, the Swenson attorneys sought $103,000, not the $250,000 provided by Amendment No. 3494. The $103,000 figure was based on an hourly rate of $150. Even the $103,000 figure is a mystery, as it is based on an hourly rate that is nearly double the hourly rate these same lawyers sought from the court 2 years earlier in the same case.

I don't know the Idaho courts' reasons for denying these attorneys' claims for fees and expenses, but I know the U.S. Senate has absolutely no reasons on the record for awarding $250,000 in fees and expenses to these attorneys. We don't know what they did. We don't know what is a reasonable hourly fee. And we don't know how much the lawyers have already received in payment.

News accounts report that a local group raised, through a benefit auction, $60,000 to help pay the lawyer fees and expenses. The same accounts report that the lawyers have agreed to reduce their fees to the amounts raised.

Much has also been made of the fact that the Swenson family auctioned off their dairy farm equipment in order to pay back money they borrowed to pay legal expenses. But it appears that passion may have exaggerated some of the story told about this case. Rather than being forced to sell their family farm, the Swenson family held a public auction earlier this month to sell off farm equipment and animals they had used in their dairy operations. Leeland Swenson continues, with his father, to own and operate their family farm and maintain a substantial cattle and crop operation. The Senate has been told the Swenson family is bankrupt, but there has been no evidence offered that they have filed for bankruptcy.

Now, Mr. President, let me be clear. I respect the motivation behind the effort made by my friend from Idaho, Senator CRAIG, even as I believe it to be a seriously misguided earmark of Federal funds without reliable justification and documentation.

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.

Mr. President, 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

the nature of an appropriations amendment, but it has escaped even the minimal scrutiny the Senate gives to private 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 must ask the Senator from Idaho, Senator CRAIG, why has this matter been leapfrogged in front of all the others? And with neither a committee referral 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 instead would pay up to $250,000 of actual legal fees and expenses related to this case.

If our colleagues on the conference committee do not recede to the House and drop this amendment altogether, Mr. President, 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 actual. I ask unanimous consent 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.

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

[From the Rapid City Journal, Mar. 15, 1996]

SENATE VOTES TO PAY COUPLE'S LEGAL BILLS

WASHINGTON.—The government may pay the legal bills of a couple who lost their farm after a child custody battle with the Oglala Sioux Tribe of South Dakota.

The Senate voted Thursday to take $250,000 from the Legal Services Corp.'s 1996 budget to pay the couple's legal fees and expenses. Legal Services subsidizes the Idaho legal-aid agency that represented the South Dakota tribe in the long court fight.

The Leland Swenson family of Nampa, Idaho, adopted the half-Indian child six years ago, but the tribe sued to gain custody under a law that allows tribes to intervene in adoption cases involving their members. The Idaho Supreme Court ruled against the tribe, and the adoption was made final last month.

The family sold its dairy farm and equipment to pay back family, friends and banks who lent them money during the legal wrangling.

''They bankrupted this family in an attempt to gain custody of this child,'' said Sen. Larry Craig, R-Idaho. ''The family won, the happy ending is here, but the family is bankrupt.''

Attorneys with Idaho Legal Aid Services which represented the tribe, said the couple's legal fees did not exceed $100,000, and half of that was paid from a benefit auction last year. Aides to Craig said the $250,000 figure was based on a request by Nampa's mayor.

''The tribe was eligible for our services. We get special money to handle that kind of case,'' said Ernesto Sanchez, executive director of Idaho Legal Aid. ''We were doing what we thought we were supposed to be doing.''

The Swenson family's compensation was added to a $160 billion bill that would fund government operations through next September. The House does not have a similar provision in its version of the bill.

The custody battle stems from passage of the 1978 Indian Child Welfare Act, which was intended to stop the practice of taking Indian children off reservations. At one time, an estimated one in four Indian children was adopted or living in an institution or foster care.

Adoption advocates complain that tribes are now using the law to seize children with Indian ancestry or connections to a reservation.

Casey Swenson was born in September 1989 to a non-Indian mother and a father who is an Oglala Sioux. Court records said the father refused to acknowledge the child, wouldn't pay support and has taken no part in the court proceedings.

The tribe should have used its own attorneys on the case, Craig said.

''I think this sends a clear message to legal services. Do what the law intended you to do,'' Craig said.

[From the Idaho Press—Tribune, Feb. 23, 1996]

CASEY'S ADOPTION FINAL TODAY

(By Sherry Squires)

NAMPA.—A six-year drama ended today for the Swenson family and the community that supported them.

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., reservation where they live.

But the Idaho Supreme Court ruled in September that Casey would stay with 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 all again in a second. I wouldn't even hesitate.''

The Swensons are parents to Casey and 15-month-old Anna Lee, whom they also adopted.

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 family to adopt two children. But occasionally some families can adopt another.

The Swensons said they'd adopt again if given the chance.

With Casey's ordeal behind them, the Swensons plan to continue to tell their story and work for reform of the Indian Child Welfare Act at the national level.

''We would like to see adoption laws changed so they protect the child and not the birth parents,'' Karla said.

They have tried to settle into the security that Casey will stay with them. The worry still comes and goes. But it never goes away.

''After living with that so long, it becomes a way of life,'' Leland said. ''I don't know how long it will take. We're always going to be looking over our shoulder.''

But Casey has stopped looking over his, his parents said.

They believe that is partly because he was diagnosed with Attention Deficit Disorder two years ago.

The disorder often causes learning and behavioral problems in children. The children are at or above average intelligence levels, but they sometimes suffer from poor memory, a short attention span and hyperactivity.

The Swensons believe the disorder has sheltered Casey. Without it his understanding may have been better, and his fears greater.

He was hesitant to go to court again today.

''He doesn't understand why he has to do this again,'' Karla said. ''I told him he has to adopt us this time.''

The Swensons' personal future is somewhat uncertain.

The family will sell all of their dairy equipment at a March 2 auction. They sold their dairy Thursday.

Leland will help farm 61 acres that his father owns, but he also is looking for full-time work.

They hope the proceeds from the auction will allow them to pay the nearly $100,000 they owe to family, friends and banks who helped them pay legal expenses.

The Swensons' attorney, Carolyn Steele of Boise, accepted what they could pay as full payment for legal fees.

''She has been a very good friend to us,'' Leland said. ''I want people to know there are some good attorneys out there. In our eyes, she's the best. She wasn't in it for the money. She sacrificed a lot to see this to the end.''

and the Swensons said they owe a lot to a community that supported them to the end.

An auction held a year ago also helped them pay legal expenses.

''A lot of the people who came couldn't afford to be there,'' Leland said. ''With all the garbage that goes in this world, there's a lot of wonderful people still out there.''

''Everyone in Nampa was in our boat with us,'' Karla said, ''and probably Caldwell, too.''

The couple said this week they now just want a new start.

''We appreciate that people are concerned,'' Leland said. ''But I want them to know we're going to be OK.''

''We feel like we still have the most important thing of all. That's our precious family. That's all that matters.''

Mrs. BOXER. Mr. President, I will vote against H.R. 3019, the omnibus consolidated rescissions and appropriations bill, because it fails on three counts.

First, it provides too little for critical national priorities, especially education, anticrime efforts, and environmental protection;

Second, it contains dangerous and misguided legislative riders that threaten our Nation's environment and natural resources; and

Third, it undermines a woman's constitutional right to choose.

UNDERFUNDED PRIORITIES

Though some funds for environmental protection were added to the Republican bill by the Bond-Mikulski

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 parks budget—all will 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 1 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 dispatched in local communities across the Nation, and the crime rate in many cities is dropping. 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.

DANGEROUS RIDERS

H.R. 3019 contains many legislative riders that President Clinton has vetoed in the past because they threaten the environment and our Nation's precious natural resources.

These provisions would: Block new drinking water standards; prohibit the EPA from enforcing a rule on reformulated gasoline; boost logging levels in the Tongass National Forest; prohibit the listing of new endangered species; undermine wetland protection; prohibit the issuance of new energy efficiency standards; limit the listing of new Superfund sites, and prohibit the Park Service from fully implementing the California Desert Protection Act regarding the Mojave Preserve.

The bill also urges the EPA to consider relaxing toxic air standards for certain industries, exempt some industries from requirements for risk management plans, including measures to prevent accidental chemical releases, and urges EPA not to expand the Toxic Release Inventory, one of the Nation's most successful nonregulatory public disclosure initiatives ensuring community right-to-know about toxic chemicals that are being released into the environment.

LIMITS RIGHT TO CHOOSE

The bill continues the ban on the use of the District of Columbia's locally raised funds to pay for abortions. There are over 3,000 counties and 19,000 cities in the United States, but only the District of Columbia is forced to submit to such a cruel and arbitrary restriction.

The bill also allows ob-gyn residency programs that lose their accreditation because of failure to provide abortion training to continue to receive Federal funds as if they were accredited. This is a terrible setback for women's health. This amendment invites protesters to target hospitals and pressure them to stop training doctors in procedures that may be vitally needed to preserve the health of female patients.

Mrs. MURRAY. Mr. President, I rise today to announce my support for the Senate version of H.R. 3019. I do not make this decision 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 Department of Education, and over $700 million for EPA. 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 funding 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 short, Mr. President, 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 report does not substantially reflect the Senate numbers on education, it will be very difficult for me to support it.

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 delay in finishing what should 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 politicking. 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. I now ask my colleagues 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.

FLOOD DAMAGE TO INFRASTRUCTURE

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 out bridges. I watched entire communities having 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 complete surveys 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.

ENVIRONMENTAL DAMAGE AS A RESULT OF THE FLOODS

It will be some time before we know the full impact from the disaster. Although we all rightfully focus on the human impacts of acts of nature, there is another impact which deserves our attention. The environmental impact of the flood should not be neglected.

In our region, we have spent considerable sums to preserve anadromous fish, protect wildlife and conserve the environment. The natural resources of the Pacific Northwest are our heritage and legacy to future generations. If

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 opportunity to discern 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 in funding 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, I strongly urge the Fish and Wildlife Service to fund 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, Wyoming, 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 mountain 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, whose lives 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 the West. 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. The Murray 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 589,000 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 adamant that our Federal forests not be ''preserves'', but ''reserves'' managed for the best good of the public. He specifically viewed 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, match sticks covering the hillsides, 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 provision 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 environmental policy goals 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 field hearings as well as hearings here in the Nation's Capital to look at the current Endangered 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 Endangered Species Act is reformed to accomplish 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 victims 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 Fisheries and Wildlife, who has not only acknowledged the need to work together 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 promise of the act. But others need to 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 the best way to encourage everyone to stay at the table.

Perhaps the administration agrees. The moratorium was not in force during certain periods between continuing resolutions during 1995. The Secretary announced that he was 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. If there is an emergency 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.

THE CLEAN WATER ACT 404(C) RIDER

Mr. CHAFEE. Mr. President, I would like to make a few remarks about 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 rider that bars 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 ''duplicative 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 require 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 an essential link 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. CHAFEE. 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, these veto 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, DC.

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 achieving 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 not justified.

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 waters while effectively guarding 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 actions are being 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 not being used in a threatening way, but constructively and with considerable discretion. Repeal of

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. We cannot support this result.

The organizations which, with you, signed the letter to the President represent an important cross section of the nation, and we appreciate your vital 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 blackmail 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 agencies 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 will help ensure that our 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 Presidential veto. This is unfair to our 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 unheard. 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 almost half over. 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 domestic 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 suggest to the American people that by cutting discretionary spending we will achieve budgetary integrity is to perpetuate a fraud.

The budget proposed by the majority party calls for $349 billion in savings from discretionary spending, but 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.

How we bring back 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 appropriations 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. There is certainly no 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 the 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, we could 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.

But, 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.

To cite 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 could be spent on everything 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

The PRESIDING OFFICER. The question now is on agreeing to the substitute amendment, as amended.

The amendment (No. 3466), as amended, was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the substitute was adopted. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that following the passage of H.R. 3019, the Senate proceed to vote passage of the small business regulation bill.

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

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—79

Abraham	Exon	McConnell
Akaka	Feinstein	Mikulski
Baucus	Ford	Moynihan
Bennett	Frist	Murkowski
Bingaman	Glenn	Murray
Bond	Gorton	Nunn
Bradley	Graham	Pell
Breaux	Gregg	Pressler
Bryan	Harkin	Pryor
Bumpers	Hatch	Reid
Burns	Hatfield	Robb
Byrd	Heflin	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnston	Shelby
Cohen	Kassebaum	Simon
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kohl	Stevens
Daschle	Leahy	Thompson
DeWine	Levin	Thurmond
Dodd	Lieberman	Wellstone
Dole	Lott	Wyden
Domenici	Lugar	
Dorgan	Mack	

NAYS—21

Ashcroft	Grams	Lautenberg
Biden	Grassley	McCain
Boxer	Helms	Moseley-Braun
Brown	Hollings	Nickles
Faircloth	Inhofe	Smith
Feingold	Kerry	Thomas
Gramm	Kyl	Warner

So the bill (H.R. 3019), as amended, was passed.

(The text of the bill was not available for printing. It will appear in the RECORD of March 20, 1996.)

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

The Senate will please come to order so the Senator from Oregon may proceed.

Mr. HATFIELD. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ABRAHAM) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, Mr. BURNS, Mr. SHELBY, Mr. JEFFORDS, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KERREY of Nebraska, Mr. KOHL, Mrs. MURRAY, conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I would like to take a very brief moment to acknowledge the input of many people to make this possible. I need not, Mr. President, indicate further this has been a very difficult and intricate package to craft; and this could not have happened without the cooperation of Senator BYRD, the ranking member, and the ranking members of our committee, as well as our own Republican members. I want to commend particularly the leadership that has been so important in getting us to this particular point. I hope that all of you will say your prayers, and include the Appropriations Committee, as it now goes to conference with the House of Representatives.

SMALL BUSINESS REGULATORY FAIRNESS ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 942.

The assistant legislative clerk read as follows:

A bill (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, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BINGAMAN. Mr. President, I intend to support the small business regulatory fairness bill, S. 942, as modified by the managers' amendment.

This bill is a testament to the good work that occurred at the White House Conference on Small Business organized here in Washington last June. This national conference was the final step in a grassroots public discourse about small business needs and concerns that involved more than 21,000 small business people participating in 59 State conferences across the country. Starting with more than 3,000 issue recommendations at the State level, regional groups shaved the list to a set of 293 concerns. And finally, the White House Conference focused on 60 specific recommendations that might substantially improve the environment for the growth and success of small business activity.

I think that the work of the White House Conference has given us a good roadmap of items to debate and discuss which directly impact our Nation's economic health. One of the major concerns of small business owners today is simply complying with Federal regulations, being able to understand the regulations—which are often extraordinarily complex, and not falling subject to arbitrary enforcement and penalties. It is important that our Government be accountable to those it governs and must avoid arbitrary and ad hoc enforcement.

Mr. President, this legislation requires that Federal agencies produce small entity-compliance guides that outline in simple, understandable language what is required from small businesses. This is a commonsense adjustment in which both Federal regulators and small firms win. Furthermore, this act creates five-person regional citizen small business review boards in each of the 10 Government regions covered by the Small Business Administration. This measure gives small business a voice at the table when Federal guidelines are discussed, and this is as it should be.

Also central to this act is the creation of more cooperative and less punitive regulatory environment between agencies and small business that is less threatening and more solution-oriented than we have achieved in the past. And equally important are provisions in this legislation making Federal regulators more accountable for enforcement actions by providing small businesses a meaningful opportunity for redress of excessive or arbitrary enforcement activities.

As our Nation's larger firms continue a process of downsizing, restructuring, and outsourcing, our small business sector will continue to grow rapidly and will continue to be the major jobs generator for the country. It is crucial that the Federal Government do what it can to help small businesses thrive in a regulatory environment that is well defined and user friendly rather than to suffer because of uncertainty and unclear codes.

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. These firms 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 our legislative activities. But 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, the president and 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 have 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 burden on small business, 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 comply with minor 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 power.

The bill requires agencies to publish in plain English a guide to assist small business 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.

Mrs. 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 the. Among other things, this legislation will require agencies to publish materials in plain language to help small businesses comply with regulations.

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 families to keep their businesses 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 economic 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, 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 and improve 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 will provide significant relief to small business. This legislation should get broad bipartisan support in both the Senate and House, and I am sure will soon be signed into law.

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 Reg Flex 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 these 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 implementation process, 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 enemy when they carry out 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, important to ensure that this 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 Fairness Boards, will be subject to 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 Democrats hoped to provide broad, if not unanimous, support for the final bill. Unfortunately, several other 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 would be prepared for the bill. On 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 manager's 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 an 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. There certainly are enough instances where we honestly disagree, 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 agreement to consider one other amendment. 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 most agency regulations 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 tiering the regulation to 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, known as the Reg Flex Act, requires agencies to assess the effects of their proposed rules on small entities. Based on this assessment, agencies either have to conduct a regulatory flexibility analysis describing the impact on small entities, or they must certify that their rule will not have a significant economic impact on a substantial number of small entities.

Despite Congress's best intentions, agencies all too often have refused to comply with the Reg Flex Act. Unfortunately, there is nothing small businesses can do currently to enforce compliance. S. 942 would correct this problem. The bill would enable small businesses to take agencies to court to challenge an agency's determination. This should provide the spur necessary to ensure much greater compliance in the future.

In addition, this bill will require agencies to publish compliance guides for small businesses. In the study commissioned by SBA, 94 percent of small businesses said that it was unclear what they had to do to be in compliance with regulations. By providing easily understood explanations of regulations, agencies will ensure greater compliance. In addition, the bill directs agencies to provide informal guidance to small businesses about what is required of them to be in compliance.

In the case of regulations for which a regulatory flexibility analysis is required, small businesses will now be part of the rulemaking process by providing advice and recommendations to agencies before proposed and final rules are issued. To further help small businesses make their way through complicated regulations, the bill permits Small Business Development Centers and Manufacturing Technology Centers 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 change these provisions so that we would not be rewarding companies with attorneys fees when they violated the law, because, for example, they prevailed on 1 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 meritless 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 express their desire to work with 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 my colleagues 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 this 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 ensuring that 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 tanks 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 statute, the Resource Conservation and Recovery 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 occupies an entire 4 foot by 8 foot bookcase 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 could afford to buy 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 regulations that require a certain amount of organic waste removed during sewage treatment. The water was too clean, so material had to be added just to comply with the requirement to get a minimum amount out. But I am happy to say that today I am no longer using that example. It seems that in response to a lawsuit, EPA announced its intention to lift some of the restrictions on sewage treatment plants such as the one in Anchorage.

EPA states, ''This change would provide the affected municipalities with additional flexibility and, in some cases, cost savings without compromising 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 rulemaking. This in turn will mean that rules will take small business needs into consideration before a rule is enacted. The bill also allows judicial review of regulations for compliance with the 16-year-old Regulatory Flexibility 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 appropriate for small business violations. Recovery of attorney's fees when small business is forced into defensive litigation due to enforcement excesses. Comprehensive regulatory reform will continue to be a high priority for this Senator.

As science and technology continue to change, we must have a Federal Government that can be responsive to such changes. We need to plan for the future, not just for today, and that means a regulatory system that can keep up with improvements.

Four fundamental changes to the regulatory system will have to occur to ensure those improvements in the future. First, we must do a thorough review of existing regulations in place, decide what we need and what we don't, and avoid adding any more we don't need; second, Washington should be required to disclose the expected cost of current and new regulations. The public has a right to know what laws and regulations cost; third, when making regulatory decisions, the Government should use best estimates and realistic assumptions rather than worst case scenarios advanced by extremists; and fourth, new regulations should be based on the most advanced and credible scientific knowledge available.

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 our Committee, as well 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 and desirable, will not turn back the clock in the area of necessary enforcement of worker safety laws and regulations when there are serious violations.

The bill provides judicial review for agency actions under the Regulatory Flexibility Act. And it would require agencies to publish plain-English compliance guides to help small business meet Government rules. I appreciate that the Senate is taking this positive, bipartisan action in the area of regulatory reform policy with a bill that came from the Small Business Committee. It brings badly needed common sense to regulations affecting small businesses.

Mr. President, it is important that we take this step on a key item from the agenda of the White House Conference on Small Business. Minnesota delegates to the White House Conference selected this issue, as expressed in a Conference resolution, to be one of their top priorities.

Mr. STEVENS. Mr. President, I strongly support the Small Business Regulatory Enforcement Fairness Act. Small business is overloaded with unreasonable regulatory requirements and paperwork. We are long overdue in doing something about it.

This legislation will help small business in several major ways. First, it provides judicial review of the Regulatory Flexibility Act to ensure that agencies will consider the impact of regulations on small businesses, small towns, and nonprofit organizations. The Reg-Flex Act has been on the books for 16 years, but agencies have ignored it because it could not be enforced in court. We are putting an end to that.

Second, this legislation helps small business to participate in the federal regulatory process. Third, it provides an opportunity for small businesses to redress arbitrary Government enforcement actions.

In addition, Senator NICKLES is adding a provision that would allow Congress to review new rules under expedited procedures. This can provide redress for both big and small business, governments, and non-profit organizations. If a rule is unreasonable, Congress will have an opportunity to veto it.

Mr. President, small business is critical to the well-being of the country and my home State of Alaska. Over 99 percent of Alaska's businesses are small businesses. They are the largest employers of minorities, women, and youth in Alaska. Alaska boasts a higher percentage of women-owned businesses than any State. Small business creates new jobs, is a crucial source of entrepreneurial innovation, and makes the American dream a reality for countless Americans.

Federal bureaucrats must be more sensitive to the devastating impact that overregulation can have on small business. About 65 percent of Alaska's small businesses employ one to four employees. Many could drown unless we stem the rising tide of federal rules and redtape. I congratulate Senator BOND and my other colleagues who have promoted this important legislation.

SMALL BUSINESS REVIEW PANELS

Mr. GLENN. Let me make sure I understand how the Small Business Review Panels will work. Before the publication of an initial regulatory flexibility analysis for a proposed EPA or OSHA rule, the SBA's Chief Counsel for Advocacy will gather information from individual representatives of small businesses, and other small entities such as small local governments, about the potential impacts of that proposed rule. That information will then be reviewed by a panel composed of members from EPA or OSHA, OIRA, and the Chief Counsel. The panel will then issue a report on those individual's comments, which will become part of the rulemaking record. Then, after the proposed rule is published in the Federal Register and prior to the publication of a final regulatory flexibility analysis, a second review panel will be convened, and again it will review and report on the individual's comments on the proposed rule. Is this correct?

Mr. BOND. Yes; my colleague from Ohio has correctly summarized the review panel process.

Mr. GLENN. Good, now let me ask specifically with regard to the first review panel stage: I trust that it is the managers' intention that the review panel's report and related information be placed in the rulemaking record in a timely fashion so that others interested in the proposed rule may have a reasonable opportunity to review that information and submit their own responses to it before the close of the agency's public comment period for the proposed rule.

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 rules against 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. BOND. 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, the process should be reopened to allow all interested parties to comment on the revised proposal.

Mr. GLENN. I thank the Senator very much. I am glad that we agree on how this process will 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 firmly 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 affecting that change.

I am concerend 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 or honest broker between the small business who is the subject of an inspection or enforcement action and the regulatory apparatus of the agency.

This was a recommendation of the Administrative Conference of the United States back in 1990, and I think it makes a lot of sense. I believe that much of the dissatisfaction of the regulated public with regulations is not only with the content of some of our regulations but also with the way in which they are enforced. Agencies often view a small business as a violator to be caught instead of as a company to be helped into compliance. And that's a big difference. The ombudsman would be there to put a friendly place—the spirit of cooperation—on the implementation of regulatory requirements.

I agree that we need to give small businesses a stronger voice in the agencies that regulate them, but we must make sure that agencies are ready and willing to listen. That's why we need to consider placing an ombudsman in each agency and not just rely on a single ombudsman in the Small Business Administration.

Mr. President, I have a number of concerns about placing a lone ombudsman in the Small Business Administration.

First, the ombudsman would be responsible for soliciting comments about and developing ratings of programs and offices in each Federal agency that regulates the small business community. Carrying out this responsibility would require the ombudsman to become familiar with the operations of hundreds of programs in dozens of agencies. That's just not a reasonable expectation.

Second, ombudsmen have traditionally been neutral officials who field complaints and recommend solutions to individual disputes between the Government and the regulated public. The broad jurisdiction of the office proposed in this bill would prohibit the ombudsman from focusing on the day-to-day problems small businesses face in dealing with agency regulators. The EPA Small Business ombudsman fields thousands of such inquiries every year, and that's just for one agency. Rather than investigating and mediating individual disputes himself or herself, the ombudsman would have to refer alleged cases of agency misconduct to the inspector general of the relevant agency.

In other words, the ombudsman wouldn't receive information for the purpose of mediating disputes, solving problems, and fostering collaboration between agencies and regulated parties. Instead the ombudsman would receive information primarily for assessing agency performance. That doesn't help get immediate and specific problems solved.

At the hearing on S. 942 in the Small Business Committee, several representatives of the small business community said that they would prefer to have a single ombudsman in the Small Business Administration rather than an ombudsman in each individual regulatory agency. They argued that agency ombudsmen could be influenced by internal agency politics and that, because of this, small businesses would be susceptible to intimidation by regulators if they came forward with complaints. While I understand the reluctance of small businesses to complain directly to an agency official about inappropriate regulatory practices, I believe that ombudsmen in regulatory agencies can be given sufficient independence from the regulatory structure to act fairly and to assure regulated parties that their inquiries will not be used against them.

One witness, Wendy Lechner from the Printing Industries of America, made a point of praising the work of the Small Business Ombudsman at the Environmental Protection Agency and recommended that such ombudsman programs should be replicated throughout the regulatory agencies. The EPA office is one of approximately half a dozen ombudsman offices operating throughout the Federal Government that address disputes between agencies and the regulated public. By and large, these ombudsmen have improved communications between the agencies and regulated parties, uncovered systemic problems and chronic abuses in the regulatory process, and saved valuable resources through informal dispute resolution that otherwise would have been wasted on the costs of formal legal proceedings.

Mr. President, I do not think the ombudsman provision in S. 942 solves the enforcement problem for small businesses. I will continue to work on legislation that would place an ombudsman in each regulatory agency. I think such an approach would foster collaboration between small businesses and the agencies that regulate them and achieve better results.

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 my ombudsman proposal is developed.

THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996

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 advisory board.

I 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 small businesses firsthand at a Small Business Committee field hearing in Albuquerque.

Mr. President, what we found was that almost all of the small business owners we talked to—who are the people who create almost all of the private sector jobs in my State—told us just

how smothering the explosion in Federal regulations has become.

In particular, those small business owners identified the Occupational Safety and Health Administration [OSHA] and the Environmental Protection Agency [EPA] as the two Federal agencies which promulgate the most unreasonable and burdensome regulations. Mr. President, these small business painted a picture of the Federal bureaucracy at its worst: arrogant, unresponsive, inefficient, and unaccountable.

Further, Mr. President, because a great number of new businesses are being started by women, some of the most vocal critics of EPA's and OSHA's unreasonable regulations are women-owned businesses.

I believe one of the biggest reasons for these bureaucratic problems is that small businesses are just not adequately consulted when regulations affecting them are being proposed and promulgated. I am not alone in this belief. In 1994 five agencies—including the Small Business Administration, EPA, and OSHA—held a small business forum on regulatory reform, and they came up with some conclusions about the problems with the current regulatory process.

Let me quote from the administration's own report summarizing the principal concerns identified at the forum:

Concern: ''The inability of small business owners to comprehend overly complex regulations and those that are overlapping, inconsistent and redundant;''

Concern: ''The need for agency regulatory officials to understand the nuances of the regulated industry and the compliance constraints of small business;''

Concern: ''The perceived existence of an adversarial relationship between small business owners and federal agencies;''

And finally, Mr. President, and I think most important:

Concern: ''The need for more small business involvement in the regulatory development process, particularly during the analytic, risk assessment and preliminary drafting stages.''

Mr. President, this is the agencies' own report on the problems with the regulatory process.

During the floor debate on last year's regulatory reform bill, Chairman BOND and I successfully added an amendment that would have squarely addressed those concerns. That amendment had the support of the National Federation of Independent Business, and was accepted by the Senate. As we all know, however, the broader regulatory bill did pass.

That is why I am so happy to have worked with Chairman BOND to ensure that my small business advocacy panel initiative was included as a section of the bill we are about to vote on today, the Small Business Regulatory Enforcement Fairness Act of 1996. The small business community has no greater champion than my good friend from Missouri, and I am proud to be associated with his outstanding bill.

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 individual representatives 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 the 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. In addition, these 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 struggling 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, 1958, New Yorker Magazine observed, ''Bureaucracy, the rule of no one, has become the modern form of despotism.''

How true, and I'm hopeful 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

Mr. LEVIN. One of the proposals put forward in S. 942 would establish an ombudsman position in the Small Business Administration. The proposal of the Senator from Missouri would provide a way to gather and publicize information about how agencies across the board treat small businesses in the regulatory enforcement process. I have concerns about the language the bill uses to describe the duties and functions of the ombudsman.

Specifically, I would like to ask the Senator from Missouri about title II, section 30(b)(2) (A) and (C). In an earlier version of the bill, these sections, which outline the duties of the ombudsman, stated that the ombudsman shall

work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are [provided with a means to comment on and rate the performance of such personnel],

and,

based on substantiated comments received from small business concerns and the Boards, annually report to Congress and affected agencies [concerning the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices and personnel of each agency].

This language appeared to direct small businesses and the ombudsman to publish employment ratings of specific agency employees who carry out regulatory enforcement actions. While the boards and the ombudsman are specifically directed to report on substantiated actions of agency personnel, I am concerned that this provision would have focused attention inappropriately on public ratings of individuals rather than on rating the performance of the agencies and agency offices. Such an individual rating system could interfere with the employment relationship between agencies and their employees.

The language of the bill before us today is somewhat different from the earlier version. The current version of the bill states that the ombudsman shall

work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site 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],

and

based on substantiated comments received from small business concerns and 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 activities of agency personnel in order to 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 BOND, 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 acts 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, the problem is really that 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 intent of the 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's performance 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 chokes 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. Passage of this bill will send an important message to small business owners across the country that their voice is being heard in Washington, DC.

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, public health, 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 demonstrates our determination to both confront and correct mistakes.

Federal agencies should be as sensitive as possible to the challenges faced by small businesses in America, and I 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 taken to heart 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 unsustainable 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 these 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 the 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. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—100

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Breaux	Harkin	Pell
Brown	Hatch	Pressler
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Coats	Inouye	Sarbanes
Cochran	Jeffords	Shelby
Cohen	Johnston	Simon
Conrad	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Exon	Lieberman	Wyden
Faircloth	Lott	
Feingold	Lugar	

The bill (S. 942) was passed, as follows:

S. 942

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 ''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 and 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 activities.

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 SIMPLIFICATION

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 guides to assist small entities 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, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides.

(b) COMPREHENSIVE SOURCE OF INFORMATION.—Agencies shall cooperate to make available to small entities 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.

SEC. 103. INFORMAL SMALL ENTITY GUIDANCE.

(a) GENERAL.—Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency, it shall be the practice of the agency to answer inquiries by small entities concerning information on and advice about compliance with such statutes and regulations, interpreting and applying the law to specific sets of 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 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) in subparagraph (P), by striking the period at the end and inserting 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 regulatory compliance;

''(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 102(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 business concerns 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 AMENDMENTS OF 1990.

(a) GENERAL.—The Manufacturing Technology Centers and other similar extension centers administered by the National Institute of Standards and Technology of the Department of Commerce shall, as appropriate, provide the assistance regarding regulatory requirements, develop and distribute information and guides and develop the programs to provide confidential onsite assessments and recommendations regarding regulatory compliance to the same extent as provided for in section 104 of this Act with respect to Small Business Development Centers.

(b) SECTION 507 PROGRAMS.—Nothing in this Act in any way limits the authority and operation of the small business stationary source technical and environmental compliance assistance programs established under section 507 of the Clean Air Act Amendments of 1990.

SEC. 106. COOPERATION ON GUIDANCE.

Agencies may, to the extent resources are available and where appropriate, in cooperation with the States, develop guides that fully integrate requirements of both Federal and State regulations where regulations within an agency's area of interest at the Federal and State levels impact small businesses. Where regulations vary among the States, separate guides may be created for separate States in cooperation with State agencies.

TITLE II—REGULATORY ENFORCEMENT REFORMS

SEC. 201. SMALL BUSINESS AND AGRICULTURE ENFORCEMENT OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

''SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

''(a) DEFINITIONS.—For purposes of this section, the term—

''(1) ''Board'' means a Regional Small Business Regulatory Fairness Board established under subsection (c); and

''(2) ''Ombudsman'' means the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under subsection (b).

''(b) SBA ENFORCEMENT OMBUDSMAN.—

''(1) Not later than 180 days after the date of enactment of this section, the Administration shall designate a Small Business and Agriculture Regulatory 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 business concerns 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 business concerns regarding actions by agency employees conducting compliance or enforcement activities with respect to the small business concern, means to refer comments to the Inspector General of the affected agency in the appropriate circumstances, and otherwise seek to maintain the identity of the person and small business concern making such comments on a confidential basis to the same extent as employee identities are protected under section

7 of the Inspector General Act of 1978 (5 U.S.C. App.);

''(C) based on substantiated comments received from small business concerns and 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;

''(D) coordinate and report annually on the activities, findings, and recommendations of the Boards to the 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 not addressed 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) meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies;

''(B) report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and

''(C) prior to publication, provide comment on the annual report of the Ombudsman prepared under subsection (b).

''(3) Each Board shall consist of five members appointed by the Administration, who are owners or operators of small entities, 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.

''(4) Members of the Board shall serve for terms of three years or less.

''(5) The Administration shall select a chair from among the members of the Board who shall serve for not more than 2 years as chair.

''(6) A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(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 as other departments and agencies of the Federal Government.

''(3) The Board may accept donations of services necessary to conduct its business: *Provided*, That the donations and their sources are disclosed by the Board.

''(4) Members of the Board shall serve without compensation: *Provided*, That members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.''.

SEC. 202. RIGHTS OF SMALL ENTITIES IN ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Each agency regulating the activities of small entities shall establish a policy or program within 1 year of enactment of this section to provide for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity. Under appropriate circumstances, an agency may consider ability to pay in determining penalty assessments on small entities.

(b) CONDITIONS AND EXCLUSIONS.—Subject to the requirements or limitations of other statutes, policies or programs established under this section shall contain conditions or exclusions which may include, but shall not be limited to—

(1) requiring the small entity to correct the violation within a reasonable correction period;

(2) limiting the applicability to violations discovered by the small entity through participation in a compliance assistance or audit program operated or supported by the agency or a State;

(3) excluding small entities that have been subject to multiple enforcement actions by the agency;

(4) excluding violations involving willful or criminal conduct;

(5) excluding violations that pose serious health, safety or environmental threats; and

(6) requiring a good faith effort to comply with the law.

(c) REPORTING.—Agencies shall report to Congress no later than 2 years from the effective date on the scope of their program or policy, the number of enforcement actions against small entities that qualified or failed to qualify for the program or policy, and the total amount of penalty reductions and waivers.

TITLE III—EQUAL ACCESS TO JUSTICE ACT AMENDMENTS

SEC. 301. ADMINISTRATIVE PROCEEDINGS.

Section 504 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''$75'' in subparagraph (b)(1) and inserting ''$125''; and

(2) in subsection (a) by adding the following new paragraph:

''(4) In an adversary adjudication brought by an agency, an adjudicative officer of the agency shall award attorney's fees and other expenses to a party or a small entity, as defined in section 601, if the decision of the adjudicative officer is disproportionately less favorable to the agency than an express demand by the agency, unless the party or small entity has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award of attorney's fees unjust. For purposes of this paragraph, an 'express demand' shall not include a recitation by the agency of the maximum statutory penalty (A) in the administrative complaint, or (B) elsewhere when accompanied by an express demand for a lesser amount. Fees and expenses awarded under this paragraph may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31, United States Code.''.

SEC. 302. JUDICIAL PROCEEDINGS.

Section 2412 of title 28, United States Code, is amended—

(1) in paragraph (d), by striking ''$75'' in subparagraph (2)(A) and inserting ''$125''; and

(2) in paragraph (d)(1) by adding the following new subparagraph:

''(D) In a civil action brought by the United States, a court shall award attorney's fees and other expenses to a party or a small entity, as defined in section 601 of title 5, United States Code, if the judgment finally obtained by the United States is disproportionately less favorable to the United States than an express demand by the United States, unless the party or small entity has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award of attorney's fees unjust. For purposes of this subparagraph, an 'express demand' shall not include a recitation of the maximum statutory penalty (i) in the complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount. Fees and expenses awarded under this subparagraph may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31, United States Code.''.

TITLE IV—REGULATORY FLEXIBILITY ACT AMENDMENTS

SEC. 401. REGULATORY FLEXIBILITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603(a) of title 5, United States Code, is amended—

(1) by inserting after ''proposed rule'', the phrase '', or publishes a notice of proposed rulemaking for an interpretive rule involving the internal revenue laws of the United States''; and

(2) by inserting at the end of the subsection, the following new sentence: ''In the case of an interpretive rule involving the internal revenue laws of the United States, this chapter applies to interpretive rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretive rules impose on small entities a collection of information requirements, as defined in the Paperwork Reduction Act of 1995.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended—

(1) in subsection (a) to read as follows:

''(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 succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, record keeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small business was rejected.''; and

(2) in subsection (b), by striking ''at the time'' and all that follows and inserting ''such analysis or a summary thereof.''.

SEC. 402. JUDICIAL REVIEW.

Section 611 of title 5, United States Code, is amended to read as follows:

''§ 611. Judicial review

''(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 such rule for compliance with section 553 of this title or under any other provision of law 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—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the one year period, 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 under this chapter was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the 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 the judicial review of a rule, the regulatory 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) Nothing in this section 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 as follows:

''(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, if promulgated, 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 provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(b) Section 612 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''the committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''.

(2) in subsection (b), by striking ''his views with respect to the'' and inserting in lieu thereof, ''his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to small entities and the''.

SEC. 404. SMALL BUSINESS ADVOCACY REVIEW PANELS.

(a) SMALL BUSINESS OUTREACH AND INTERAGENCY COORDINATION.—Section 609 of title 5, United States Code, is amended—

(1) before ''techniques,'' by inserting ''the reasonable use of'';

(2) in paragraph (4), after ''entities'', by inserting ''including soliciting and receiving comments over computer networks'';

(3) by designating the current text as subsection (a); and

(4) by adding the following new subsection:

''(b) Prior to publication of an initial regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full-time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of the small entity representatives identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the small entity representatives and its findings as to issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c): *Provided*, That such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial regulatory flexibility analysis or the decision on whether an initial regulatory flexibility analysis is required.

''(c) Prior to publication of a final regulatory flexibility analysis that a covered agency is required by this chapter to conduct—

''(1) an agency shall reconvene the review panel established under 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 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 intends to certify under subsection 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities.

''(e) For purposes of this section, 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 Administrator 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. For purposes of this subsection, the factors to be considered in making such a finding are as follows—

''(1) 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 rule and took such concerns into consideration; or in developing a final rule, the extent to which the covered agency took into consideration the comments filed by the individuals identified in paragraph (b)(2);

''(2) special circumstances requiring prompt issuance of the rule; and

''(3) 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 implementing this section 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 a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 503. MORATORIUM 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 and to 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 Congress and the Comptroller General, upon request—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of Public Law 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of Public Law 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(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 such 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, if not for this section (unless a joint resolution of disapproval under section 504 is enacted).

(4) 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).

(5) 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 either House of Congress votes to reject a joint resolution of disapproval under section 504.

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 504.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this title may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 504 or the effect of a joint resolution of disapproval under this section.

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity 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 first 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 review, a rule 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 first 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.

(3) 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).

(e) 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)(1) 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, unless the rule is made of no force or effect under section 504.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 504 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact 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 PROCEDURE.

(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 resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.''. (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A 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) SUBMISSION 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 be discharged from 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.—

(1) 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 resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If 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 is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in 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.

(e) 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; and

(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) at any time, 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. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 503(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under 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 procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) 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 made by 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 such term by section 551 of title 5, United States Code, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

SEC. 507. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 508. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This title shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 509. EXEMPTION FOR MONETARY POLICY.

Nothing in this title shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 510. EXEMPTION FOR HUNTING AND FISHING.

Nothing in this title shall apply to rules that establish, modify, open, close, or conduct a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.

SEC. 511. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and shall apply to any rule that takes effect as a final rule on or after such effective date.

Mr. BOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I would like to express my appreciation to my colleagues for the overwhelming endorsement of this small business regulatory relief measure. Particularly, I want to thank my ranking member, Senator BUMPERS. He and all the members of the committee worked very hard on this bill.

The purpose of the bill is to provide targeted relief to small businesses, small entities such as townships, counties, and cities, and not-for-profit organizations who feel overwhelmed by Government regulation.

This is a measure providing judicial enforcement and therefore, putting teeth into the requirements of the measure that Congress adopted in 1980 saying that regulations affecting small business and small entities must have an analysis to make sure that flexibility for these small entities was included and was a No. 3 priority for small business. At the White House Conference on Small Business held in Washington last year, 2,000 delegates from all across the country said this was the third most important item on their agenda.

We took that message from the small businesses, from small entities, from people who attended our hearings across the country and in Washington, and people who contacted us in our States, and we crafted a measure that had the strongest bipartisan support. Our staffs worked with a wide variety of groups. We had the full support of the President and the Administrator of the Small Business Administration. But lots of people had lots of concerns and lots of little issues that needed to be addressed in this bill. As a result, we made significant numbers of minor changes to make sure that the bill did what it accomplishes.

I believe that while the project is not perfect, it is an excellent measure. I hope we will see quick action on it in the House so that we may come to conference and agree, and send to the President something at least very close to this measure.

I wish to extend a very special thanks to the counsel for the minority, John Ball, to the director of the Small Business Committee, Louis Taylor, and to Keith Cole. Among them, they listened to many, many hours of telephone calls and concerns from people who had a little fix here and a little fix there. The end product, I think, reflected much good advice and some advice that could not be taken. But I express appreciation, first, to the members of the Small Business Committee themselves who worked hard on this, to all of their staffs, and to the representatives of small business who showed the strength and the resolve to keep us focused on this, a measure designed to provide regulatory relief to an area which has experienced tremendous burdens from Government regulations.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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:

> [T]he Clintons themselves proved no different from their recent predecessors in the White House, deeply enmeshed in a Washington culture so accustomed to partisan distortion and ''spin'' that truth is the most frightening prospect of all.

Let me repeat that last phrase, Mr. President: ''* * * that truth is the most frightening prospect of all.''

Mr. Stewart's observation seems to substantiate those of columnist Charles Krauthammer. On January 12, Mr. Krauthammer's column appeared in the Washington Post under the title, ''Why Whitewater Now?'' In it, he calls Whitewater ''a scandal that appears to be all coverup and no crime.'' He then asks the logical question: Why would there be a coverup if there's no crime? He asks the question of both Whitewater and Travelgate.

Here is his conclusion: ''Because the vanity of the Clintons is not that they are merely law abiding * * * but that they are morally superior.''

In Whitewater, the Clintons certainly are vulnerable. In October 1991, bill Clinton said: ''Let's not forget that the most irresponsible people of all in the 1980s were * * * those who sold out our savings and loans with bogus deals.''

Meanwhile, we now find that Mrs. Clinton drafted the option papers for Castle Grande on behalf of Madison Guaranty Savings & Loan. Federal regulators have called Castle Grande a sham operation. Isn't it fair, then, to lump the Clintons into the same category of, using Clinton's words, ''the most irresponsible people of all in the 1980s?''

In Travelgate, the Clintons are once again vulnerable. Using Mr. Krauthammer's words, the ''morally superior'' Clintons, had an interest in covering up their nonillegal actions. After all, just how morally superior can one be when sacking seven innocent employees for a relative and a rich Hollywood crony, who, both, by the way, advised the action and stood to profit from it?

And finally, there's Cattlegate. During the 1992 campaign, the Clintons railed against Wall Street's high rollers. We later learn that the First Lady's luck had turned $1,000 into $100,000. Once again, the target of the Clintons' railing might well have included the Clintons themselves.

Mr. Krauthammer sums this all up in a phrase: ''Political duplicity.'' He says: ''[T]he offense is hypocrisy of a high order. Having posed as our moral betters, they had to cover up. At stake is their image * * *''

Mr. President, it is my view that there's a serious lack of moral leadership in the White House. By moral, I mean basic values such as honesty, trust, forthrightness. It is the quality most needed in the Presidency—in a President. The governed expect that their elected officials, their leaders, will be role models.

Franklin Roosevelt is a more credible source than I on this point. He once said: ''The Presidency is not merely an administrative office * * * It is more than an engineering job * * * It is preeminently a place of moral leadership.''

Clearly, FDR understood the importance of the First Family setting an exemplary standard for the governed.

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:

> [I]t is absolutely necessary that there should be full liberty to tell the truth about his acts * * * Any other attitude in an American citizen is both base and 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 public * * * 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 millenium, 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 Alhzeimer's Disease. The book is called ''He 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 whole ordeal, describing 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.

There 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 disabuse 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 describes 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.

SHAWN 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. Shawn 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 bones and caused little damage. God willing, Shawn will be back on his feet very soon. He is the second soldier in the American peace-keeping force in Bosnia to be injured. And I think this occasion gives us a chance to pause and think deeply on our Nation's mission in this troubled part of the world.

I spoke with Shawn's parents, Terry and Doreen, last week. They are proud of and concerned about their son. I share their concerns. And I salute Shawn Austin for his bravery in the line of duty. He has paid a high price for our country. My thoughts and prayers are with him and his family.

THE DEATH OF ROSWELL GILPATRIC

Mr. KENNEDY. Mr. President, I was greatly saddened to hear of the death of Roswell Gilpatric 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 Gilpatric 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 it is better to start with limited action.'' At a very difficult moment, President Kennedy's respect for Ros Gilpatric'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 Gilpatric 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.

Roswell Gilpatric, 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 Law Journal. After his graduation in 1931, he joined the law firm of Cravath, Swain & Moore where he rose to become a partner, and later presiding 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 Gilpatric 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 Jackie 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 his children, grandchildren, and great-grandchildren. I know that they take comfort and pride in his outstanding contributions to the Nation and New York. Roswell Gilpatric 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 Gilpatric made a difference.

PASSING OF TRIBAL ELDER

Mr. CAMPBELL. Mr. President, the Northern Cheyenne and native Americans across the country are mourning the loss of an elder, statesman, and ambassador for our people, and I would like to take a few moments to pay tribute to this extraordinary man whose death is a great loss not only for all Indian nations but for the entire country.

William ''Bill'' Tallbull's life exemplifies service and dedication to one's country and people. A World War II veteran, Bill spent much of his life on the Northern Cheyenne Reservation serving his tribe, including a position as a councilman for the Northern Cheyenne. He retired in 1972, and while most people dream of retirement, Bill was not the type of man to be idle. He came out of retirement a few short years later, and went on to serve his tribe and his country for another two decades.

Bill's list of accomplishments is a long and impressive list. He has done more in his lifetime than most people ever dream of doing. He became an assistant history professor at Dull Knife Memorial College, located on the Northern Cheyenne Reservation, teaching oral traditions and ethno-botany classes. From 1983 through 1995, he served as chairman of the Northern Cheyenne Tribal Cultural Resource Program, and in 1990, he received the Montana State Historic Preservation Award becoming the first native American so honored by the State of Montana.

Bill was also instrumental in the formation of the Native American Grave Protection and Repatriation Act, having worked with former Senator Melcher of Montana on the initial draft of that legislation. He was later appointed by former Secretary of the Interior Manual Lujan, Jr., to sit on the committee which wrote the regulations for this act. Bill was the only native American to serve on that committee.

In his ongoing efforts to safeguard the native American culture and heritage, Bill was a founder of the Medicine Wheel Alliance, an organization committed to preserving the Medicine Wheel National Historic Landmark in the Bighorn Mountains. This commitment to landmark preservation led President Clinton, in 1994, to appoint Bill to become the first native American ever to serve on the Advisory Council on Historic Preservation, a national panel committed to protecting historical landmarks across the country.

A professor, author, historian, and ethno-botanist, Bill was also a devoted husband, father, and tribal elder. He was admired and respected by all who knew him, and his commitment to the promotion of cultural awareness and to the protection of the native American heritage benefited all Americans, regardless of race or ethnicity.

I was honored to have known this distinguished tribal leader, and his death is a great loss for all of us. However, I'm certain Bill would not have wanted his death to create a void where his work is concerned. We can all learn from this great man and continue his work for cultural awareness and spiritual integrity of the land. There could be no better tribute to such a man as Bill Tallbull.

THE VALUE OF LIFE: HARVEY C. KRAUTSCHUN DAY IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, men are measured by both word and deed, yet the greater measure of man is by their deeds. A man's deeds shape the character of mankind. Our active protection of human life is a monumental measure of mankind's character. Harvey Krautschun's deeds define the essence of ''being committed to life'' and

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 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 Janklow 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, Harvey's devotion remained unmoved. He would see his wife awake again.

Harvey demonstrated bravery, courage, and faith in protecting his wife's life. Joy found herself in this condition also because of bravery and courage. In July of 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 quake of unforseen events—I have found strength in faith and prayer. So when I heard of the sudden accident of Joy Krautschun and the courageous and enduring actions of her husband, Harvey, I knew faith in the human spirit and prayer are the strongest, most powerful agent 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 level, Harvey took 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 rocksolid 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—and ''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, for another decade. This delay is unacceptable. 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 Shalikashvili 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 achieved until fiscal year 2001. Recent testimony, before the Armed Services Committee by Vice Chairman of the Joint Chiefs of Staff, Admiral Owens, reinforces my concerns. I agree with Admiral Owens that we have a ''crisis in procurement.'' I agree with him also, that procurement continues to be underfunded.

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 bill payer 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 now where these investments will save money in the future.

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 deployments and the amount of time our men and women in uniform spend away from their homes and 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].

REPORT OF THE BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 133

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 January 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 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 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. We have cut the deficit nearly in half, from $290 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, prosperity at home depends heavily on 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 move into 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 finishing 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, 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.

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 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, 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 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 serve 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 right—with child care and training, giving 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 the strong investments 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 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 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 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 drugs from entering the 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 many 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.

MAKING GOVERNMENT WORK

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 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.

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 Preview Report for fiscal year 1997; pursuant to the order of August 4, 1977; 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 Legislation 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 report relative to schedules of compensation; 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 report on 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 report of 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. BIDEN, Mr. SIMPSON, Mr. KENNEDY, Mr. GRASSLEY, Mr. KOHL, Mr. DEWINE, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. JOHNSTON, Mr. D'AMATO, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. 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 Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

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.

By Mr. BRYAN (for himself and Mr. REID):

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, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. JOHNSTON, Mr. D'AMATO, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr.

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 Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES STATISTICS ACT REAUTHORIZATION ACT OF 1996

Mr. SARBANES. 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 about crimes based on disability. The categories of crime 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 reauthorized, 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 needed 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 the law indicate that thousands 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 at 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, the information will become increasingly more helpful for purposes of identifying and examining national trends in bias-related crime and effectively responding to such crime.

Madam President, experience over the past few years has shown the act also is helpful to State and local law enforcement, both in the effort to provide training with respect to hate crimes and in the effort to identify how law enforcement agencies should 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 treat 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 Federal, State, and local law enforcement to better respond.

I want to congratulate Senators SIMON and HATCH for their leadership on this important legislation and I 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 reports 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 their neighborhood. For example, 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, must be supported by 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. With 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 Chairman HATCH for his 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 Senate 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 sexual 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

collection—and has also served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Hearings held before the Senate Judiciary Committee's Subcommittee on the Constitution in 1992 and 1994 showed that one of the prime benefits of the act is that it has helped dramatically increase the awareness and sensitivity of the police about hate crimes. Not only do victims of hate crimes benefit from a more informed police force, but greater police awareness encourages others to report hate crimes.

Since all data submission under the act is voluntary, we did not anticipate 100 percent participation by State and local law enforcement agencies from the start. Nonetheless, over the course of 4 years, there has been great progress in participation levels. In 1991, 2,771 law enforcement agencies participated in the voluntary reporting program. In 1994, more than 7,200 agencies participated. Local police, advocacy groups, mayors, and others have joined the effort to encourage every law enforcement agency to comply, and as more and more local agencies participate, the statistics will be more and more useful to identify trends and formulate responses. In addition, the FBI is in the process of working with States to upgrade their computer systems. When this transition is complete, the data should be even more useful. Unfortunately, there are still law enforcement agencies in some States and many large cities which are not yet participating in the data collection. We need active oversight of this act to ensure that these agencies join in this important effort, making the statistics more accurate and useful.

FBI Director Louis Freeh has stated that he is committed to the continued tracking of hate crimes statistics. However, we believe that this effort has proven its usefulness and deserves a permanent mandate. Collecting such data will not erase bigotry. It will, however, be a valuable tool in the fight against prejudice. The information is essential in identifying how law enforcement should best focus its resources in dealing with hate crimes. The data will also be useful to policymakers and local communities in their efforts to fight these crimes.

Obviously, the FBI statistics do not yet accurately reflect the level of violence motivated by prejudice in our society. More and more agencies participate each year, however, we need only read the headlines and reports by advocacy groups to see how widespread the problem of hate crimes remains in our Nation.

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 is trying to determine whether the crimes are racially motivated, and whether they are connected. Several of the incidents have been solved, however, and clearly racism motivated the offenders. The teenagers found guilty of burning a church in Mississippi in 1993 shouted racial epithets during commission of their crime. Racist graffiti was spray-painted on the walls of a Knoxville, TN, Baptist church set afire on January 8, 1996. Sumter County Circuit Court Judge Eddie Hardaway, a black judge who sent two white men to jail for vandalizing black churches, was recently the victim of a shotgun attack which shattered bedroom windows in his home. During the 1960's civil rights movement, many black churches were set ablaze, however in the late 1980's and early 1990's only one or two such crimes were reported each year. This recent string of arson reminds us that prejudice and hate crimes remain a problem in our Nation.

Recent reports by private groups, such as the Anti-Defamation League, the National Coalition on Anti-Violence Projects, and the National Asian Pacific American Legal Consortium, confirm that unfortunately the problem of crimes based on prejudice continues. The ADL's 1995 Annual Audit of Anti-Semitic Incidents actually had some good news: the 1,843 anti-Semitic incidents reported to the Anti-Defamation League in 1995 represented a decrease of 223 incidents, or 11 percent, from the 1994 total of 2,066. This is the largest decline in 10 years. However, this good news is tempered by the seriousness of many of the incidents reported. For the fifth straight year in a row, acts of anti-Semitic harassment against individuals outnumber incidents of vandalism against institutions and other property.

The National Coalition of Anti-Violence Projects and New York City Gay and Lesbian Anti-Violence Project report similar findings for 1995. There were fewer incidents of violence against homosexuals in 1995, but the incidents were more violent. There was an 8 percent drop in the number of incidents, but a 10 percent increase in the number of assaults and rapes.

We need to realize that the name-calling, the graffiti, the discrimination, and the threats and violence are all signs of a pervasive problem. The more informed we are about the scope and nature of our communities' problems with hate crimes, the better able we will be to develop effective prevention and prosecution strategies, as well as support structures for victims of these crimes.

I am pleased to join with Senator HATCH today, with support from 28 of our colleagues, the Attorney General and law enforcement and advocacy groups across the Nation, to introduce the reauthorization of the Hate Crimes Statistics Act. I encourage all of my colleagues to join us in working to pass this important legislation.

Mr. CAMPBELL. Thank you, Mr. President, for the opportunity to address this important issue. If one needs a reminder as to why we must make the Hate Crime Statistics Act mandate permanent, 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 three decades earlier. 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 in Aurora, a man shot his 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 the 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 1990.

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 cosponsor 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.

THE PROFESSIONAL SPORTS FRANCHISE RELOCATION ACT OF 1996

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 caused not only to sports fans 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 opportunities, and more than even 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 attention personally in my 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-pending 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, regrettably, 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 have 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 putting up vast sums of money, like Baltimore is 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 adopted by the Conference 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 an 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 the Dodgers. 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 Tagliabue, talking about, for example, 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, where 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, 1995, or upon 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) a member team;

(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; and

(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;

(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 particular 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.

The antitrust laws shall not apply to a professional sports league's enforcement or application of a rule authorizing the membership of the league to decide whether or not a member team of such league may be relocated.

SEC. 5. PROCEDURAL REQUIREMENTS.

(a) NOTICE.—

(1) IN GENERAL.—Any person seeking to change the home territory of a member team shall furnish notice of such proposed change 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) an identification 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 listed 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 appropriate persons concerning 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 exhibits. The league shall keep 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) VENUE.—

(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.

(c) 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 proposed relocation.

(d) 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.

(e) 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 improvements shall pay to the facility owner, on a current basis until the retirement of that debt, its proportionate share, based upon dates of facility usage during the 12 months prior to the notice of the team's intent to relocate, of the existing debt service on such obligations.

(2) EFFECT ON EXISTING RIGHTS.—This subsection shall not affect a stadium authority's rights, if any, to seek specific enforcement of its lease or a club's rights, if any, to seek a judicial determination that its lease has been breached.

(b) COMPETITION.—Any community from which a professional sports league franchise relocates under this Act shall receive 180 days' prior notice of any league decision to expand and an opportunity to compete for such an expansion franchise on grounds no less favorable than those afforded to other communities.

SEC. 8. EFFECTIVE DATE.

This Act shall apply to any league action addressing relocation of the home territory of a member team that occurs on or after June 1, 1995, and to any lawsuit addressing such league action filed after June 1, 1995.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 295, a bill to permit labor-management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries.

S. 607

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 942, a bill 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, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 956

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 956, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

S. 1093

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1093, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such Act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Texas [Mrs.

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. ROBB], the Senator from Pennsylvania [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. BRYAN], 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. 3511

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. DODD], the Senator from New York [Mr. MOYNIHAN], 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:

On page 412, line 23, strike ''$497,670,001'' and insert ''$498,920,000''.

On page 412, line 24, strike ''1997,'' and insert ''1997, of which $2,000,001 shall be available for 9 activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533),''.

At the appropriate place insert the following:

SEC. . CONTINUED OPERATION OF AN EXISTING HYDROELECTRIC FACILITY IN MONTANA.

(a) Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other law requiring payment to the United States of an annual or other charge for the 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 receives no payment or consideration for the transfer of the license a political subdivision of the State of Montana that accepts the license—

(1) shall not be required to pay such charges during the 5-year period following the date of acceptance; and

(2) after that 5-year period, and for so long as the political subdivision holds the license, shall not be required to pay such charges that exceed 100 percentum of the net revenues derived from the sale of electric power from the project.

(b) The provisions of subsection (a) shall not be effective if:

(1) a competing license application is filed within 90 days of the date of enactment of this act, or

(2) the Federal Energy Regulatory Commission issues an order within 90 days of the date of enactment of this act which makes a determination that in the absence of the reduction in charges provided by subsection (a) the license transfer will occur.

On page 577, between lines 23 and 24, insert the following new section:

SEC. . Notwithstanding any other provision of law, 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 March 1, 1996, (or, if such claims have been deferred 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, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

At the end of the general provisions in chapter 8 (relating to the Department of Defense) of title II (relating to emergency supplemental appropriations for fiscal year 1996), add the following:

SEC. 804. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV–1 virus, is repealed.

(2) 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)

SEC. . Of the funds appropriated or otherwise made available in title IV of the Department of Defense Appropriations Act, 1996 (Public Law 104–61) 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 under 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.

On page 754, before the heading on line 5, insert:

SEC. . Of the funds made available in Public Law 104–61 under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE'', $500,000 of the funds provided for the Advanced Research Projects Agency may be available to purchase photographic technology to support research in detonation physics: *Provided*, That the Director of Defense Research and Engineering shall provide the congressional defense committees on Appropriations with a plan for the acquisition and use of this instrument no later than April 29, 1996.

On page 754, before the heading on line 5, insert:

SEC. . Of the funds made available in Public Law 104–61 under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE'', up to $2,000,000 of the funds provided for the Joint DOD–DOE Munitions Technology Development program element shall be used to develop and test an open-architecture machine tool controller.

On page 770, after line 4 of the Committee substitute, insert the following new section:

SEC. . 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 provisions of section 125 of title 23, United States Code: Provided, That this provision shall be subject to the Federal Share provisions of section 120, title 123, of United States Code.

On page 643, after line 3 of the Committee substitute, insert the following new paragraph:

Of 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 wastewater treatment facilities.

SEC. . 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 ending September 30, 1996, and for other purposes, shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

SEC. . SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that Congress and the relevant committees of the Senate shall examine the manner in which federal disaster assistance is provided and develop 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;

Commerce, Justice, State, the Judiciary and related programs or activities contained in this or prior year Acts to exceed $23,762,000,000;

Energy and water development programs or 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 $36,756,000,000; and

Veterans Affairs, Housing and independent agencies' programs or activities contained in this or prior year Acts to exceed $74,270,000,000: *Provided*, 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 further*, That no more than 50 percent of the funds appropriated or otherwise made available for obligation for non-defense programs and activities in title II—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:

SECTION 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, paper, or other 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).

(2) USES.—The executive officer of each State shall use 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 (CODIS) 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 section, 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 a DNA analysis consistent 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.

(d) ALLOCATION.—The Attorney General shall allocate the funds appropriated under subsection (e) to each State based on the following formula:

(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

(3) APPROPRIATION.—$11,800,000 is appropriated to carry out the provisions in this section and shall remain available until expended.

On page 755, above the title on line 3, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–107, $25,000,000 are rescinded.

SEC. . 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 so as 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 provision of quality health care.

(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.

(c) 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.

(d) 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 notifies the appropriate Committees of Congress that such 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:'';

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:''

In amendment No. 3510, change the instructions to read, ''On page 754, before the heading on line 5, insert:''.

At the appropriate place, insert the following new section:

SEC. . COMPOSITION OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 637(b)(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.

MCCAIN AMENDMENT NO. 3554

Mr. MCCAIN proposed an amendment to amendment No. 3553 proposed by Mr. HATFIELD to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 13, line 5 of amendment No. 3553, strike ''shall'' and insert ''may''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

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 allowed to meet during the 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.

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary 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 ''Reauthorization of the Hate Crimes Statistics Act.''

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 9 a.m. in SH–216 to hold an open hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, March 19, 1996, to hold hearings on the Asset Forfeiture Program—A Case Study of the Bicycle Club Casino.

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.

SUBCOMMITTEE ON SEAPOWER

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services authorized to meet at 9 a.m. on Tuesday, March 19, 1996 in open session, to receive testimony on Department of Navy Expeditionary Warfare Programs in review of the Defense authorization request for fiscal year 1997 and the future years Defense program.

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 restore 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.

Last year, I had the pleasure of meeting with a group of new readers who had recently completed basic literacy programs. These individuals shared with me the difficulties they had faced and how learning how to read and write had changed their lives for the better. I was so struck by their stories that I contacted their Senators encouraging them to meet with their States' new readers. I do not know how many of my colleagues took me up on this offer, but I trust that those who did found this experience as informative and as inspiring as I did.

I also asked one of the women who visited me, Elaine Randall, to write out her story, as I thought it was particularly moving. She was kind enough to send it along to me. I ask that her account be printed in the RECORD.

The letter follows:

Dear Senator SIMON:

Thank you for meeting with me and the other adult learners who were in Washington for the National Institute of Literacy (NIFL) work group meeting on July 23–24. These 20 adult learners from around the country met with NIFL staff to open a dialogue on the students' views of literacy policy and practices, and to explore ways to take a more active role in shaping them.

We were chosen as participants in this NIFL student work group for our local, state, and national literacy involvement. Besides receiving adult basic education or English as a Second Language instruction, we are student leaders ''giving back''—working towards solutions. We are not the only ones out there doing this. We are only a handful of adult learners who start and lead student support groups; speak to encourage others to join a literacy program; encourage businesses to fund literacy organizations; and advise our programs on ways to improve recruitment, retention, and learning gains. These are only a few examples of the kinds of contributions students all over the country are making to ''give back'' as much as they ''get'' from the literacy field.

Each of us has worked long and hard to become contributors in the literacy field. We have been improving our basic reading and writing skills and developing our leadership abilities. This is where we are now, but it's not where we started. As non- or low-level readers, each of us has had different experiences throughout our lives. However, those experiences and the feelings and the emotions they caused were very similar.

Being able to read is expected daily in American life. Before an adult literacy program started in my area, it seemed like there was no chance for me to learn how to read. My choices in life were severely limited—I constantly guarded against being put into situations where I would have to read and write. I discovered how society mistreats those who cannot read.

While other children were learning to read and write in school, I learned early on what it meant to be illiterate in our society, and why it was important to cover it up and how to do it. By second grade all my classmates knew I was behind, which made me a target of their taunting. Kids who were friends in my neighborhood did not care to talk with me in class for fear of being called stupid—''If you talk with a dummy, you must be a dummy too.'' My best friend was older than me and didn't know I was having trouble with reading. When my third grade teacher began keeping me after school every day, to give me more time to do classwork, my best friend didn't understand why I had to stay instead of walking home with her. I couldn't tell her, because I had learned the year before what happens when people find out you can't read.

I always wanted to learn and know what other people knew, but no matter how hard I tried, I couldn't catch up. School seemed like a prison where I was being punished for not being smart enough. I wanted to drop out when I became old enough.

By the time I was in high school, I had become a master in ''school survival.'' School survival was going to school everyday, knowing no matter how hard I tried, I was still going to fail. So, I learned to balance between trying hard enough to please my teachers without excessively tormenting myself in the process. Another part of my school survival was to figure out what I would need to graduate: how many credits, which courses were the easiest, and the minimum number of academic classes I would have to take.

I realized I'd need a high school diploma in order to help cover up my illiteracy in the future—especially when it came to finding a job. I knew an employer would be less likely to suspect I couldn't read very well if I had a high school diploma. The day I graduated, I tried to read my diploma, but I could only read a few words. Nonetheless, I felt I had earned it through hard work and a lot of tears.

It was not easy to find a job that didn't require reading. My employment options were limited since I did not have a trade. I had tried taking some trade classes in high

school. I could understand the theory of what the teachers were saying, but didn't learn what I needed to know—that was in a book. I've always been a hard worker and knew if I could get my foot in the door somewhere, I would do a good job. After identifying a job in manufacturing, I still had to fill out the job application as well as read and sign forms. To this day, I don't know what I signed. I could only hope I would not do something that violated what was in those forms.

I went as far as I could in jobs with the minimum amount of reading or writing involved. My supervisors considered me a valuable employee and never suspected I had trouble reading. I felt I had the potential to do more. When a literacy program for adults started at my local library, I finally had an opportunity to get the help I needed so I could do more.

It wasn't until a few years ago that I discovered the reason why I had so much trouble learning to read and write. I have a language-based learning difference—clinically diagnosed dyslexia and attention deficit disorder. At least now I know what I'm dealing with. It was not my fault—I was smart enough. What I needed was a teaching and learning method that worked for me.

There is a difference between learning to read and reading to learn. I first needed to learn how to read and that has taken time. I've been working on my education for almost nine years and I am still taking classes two nights a week. During the same time, I have had to work to support myself. Like most adults, I do not have the luxury of going back to school full-time because I must fulfill other obligations and responsibilities.

There is no ''quick fix'' solution—two years and you're finished. It is a long process. It is one we all must agree to commit to. There are many more adults like me who, with the right help, can get better jobs and lead more productive lives. They, too, can begin to ''give back'' to the system.

Thank you for your commitment to help improve the adult literacy system. Around the country, there are many adult learners equally committed to improving the system in addition to their own education. It's great to know we have people like you working with us to make it possible for adults who cannot read, write, or speak English to get the help they need.

Sincerely,

ELAINE W. RANDALL.●

THE GAMBLING LOBBY VERSUS FRANK WOLF

● Mr. SIMON. Mr. President, Congressman FRANK WOLF is a Republican and I am a Democrat, but we have joined with Senator LUGAR and others in proposing a commission to look at where this Nation is going and the question of legalized gambling.

The most casual observer must recognize that we are headed for some problems.

I was pleased to see the editorial in the Washington Post, ''The Gambling Lobby v. Frank Wolf,'' which I ask to be printed in the RECORD at the conclusion of my remarks.

The reality is that one of the reasons the gambling lobby is so effective is the huge amounts of 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.

The Post editorial follows:

THE GAMBLING LOBBY V. FRANK WOLF

A funny thing is happening with the gambling issue in the House. Rep. Frank Wolf (R-Va.) has been pressing for a useful bill to create a national commission to study the economic and social impact of the spread of gambling, and the bill was making good progress. Mr. Wolf's bill has already cleared the Judiciary Committee and is supposed to go to the floor of the House in early March.

But in the interim, the bill has gone to the House Resources Committee, which claims jurisdiction because the measure affects gambling on Indian reservations. House Resources now plans another set of hearings on the bill, and Mr. Wolf is understandably worried that the hearings might be used to further delay consideration. Given the wide support the bill has—it's hard to argue against a national study of gambling's spread or to pretend there are no national implications to this trend—the danger is that the bill will be killed not directly but by endless delay and amendment.

The American Gaming Association (the gambling industry likes the 17th century drawing room sound of ''gaming'') insists that it is not opposed to a national study of gambling. But it sees the Wolf bill, as written, as just the first step in an effort by Congress to impose some federal rules on an industry that has so far been largely regulated by the states. It also complains that the commission as set up in the Wolf bill now has no representation from state officials (governors or legislators), even though one of the main purposes of the committee is to provide more objective information to local officials than they usually get from the gambling industry.

These objections strike us mostly as clever ways for the industry to gum up the progress of useful legislation. In particular, it would be foolish to limit the commission's mandate. With the spread of gambling—especially to Indian reservations, whose casinos have ways around state regulation—there may well be a case for some national rules. If any event, it's certainly an issue the commission should debate.

The gambling industry has a great deal of money, has been making large campaign contributions and recently hired some of Washington's most influential lobbyists. We have no doubt that the industry can bring a lot of pressure against Mr. Wolf's bill and construct some ingenious stratagems to weaken it. The issue is whether the House leadership will play along, mouthing kind words about Mr. Wolf's efforts while trying to undermine them. The leaders should not play that game. They should keep the promise and let an undiluted version of the Wolf bill go to the floor on schedule.●

MAIL BALLOT VOTING

● Mr. SIMON. Mr. President, I suppose there is no columnist whose writings I read, and with whom I agree more consistently, than Carl Rowan.

And his recent column about the mail voting experiment in Oregon is no exception.

Every move forward to enlarging the voter franchise has been resisted. That includes giving voting rights to African-Americans, native Americans and to American women.

And the secret ballot which we prize so much today was not part of our early history.

We have gradually made improvements, despite the objections of many people who were wedded to the status-quo.

I do not suggest that on the basis of the Oregon experiment, we should nationally move to mail voting yet, but I would like to see several States try it, because my instinct is that it is likely to be an improvement over the present system.

I ask that the Carl Rowan column be printed in the RECORD.

The column follows:

A KNOCK AT MAIL BALLOTS IS A KNOCK AT DEMOCRACY

(By Carl Rowan)

The political mentalities of the 1770s and 1950s are bursting out all over now that Oregon has had a successful mail ballot to fill the seat of disgraced Sen. Bob Packwood.

I hear cries that the mail ballot cheapened the election, robbing the vote of the sacred majesty that the framers of our government intended.

I hear complaints that the mail ballot permitted uneducated people ''who don't even know the names of their congressmen'' to vote.

We're told that it allowed all people to vote without expending the small amount of energy and sacrifice of going to a neighborhood polling place, undermining the notion that ''the vote is a precious thing.''

This is swallowed by some as the sentimentality of patriotism, but it is, in fact, undemocratic gibberish that ought not override the fact that the Oregon election lifted the percentage of voters to about 65 percent of those eligible, a figure that made democratic participation almost as high as in European countries. It saved Oregon about $1 million. And it produced results that any Republican could applaud.

So we are to deplore this election as a violation of what ''the framers'' intended? I remember that the framers counted black citizens as three-fifths of a vote. And women as zero percent of a vote. Naturally, neither I nor my wife is much impressed by a reminder of what the framers believed about the semi-slave status of African-American males, or women.

The framers created a situation under which many states could decree that only the propertied could vote. When that idea and ''poll tax'' requirements were beaten down, polling places were located where millions of poor, ill minority citizens could not get to because they lacked transportation or couldn't leave their jobs.

Nothing in a neighborhood polling place could be more sacred to deprived citizens than casting their first ballot—primarily because the mail ballot allowed them to do so.

So spare me this balderdash about how this country must return to a respect for what ''the framers'' intended!

I find especially offensive the complaints that mail ballots were cast by ''uninformed, uneducated'' citizens. In the 1950s some states had laws requiring ''literacy tests'' for those seeking to vote. That was implemented in ways where white registrars could deny the ballot to blacks who couldn't answer ''correctly'' such questions as ''How many bubbles in a bar of soap?''

Everyone I've heard deploring the mail ballot would be incensed if anyone accused

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 more of it the better. So I say of the Motor Voter law and mail ballot: ''Welcome and hooray!''●

SENATOR COHEN: WHY I AM LEAVING

● Mr. SIMON. Mr. President, I received a note in the mail from Marion Plancon of Staten Island, NY, and she enclosed an op-ed piece written by our colleague, Senator WILLIAM COHEN, for the Los Angeles Times.

Somehow 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 our society.

Increasingly, public officials face: Too little time to reason and reflect; the hair-trigger presumption of guilt pulled at the slightest whisper of impropriety; 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 practical problem-solving.

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 tyranny of the many by the few. They constructed a perfect triangle of allocated and checked power, Euclidean in symmetry and balance. There could be no rash action, no rush to judgment, 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 in civil debate and discourse. Enmity at times has become so intense that members of Congress have resorted to shoving 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. By contrast, 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 stern virtues of self-discipline 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 blandishments of political extremists.

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 world 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 has been almost 3 years since the Queens, NY, native 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 impassioned eloquence of that offered on this floor by my distinguished friend and colleague from North Carolina, Mr. HELMS on April 28, 1993. 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 that was widely noted 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:

It may not save my life. It may save my children's lives. It may save someone you love. . . . [I]t'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 prosper 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. Gerold 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 Jim Valvano Cancer Research Lab; $100,000 to fund Dr. Leland Powell at the University of California at 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 sports reporters most certainly knew the impermanence of athletic achievements. Records are broken, victory banners fade, championship rings tarnish. But when all of these are long forgot, James Thomas Valvano will be remembered to the beneficiaries of the foundation that bears his name. And through them, to us all.

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 called 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 speak longer than anybody else has spoken tonight. That's the way it goes. Time is very precious to me. I don't know how much I

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's your day, and nothing is changed for me. As Dick said, I'm a very emotional and passionate man. I can't help it. That's being the son of Rocco and Angelina Valvano. It comes with the territory. We hug, we kiss, we love.

When people say to me how do you get through life or each day, it's the same thing. To me, there are three things we all 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 spend some time 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, my good friend 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 in these last 5 or 6 months with my battle. 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 have to think about 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 my idol 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 spoke before his Green Bay Packers team in 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 takes the field, you do your little X and O's, and then you give the great Knute Rockne talk.

We all do. Speech No. 84. 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 wondering where is he? Where is this great coach? He's not there. Ten minutes he's still not there. Three minutes before they could take the field Lombardi comes in, bangs the door open, and I think you all remember what great presence he had, great presence. He walked in and he walked back and forth, like this, just walked, staring at the players. He said, ''All eyes on me.''

I'm reading this in this book. I'm getting this picture of Lombardi before his first game and he said, ''Gentlemen, we will 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 Rutgers basketball. That's it. I had it. Listen, I'm 21 years old. The kids I'm coaching are 19, and I'm going to be the greatest coach in the world, the next Lombardi.

I'm practicing outside of the lockerroom and the managers tell me you got to go in. Not yet, not yet, family, religion, Rutgers basketball. All eyes on me. I got it, I got it. 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 like Lombardi, I walked back and forth, and I was going like that 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. I told them. I did that. I remember that. I remember where I came from.

It's so important to know where you are. I know where I am right now. How do you go from where you are to where you want to be? I think you have to have an enthusiasm for life. You have to have a dream, a goal. You have to be willing to work for it.

I talked about my family, my family's so important. People think I have courage. The courage in my family are my wife Pam, my three daughters, here, Nicole, Jamie, LeeAnn, my mom, who's right here, too. That screen is flashing up there ''30 seconds'' like I care about that screen right now, huh? I got tumors all over my body. I'm worried about some guy in the back going 30 seconds? You got a lot, hey va fa napoli, buddy. You got a lot.

I just got one last thing, I urge all of you, all of you, to enjoy your life, the precious moments you have. To spend each day with some laughter and some thought, to get your emotions going. To be enthusiastic every day and Ralph Waldo Emerson said, ''Nothing great could be accomplished without enthusiasm,'' to keep your dreams alive in spite of problems whatever you have. The ability to be able to work hard for your dreams to come true, to become a reality.

Now I look at where I am now and I know what I want to do. What I would like to be able to do is spend whatever time I have left and to give, and maybe, some, some hope to others. Arthur Ashe Foundation is a wonderful thing, and AIDS, the amount of money pouring in for AIDS is not enough, but is significant. But if I told you it's 10 times the amount that goes in for cancer research. I also told you that 500,000 people will die this year of cancer. I also tell you that one in every four will be afflicted with this disease, and yet somehow, we seem to have put it in a little bit of the background. I want to bring it back on the front table.

We need your help. I need your help. We need money for research. It may not save my life. I may save my children's lives. It may save someone you love, and ESPN has been so kind to support me in this endeavor and allow me to announce tonight, that with ESPN's support, which means what? Their money and their dollars and their helping me, we are starting the Jimmy V Foundation for cancer research. And its 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.

I will thank God for the day and the moment I have. If you see me, smile and give me a hug. That's important to me, too. But try if you can to support, whether it's AIDS or the cancer foundation, so that someone else might survive, might prosper and might actually be cured of this dreaded disease.

I can't thank ESPN enough for allowing this to happen. I'm going to work as hard as I can for cancer research and hopefully, maybe, we'll have some cures and some breakthroughs. I'd like to think, I'm going to fight my brains out to be back here again next year for the Arthur Ashe recipient. I want to give it next year!

I know I gotta go, I gotta go, and I got one last thing and I've said it before and I want to say it again. Cancer can take away all my physical abilities. It cannot touch my mind, it cannot touch my heart and it cannot touch my soul. And those three things are going to carry on forever.

I thank you and God bless you all.●

EVERY MAN A PETER LYNCH

● Mr. SIMON. Mr. President, one of the more informative journals that I read is one called Grant's Interest Rate Observer. It contains information that I find in no other journal.

James Grant, the publisher and editor, also makes observations about a variety of things, and recently he had comments on the suggestion that part of the Social Security fund be invested in the stock market.

Before people start chasing this rainbow, it would be good to read his thoughtful observations which I ask to be printed in full in the RECORD.

The article follows.

[From Grant's Interest Rate Observer, Mar. 1, 1996]

EVERY MAN A PETER LYNCH

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 advsisory 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, $483 billion's worth at last report. In fiscal 1994, $381 billion, in round numbers, was paid into Social Security (via payroll taxes, from employers and employees combined), and $323 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, $58 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 government ''investment'': ''Senõr, the money that was stolen was invested better than the money that was invested.'')

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 tends to expand it. It follows that any redeployment of Social Security assets into the stock market would force an identical increase in federal borrowing. So also, a diversion of an individual's payroll taxes into an earmarked equity investment account would force a corresponding rise in federal borrowing—other things being the same.

However, it is always possible that other things would not be the same. Things could

improve. A revitalized private sector might generate more tax revenue than even the government could spend, or investment returns might beggar even those of the past five years, causing the much feared $11 trillion unfunded Social Security liability (the difference between the present value of promised benefits and the present value of projected taxes) to melt away like the much feared banking calamity of 1990–91. How often have free markets made short work of allegedly intractable political or economic problems? Often enough, in our experience.

Yet, to us, the heart of the Social Security trial balloon was contained in the Times story's perceptive third paragraph: ''Such discussions would 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 singificant 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 Black Monday in October 1987? 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 investments would entail 'a slight increase' in risk for Social Security,'' the paper relates, ''the risk would be manageable.'' And another panel member boldly affirmed: ''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 economic patriotism be just as intense during the next cyclical downswing, we wonder, or will it be subject to revision?

It is almost certainly no accident that the Social Security investment plan came into the world at the same time as 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 what would boil down to the greatest bond-for-stock swap in the history of the republic 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 me an article that appeared in the 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 lower one-fifth of our population in terms of income.

One of the most effective ways of lifting the lot of 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 18 schools in the impoverished areas of Chicago and one of the things 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.

The article follows:

[From Adult Learning, November/December 1995]

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. Over the last four decades enrollments in underdeveloped nations' primary schools rose from about one-third to over seventy percent of primary aged 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 primary education. Taking stock of research and experience over the last half century, the United Nations noted that:

The family constitutes a context of informal education, a base 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 the ability of families to adopt new approaches, technologies and forms of organization conducive to positive social change. Often affected by early school leaving or dropping out, 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.

Whereas 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 United Nations' statement makes clear that, rather than being regarded as a secondary institution to the schools as educational agents, the family is each society's first and most basic educational institution.

There is evidence to suggest that as developing nations move toward the educational and economic status of industrialized nations, the family will play a greater role in the educational achievement of children. Studies of twenty-nine developing and industrialized nations examined the relative contributions of school quality (e.g., number and quality of textbooks, teacher's educational preparation) versus family background factors (e.g., parents' education levels) on 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 family background factors increased. For instance, in India, school quality accounted for ninety percent and home factors only 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 variation in science achievement.

FAMILY LITERACY PROGRAMS

The family literacy concept makes explicit what has generally been implicitly understood, and recognizes the family as an 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 a 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 placed on the cultural tools for learning and 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. Under the family literacy concept, however, it is now recognized that, due to the intergenerational transfer of cognitive skills, including language and literacy, an investment in the literacy education of adults provides ''double duty dollars.'' It improves the educational level of adults and simultaneously improves the educability and school success of the adults' children.

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 actually succeed in transferring 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 more literate workers 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 Communities for Learning. At AC Rochester, a supplier of components for General Motors automobile manufacturing in New York State, management, labor union members, and educators got together, and provided adult literacy programs for employees. This helped increase the local tax base for community services by bringing in several new contracts, including a billion dollar contract with Russia.

3. Better Educated Adults Demand and Get Better Schooling for Children. Wider Opportunities for Women 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 their 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 to start school, and children who stay in school and learn more.

MAKE EVERY ADULT BASIC EDUCATION CLASS A FAMILY LITERACY CLASS

The San Diego Consortium for Workforce Education and Lifelong Learning (CWELL) operates an Action Research Center (ARC) in the San Diego Community College District, Continuing Education Division. In 1994, the ARC initiated research orchestrated around the theme, ''make every adult basic education class a family literacy class.'' The research included the publication of a simple rating scale in one issue of the Community Exchange, the newspaper that the ARC publishes to disseminate R&D information into the ARC community.

The rating scale asks adults to rate how frequently they perform various parenting activities such as reading to their children, taking them to the library, helping with homework and so forth. A tabulation of responses from 131 adults in five different adult basic education and English as a Second Language (ESL) programs indicated that adults vary greatly in how often they engage in these kinds of activities that can help transfer literacy to their children. These data provide a baseline for comparing parenting activities before the ARC introduces activities to ''make every adult 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 that takes place in adult basic skills education programs. Governments and other sponsors of education programs should know that they can obtain multiplier effects for their investments in adult basic education. They should know that by investing in the education of adults, they can improve the education of children.●

ARAFAT MUST STIFLE EXTREMISTS

● Mr. SIMON. Mr. President, all of us have been stunned by the suicidal missions of extremist 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. Mr Hanania 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:

[From the Chicago Tribune]

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 responsibilities 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 jail Palestinian journalists 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 to 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. While we, as a community, may not totally agree with every detail, the principle of pursuing a peaceful resolution of the Israel-Palestine question is now a mandate for our people.

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.●

VALLEY HAVEN SCHOOL 20TH ANNIVERSARY HIKE/BIKE/RUN

● 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 retarded and multiple 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, an 11 or 22 mile bike ride, a skate-a-thon, a 1, 3.1, or 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 year's Hike/Bike/Run 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.●

LITHUANIAN INDEPENDENCE

● 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 renewal. It evokes memories of great sadness and also great joy. The long night of Soviet domination and occupation has given way to a new beginning for the Lithuanian people. It is heartening to the world to see that Lithuania's strong 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 undying 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 276h through 276k, appoints the Senator from Texas [Mrs. HUTCHISON] as the chairman of the Senate delegation to the Mexico-United States 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 at 10 a.m., on Wednesday, the Senate turn to the product liability conference report, that the conference report be considered read, and there be 5 hours for debate, to be equally divided in the usual form, and at 3 p.m., on Wednesday, the Senate proceed to a vote on the motion to invoke cloture, and the mandatory quorum under rule XXII be waived.

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

UNANIMOUS-CONSENT AGREEMENT—S. RES. 227

Mr. GRAMS. Mr. President, I further ask unanimous consent that immediately following the cloture vote, regardless of the outcome, the Senate proceed to the cloture vote with respect to the Special Committee to Investigate Whitewater.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1459

Mr. GRAMS. Mr. President, I further ask unanimous consent that, notwithstanding rule XXII, that following the two cloture votes on Wednesday, the Senate proceed to S. 1459, the grazing fees bill.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 956

Mr. GRAMS. Mr. President, I further ask unanimous consent that if cloture is invoked with respect to the product liability conference report, that the Senate resume the conference report at 9 a.m., on Thursday, and there be 3 hours for debate to be equally divided in the usual form, and at 12 noon, on Thursday, the Senate proceed to the adoption of the product liability conference report, without any intervening action or debate.

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

ORDERS FOR WEDNESDAY, MARCH 20, 1996

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 be reserved for their use later in the day, and the Senate then proceed to the consideration of the conference report to accompany H.R. 956, the product liability bill, as under the previous order.

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

PROGRAM

Mr. GRAMS. Mr. President, for the information of all Senators, the Senate will debate the product liability conference report at 10 a.m., until 3 p.m., on tomorrow. At 3 p.m., there will be two consecutive rollcall votes. The first vote will be on invoking cloture on the product liability conference report, to be followed by a vote on cloture on the motion to proceed to the Whitewater resolution. Following those cloture votes, the Senate will begin consideration of the grazing bill, S. 1459. Additional votes could therefore occur during Wednesday's session of the Senate. Under the previous order, if cloture is invoked on Wednesday on the product liability conference report, there will be 3 hours of additional debate on that conference report on Thursday.

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. 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.

MODIFICATIONS TO AMENDMENT NO. 3553 TO H.R. 3019

Mr. GRAMS. Mr. President, I send to the desk modifications for pages 1, 4, and 5 of the managers' amendment to H.R. 3019 and ask it be adopted.

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

The modifications are as follows:

On page 412, line 23, strike ''$497,850,000'' and insert ''499,100,000''.

On page 412, line 24, strike ''1997, of'' and insert ''1997, of which $2,000,000 shall be available for activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), of''.

On page 577, between lines 23 and 24, insert the following new section:

SEC. . (a) REIMBURSEMENT OF CERTAIN CLAIMS UNDER THE MEDICAID PROGRAM.—Notwithstanding any other provision 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 March 1, 1996 (or, if such claims have been deferred 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, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(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 $70,000,000.

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.

EXTENSIONS OF REMARKS

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 rise 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. Polk Public Servants Merit Award. The individuals are: Valina M. Aicone; William D. Fromwiller; Sylvia E. Harrison; Patrick P. McGinty; Donald Peak; Francis A. Rutkowski; Rita M. Sobolewski; and J. Carol Wolf. The Public Servants Merit Award is named in honor of Franklin A. Polk, a distinguished lawyer who chaired the annual luncheon for 40 years. As the county bar foundation and the county bar association celebrate 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 she 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 editor for the common pleas court.

In her current position, Ms. Aicone is responsible for supervising and training employees in the data input journal entries division. She and her staff work closely with the clerk's office, sheriff's department, and others to guarantee that 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 court 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 exercised 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 docket 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 Excelsior 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 makes certain 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.

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 level 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, fishing, 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 Brown 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 is also the past 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, Patricia L. Buk, 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 official 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 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 spare time, Ms. Wolf enjoys tailoring, doll making, and cake decorating. She also enjoys antiques and attending Cleveland Indian games. She and her husband, Richard, a retired Cleveland policeman, are the proud parents of Runa, Lettie, Brian, Tracy, and Angela. The Wolf family reside 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. They have exhibited 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 Art Institute 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 will host 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 Ella King Torrey and all of the great contemporary artists and teachers who have contributed throughout the years to creating and building this legacy for our Nation. Let us all join with the San Francisco Art Institute and continue to celebrate and support the arts and their prominent place in our society for years to come.

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, 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. And in no place is this work 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 Community 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. Serbian President Slobodan 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 sustained Serbia's only independent media, including the newspaper Nasa Borba and television's Studio B. But after a campaign (400 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 an open society.

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 actors and foreign organizations like the Soros Foundation. This is space for civility and tolerance, values the former Yugoslavia desperately needs.

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 Investor's Business Daily. With economic growth of only 1.4 percent last year, the possibility of a recession still casting a shadow and the middle-class being squeezed on all sides, the situation cries out for serious action. Unfortunately, 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 President has long supported a targeted one. According to one study, such a cut would have created 1.4 million new jobs between 1995 and 1999, added an additional 1 percent a year to the stock market and brought in $9–$18 billion in Federal revenue. We must be prepared to respond to the under performance of the economy. Let us hope the President is ready to work out an agreement. I submit the full article into the RECORD.

[From the Investor's Business Daily]

POLITICS VS. GROWTH?

The economy grew just 1.4% after inflation last year, and recession is possible this year. Congress and President Clinton should skip the political games and move now to turn things around.

Speaking in Michigan on Monday, Clinton gave us his ''growth agenda.'' Yet that's just a new, transparent label on his old wish list: a minimum wage hike, a tax deduction for college costs, government vouchers for worker retraining, and the Kennedy-Kassebaum health-insurance reform.

Half his points—the health bill and the wage hike—plainly have nothing to do with growth. At best, they'd be good for those who have jobs.

Education and training do boost growth in the long term. Yet Clinton has yet to show how more government sponsorship of these goals will help achieve them. It hasn't worked that way in recent decades.

Don't look to other Democrats, either. House Minority Leader Richard Gephardt recently claimed we ''don't know'' how to boost growth. His best guess is that favorite of Labor Secretary Robert Reich: tax penalties on corporations that downsize.

In fact, Clinton certainly knows what the economy needs, and Gephardt probably does: Tax cuts, the pro-growth move that worked for Presidents Kennedy and Reagan alike.

House Speaker Newt Gingrich is ready to play ball. ''All the warning signals are there'' for recession, he told reporters last week. ''I think if the President really wants to help us to avoid a significant recession . . . we should have a pretty substantial (budget) package in the next week or two.''

Gingrich could have added. ''If the President really wants to get re-elected.'' Clinton is riding high in the polls now, but presidents who don't deliver solid growth rarely win a second term.

To Gingrich's credit, he has put jobs above politics. If a Republican Congress and a Democratic president can agree to cut taxes, Americans may just opt for more of the same. It could give Clinton a pro-business image just when he needs it.

But what kind of tax cuts should the deal contain?

The collapse of last year's talks puts us in a whole new ball game. The GOP's $245 billion grab-bag of tax reductions is dead.

Some Republicans want to salvage part of last year's biggest-ticket proposal, the $500 per-child credit. That might fit their political needs, but it is more social policy than economic stimulus.

And unless Clinton and Congress can agree on large spending cuts, tax cutters will need to keep their ambitions modest. Big cuts run straight into the iron wall of the ''Byrd Rule.'' this says tax cuts must be ''paid for,'' and the rules for ''paying'' overestimate how much revenue most tax cuts would lose the government.

The bind is so constrictive, the Byrd Rule so absurd, that the GOP has been reduced to considering bringing back the airline ticket tax to pay for tax cuts.

With so little room to play in, the clear choice is the tax cut that delivers the most bang for the buck: Trimming capital-gains tax rates.

GOP leaders are said to be considering a cut in the top rate from 28% to 20% for individuals only. The relief would be retroactive to the start of this year.

Clinton has long publicly backed a least a targeted cap-gains cut. And throughout the budget battle, he has said he's open to a rate cut.

If Clinton were to quietly approve, we might get something resembling the original ''Contract With America'' cap-gains plan. Lehman Brothers Chief Economist Allan Sinai, no supply sider, calculated that that would have added 0.7% to the gross domestic product from 1995 to 1999.

Such a cut would have created 1.4 million new jobs over the same five years boosted the S&P 500 by more than 1% a year and put $9 billion to 18 billion in extra revenues in federal coffers, according to Sinai.

DRI–McGraw Hill projected growth of 1.9% in productivity, $22.7 billion in higher tax revenues and a near 12% drop in the cost of capital, cumulatively over 10 years.

Thanks to organizational strength, Bob Dole may pull out ahead of the GOP presidential pack over the next week. Yet the strong showing by political neophyte Steve Forbes, and the failure of Pat Buchanan's economic pitch, prove that prosperity and opportunity sell at the ballot box.

Dole needs a message—and Clinton needs growth. For the sake of the economy, let's hope they can work together to give us a cap-gains tax cut now.

UKRAINE'S COMMITMENTS TO REFORM IN THE ENERGY SECTOR

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 reform its energy 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, Ukrainian Deputy Finance Minister Shpek committed to restructure the power market. He specifically agreed to break up the power market by taking four distinct steps, as itemized in the following letter from the Department of State. The reforms agreed to by Mr. Shpek are above and beyond any existing 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:

U.S. DEPARTMENT OF STATE,
Washington, DC, February 22, 1996.

Hon. LEE HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: During your meeting last fall with Mr. Richard Morningstar, Special Advisor to the President and Secretary of State for U.S. Assistance to the NIS, you expressed interest in the Administration's program of encouraging reform in Ukraine's energy sector and the AID/Eximbank facility. We wanted to take the opportunity to describe the energy sector reforms to which the Government of Ukraine has committed as a condition of approval of the facility.

In two face-to-face official meetings, Mr. Morningstar has made clear to Ukrainian Deputy Prime Minister Shpek that commitment to restructure the power market is an essential condition under which we could implement the $175 million facility. Deputy Prime Minister Shpek understood and accepted that condition and has committed to break up the state-owned power monopoly into the following parts:

Four already established, competing electricity generating companies that will be privatized; a 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 generation companies bid to supply the local distribution companies with electricity at the lowest price.

This commitment is above and beyond any IMF conditions and any condition for any existing World Bank loan. Creation of the power market will become part of the negotiations for an upcoming World Bank loan. The AID/Eximbank credit will give the Government of Ukraine short-term funding flexibility to implement the energy market structure and will help to leverage the World Bank financing.

The AID/Eximbank facility is a special export credit insurance facility for U.S. exporters of agricultural-related goods and services to Ukraine. The purchase of refined fuel agricultural 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, untied fuel purchases. We strongly believe that the commitment to the reforms outlined above justifies the inclusion of refined fuel products in the agriculture credit facility. The facility will operate according to ExIm's regulations and Eximbank will recommend whether to extend insurance coverage on a case-by-case basis. We assure you that any agricultural fuel inputs will be closely monitored and traced to agricultural use. As we go forward with this program 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 ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1996

Ms. ROS-LEHTINEN. 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. The Boy Scouts remind us of all that is good in America, and Troop 232, through its unwavering dedication to that organization's noble principles, has enriched the lives of hundreds of young men and given its community a legacy of which to be proud.

Congratulations Troop 232. May your success continue as you begin your second half-century.

LEGISLATION TO BENEFIT REEMPLOYED VETERANS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1996

Mrs. VUCANOVICH. Mr. Speaker, the Uniformed Services Employment and Reemployment Rights Act of 1994 [USERRA] increased the protections afforded our service men and women who leave a civilian job for qualified military service. In addition to assuring these returning veterans that their jobs would be waiting for them when they return, under USERRA a returning veteran is also eligible to 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 plan 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.

Today I am introducing the Veterans Reemployment Benefits Protection Act to allow veterans to received 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 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 the option of listing their ingredients on their labels.

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 103d 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 have 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 cosponsor of the nonbinding House Concurrent

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 invasion, missile 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 ARMEY, 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 the aging tyrants in Beijing perhaps never will, which is all the more reason for the United States to uphold our longtime friends on Taiwan.

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 legislation 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 technical advice memorandums only apply to a given taxpayer and set of circumstances, I feel a clarification is necessary.

The technical advice memorandum would require employers that permit employees to use frequent flier miles for personal trips to report as income on workers' W–2 forms the full cost of plane tickets that led to the accumulation of the frequent flier miles. This simply makes no sense.

This is one of those areas where taxation would raise a myriad of questions for which there is no single correct answer such as appropriate timing—would miles be taxed when earned or when used; valuation—is mile earned from a credit card equal to a mile earned by flying a particular airline—what is the correct value of a ticket or a free upgrade in light of the fact that any given flight has a myriad of service classes; segregation—do employees have to try and keep track of which miles were earned for personal travel, which miles were earned for business travel, and which miles are earned from using a credit card, or using a particular long-distance carrier. Taxation of frequent flier miles would only result in mindless complication and paperwork of nightmarish proportions for millions of Americans, the airlines, and the Internal Revenue Service. And the Service should realize this.

At a time when over 15 million Americans are enrolled in frequent flier programs and suspicion that the Internal Revenue Code is not fair and needless complexity is at an all time high, it would be sheer folly for the Service to move in this area. They have opened, closed, and reopened several projects to address the tax treatment of frequent flier miles over the years, all to no avail.

I believe that frequent flier miles are not taxable under current law and should remain that way. My bill would simply explicitly say that frequent flier miles are not taxable. I urge my colleagues' support.

ROTARY CLUB OF SAN CLEMENTE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1996

Mr. PACKARD. Mr. Speaker, I would like to bring to your attention an organization that has provided 50 years of outstanding service to the city of San Clemente, CA.

Founded in March, 1946, the Rotary Club of San Clemente and its members have provided hundreds of thousands of dollars, equipment, and tens of thousands of manhours in service to the city, the Nation, and the world.

Their accomplishments are numerous. In its many years of service, the Rotary Club of San Clemente has sent thousands of dollars and equipment to De Tuju, Argentina, San Clemente's ''sister city''. In conjunction with Rotary International, they have taken on the monumental task of eradicating polio in the world by the year 2000. Closer to home, they provide financial support to over 19 San Clemente charities and organizations, as well as, scholarships to local high school seniors.

I would like to commend and thank them for work they so selflessly perform. Their dedication is an inspiration to all.

CONFERENCE REPORT ON H.R. 1561, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997

SPEECH OF

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1996

Mr. BLILEY. 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 dismantles the United States Information Agency [USIA] and, in doing so, amends the Television 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 national strategy to respond to emerging infectious diseases. I am interested in these provisions as a general matter, and also as chairman of the Committee on Commerce.

Regarding the Television Broadcasting to Cuba Act, the Committee on Commerce exchanged letters with the Committee on Foreign Affairs when that committee sought to amend the Television Broadcasting to Cuba Act in 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 Broadcasting to Cuba Act (Pub. L. 98–111) on July 29, 1983 (H. Rept. 98–284, Part II). The committee will be interested to see the results of the pilot program to permit advertising on such television and radio broadcasts as provided for in the conference report. I look forward to continued activity on the part of the Commerce Committee in these areas, although I still believe the Television Marti and Radio Marti programs should not be administered through the Voice of America.

Turning to another point of interest in the conference report, this measure requires that the President develop a strategic plan ''to identify and respond to the threat of emerging infectious diseases to the health of the people of the United States.'' In accordance with this committee's jurisdiction over public health and quarantine under rule X of the Rules of the House, I look forward to the opportunity to review the President's recommendations in concert with other efforts made by the Commerce Committee on that front.

Based on the jurisdiction of the Committee on Commerce over the aforementioned statutes, and on the jurisdiction of the committee over public health, I would like to note our intent to continue in the exercise of our authority in these areas.

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 country. But what does that mean?

One thing is rights, the rights that are listed in the Constitution. They say that 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 succeeded 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, IN is right. Thank you Michelle.

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. This is the 11th short-term fiscal year 1996 stopgap spending measure in 5 months. Who would have thought that 5 months into the fiscal year, and after 29 days of a Republican politically contrived shutdown of the Federal Government which cost the American people over $1.5 billion, fiscal year 1996 appropriations bills for a number of major Federal agencies upon which the American people depend still have not been enacted?

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 all of my concerns about critical programs under the jurisdiction of the appropriations 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 $1.1 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 lead to the foreclosing of 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—outweigh 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 terrorism 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 for 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 because this marks the 52d 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 detered.

VARIAN FRY: A RIGHTEOUS 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 implication 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 his country. While in Berlin he had seen the first great pogroms against the Jews. He saw young Nazis smash up Jewish-owned shops and watched in horror as they dragged people out in the streets and beat and kicked them almost to death. He watched as they dragged men and women, cut and bleeding down the street, hitting them with clubs, shouting and cursing vile names at them.

When France fell to Hitler invading armies in 1940, thousands of refugees who had fled to Paris as their only escape from Nazi horrors had to flee to the as yet unoccupied southern part of France with Marseilles as their destination. Only after it was too late did they realize that they were caught in yet another trap. In order to appease Hitler, the new puppet government, under Marshall Petain, enacted one stringent decree after another against the Jews and political refugees. They closed the borders and agreed to turn over all refugee exit-visa applications to the Gestapo. As a result the very act of asking to leave was sufficient to guarantee instant arrest.

Meanwhile in New York, Varian Fry, along with a few other prominent individuals, formed the Emergency Rescue Committee to try to help the beleaguered refugees in France. They managed to enlist the support of Eleanor Roosevelt and convince her of the imminent danger facing thousands of distinguished intellectuals, writers, scientists, academics, journalists, historians, musicians, opposition political leaders, and others. Eleanor Roosevelt was able to persuade the President to authorize 200 visas for the most prominent individuals in the group. This was the beginning of the extraordinary rescue mission for which Varian Fry promptly volunteered.

With the help of the German writer Thomas Mann, Jacques Maritain and many others, a list of 200 names was formed, and Varian Fry was appointed by the Emergency Rescue Committee to go to France to head the mission. It was a difficult and complicated undertaking because he received very little support from official sources. He had to coax a passport out of the State Department, which at that time took a dim view of Americans travelling to Europe. Fry then persuaded the International YMCA to give him a letter identifying him as a relief worker with refugees. This gave him some kind of official status vis-a-vis the French puppet Government of Vichy.

With $3,000 dollars taped to his leg, the list of 200 names which included such world famous persons as political scientist Hannah Arendt and painter Marc Chagall, but without any addresses or phone numbers to facilitate contact, he set out for the overcrowded and turbulent city of Marseilles. After a long and arduous trip he arrived on August 15, 1940, in Marseilles. When he finally settled in his dingy little hotel room he had to admit to himself that he had no idea how to begin searching for the individuals whose lives were now in his hands. He realized he needed help urgently to accomplish his mission.

His first fortunate breakthrough came when he met with a brilliant young German economist, Dr. Albert Hirschman, who at the time was himself a refugee who had recently managed to escape from Germany. Hirschman became Fry's most trusted friend and assistant. They developed a warm friendship which greatly eased the stresses and strains they faced daily in their dangerous mission. Fry nicknamed Hirschman ''Beamish'' because no matter how desperate their situation was he kept smiling and beaming optimism. Eventually, Miriam Davenport, a young, energetic and resourceful art history student from Boston, joined them. She, like many others, left Paris when the Germans invaded the city. The three of them became friends and ''co-conspirators'' in one of the most daring and successful rescue operations of World War II.

They opened their temporary ''office'' in an abandoned handbag factory in Marseilles. There from early in the morning until late at night Fry and his two young associates interviewed refugees. During each interview they wrote the necessary information about each refugee and placed it on an index card. After the last of the refugees departed each day, Fry, Beamish and their secretary, Lena Fishman, would adjourn to the bathroom and turn on all the water taps to foil any attempts at eavesdropping. There they would talk over any problems that surfaced during the day. Before leaving each day, Fry would spread the index cards containing names and notations on them in careful disarray on one of the desks so that he could tell if they had been tampered with and placed any incriminating documents behind the mirror inside the closet door.

The biggest problem was to find an escape route, to find a way out of France illegally (across the border unnoticed without an exit visa) and enter Spain legally, where it was imperative to get the entry stamp in one's passport. Dr. Hirschman, who had fought briefly with a Republican unit in Barcelona during the Spanish Civil War, knew that in the mountains above Cerbre, a fishing village near the border of Spain, the French and Spanish frontier posts were placed so that neither was visible to the other. It was possible to climb the mountain on the French side without being seen by the guards while also managing not to overshoot the Spanish border station. Once across the border, with a stamped passport, the refugees were able to continue their journey legally. Albert Hirschman drew Varian Fry a sketch of his plan. This map, drawn in pencil on a little scrap of paper, was to become the crucial lifesaving document for thousands of refugees who eventually, with the help of Fry and his associates, fled to the United States, where they would make their most important contributions to the cultural history of western civilization.

Once Fry and his associates worked out this complex routing, they had to acquire a large number of passports and blank identity cards, and find a skilled forger who could make them usable. To forge the documents, Fry engaged the services of a cheery, diminutive Austrian cartoonist named Bill Freier. Freier fled to France when the Germans entered Vienna in March, 1938. He spent his days drawing portraits of people and his nights in his hotel room altering passports. Unfortunately, Bill Freier paid a heavy price for his valiant efforts. He was arrested by the Gestapo and deported to the death camps in Germany. Amazingly, with courage, endurance and luck, Mr. Freier survived the camp until its liberation. Then he proceeded to walk across France until he found his wife and the four-year old son he had never seen.

With all these pieces in place, Fry's underground ''railway'' was in business, and miraculously none of the refugees were ever caught. Fry succeeded in saving an incredible number of Europe's intellectual elite in spite of growing police surveillance and harassment. He succeeded in spite of the reluctance of some, the arrogant attitudes of others and the constant lack of cooperation, even discouragement, he received from American consular officials in Marseilles.

Varian Fry's work came to an end on Friday, August 29, 1941, when he was taken into custody by agents of the French Secret Police and was deported to Spain. Unfortunately, once in the safety of the United States, the celebrated refugees Varian Fry rescued could find no time for him. Instead of recognition for his vitally significant and dangerous mission during the war, he was rejected, snubbed and forgotten. The State Department failed to apologize for seizing his passport and leaving him without identification behind enemy lines in France, enabling the Fascist French Secret Police to seize him. ''We can't support an American citizen who is helping people evade French law,'' a U.S. diplomat told Fry when he asked for help.

In the United States Varian Fry wrote and lectured about the plight of Jews and other war refugees, and he accurately predicted the massacre of the Jews throughout Europe. His story is written in his book, ''Surrender on Demand,'' and the later version, ''Assignment: Rescue.'' Finally, Varian Fry received recognition for his efforts when he was awarded the Croix du Chevalier of the French Legion of Honor on April 12, 1967. In the summer of the same year Varian Fry died in his Connecticut home alone, leaving behind the unrecognized legacy of a heroic mission. He is survived by his wife, Annette, and three children.

Mr. Speaker, in 1993 the Holocaust Memorial Museum in Washington, DC, opened an exhibit detailing his accomplishments. On February 2, 1996, he was honored in Jerusalem at the Yad Vashem Holocaust Museum. Varian Fry is the first and only American recipient of the Righteous Among the Nations Award, which is an honor bestowed by Israel to non-Jews who risked their lives to save Jews during the Holocaust. ''Fry was an American Oskar Schindler, an American Raoul Wallenberg,'' said an attending Israeli.

Secretary of State Warren Christopher was the keynote speaker at the ceremony held belatedly to acknowledge Fry's heroism and humanity. On that occasion he said:

We have come to pay tribute to Varian Fry—a remarkable man and a remarkable American. Regretfully, during his lifetime, his heroic actions never received the support they deserved from my government, particularly the State Department. Even today, Varian Fry's tale of courage and compassion is too little known by his own countrymen. It is therefore with pride, but also with humility, that I come here today, as America's Secretary of State, to honor this extraordinary man.

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 history of World War II. His work deserves to be honored formally by the United States.

Tuesday, March 19, 1996

Daily Digest

HIGHLIGHTS

Senate passed Continuing Appropriations, 1996, and Small Business Regulatory Reform.

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: **Pages S2261–S2300, S2302–09, S2340**

Adopted:

(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. **Pages S2302–03**

Withdrawn:

Gorton Amendment No. 3496 (to Amendment No. 3466), to designate the ''Jonathan M. Wainwright Memorial VA Medical Center'', located in Walla Walla, Washington. **Pages S2279–80**

Santorum Amendment No. 3484 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. **Page S2279**

Santorum Amendment No. 3485 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. **Page S2262**

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. **Page S2262**

Santorum Amendment No. 3487 (to Amendment No. 3466), to reduce all Title I discretionary spending by the appropriate percentage (.367%) 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 S2279**

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. **Page S2284**

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 conferees: Senators Hatfield, Stevens, Cochran, Specter, Domenici, Bond, Gorton,

McConnell, Mack, Burns, Shelby, Jeffords, Gregg, Bennett, Campbell, Byrd, Inouye, Hollings, Johnston, Leahy, Bumpers, Lautenberg, Harkin, Mikulski, Reid, Kerrey, Kohl, and Murray. **Page S2309**

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. **Pages S2309–21**

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. **Page S2340**

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. **Page S2340**

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. **Page S2340**

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. **Page S2340**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting 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). **Pages S2325–27**

Messages From the President: **Pages S2325–27**

Messages From the House: **Page S2325**

Communications: **Page S2327**

Statements on Introduced Bills: **Pages S2327–31**

Additional Cosponsors: **Pages S2331–32**

Amendments Submitted: **Pages S2332–33**

Authority for Committees: **Page S2334**

Additional Statements: **Pages S2334–40**

Record Votes: Seven record votes were taken today. (Total–43) **Pages S2278–81, S2283, S2309, S2316**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:40 p.m., until 10 a.m., on Wednesday, March 20, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2340.)

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee resumed hearings on proposed legislation authorizing funds for fiscal year 1997 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 fiscal year 1997 and the future years defense program, focusing on Department of 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

Committee on Commerce, Science, and Transportation: Committee held oversight hearings on activities of the Federal Communications Commission, receiving testimony from Dennis R. Patrick, Time Warner, Inc., Kenneth Gordon, National Economic Research Associates, Albert Halprin, Halprin, Temple, Goodman & Sugrue, and Kenneth Robinson, all of Washington, D.C.; Cheryl L. Parrino, Wisconsin Public Utilities Commission, Madison, on behalf of the National Association of Regulatory Utilities Commissioners; and Harry M. Shooshan, Strategic Policy Research, Bethesda, Maryland.

Hearings were recessed subject to call.

MIDDLE EAST PEACE PROCESS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings to examine the threat of terrorism and its impact on the Middle East peace process, receiving testimony from L. Paul Bremer III, Kissinger Associates, Inc., New York, New York; Michael Eisenstadt, Washington Institute for Near East Policy, and Steven Emerson, both of Washington, D.C.; Seif Ashmawy, Voice of Peace, Newark, New Jersey; and Vincent M. Cannistraro, McLean, Virginia.

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, Chtd., 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.

Page H2466

Report Filed: One report was filed as follows: Report entitled "National Drug Policy: A Review of the Status of the Drug War" (H. Rept. 104–486).

Page H2466

Recess: House recessed at 1:21 p.m. and reconvened at 2 p.m. **Page H2328**

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 **Pages H2330–31**

1997 Budget: Message wherein he transmits the 1997 Budget—referred to the Committee on Appropriations and ordered printed (H. Doc. 104–162). **Pages H2331–33**

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. **Pages H2333–34**

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); **Pages H2334–39, H2376–77**

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; **Pages H2339–42**

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 **Pages H2342–50, H2377–78**

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. **Pages H2350–61**

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. **Page H2361**

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. **Pages H2361–76, H2378–H2460**

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; **Pages H2440–46**

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 worksite 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 **Pages H2446–50**

The Tate amendment that permanently bars legal entry to the United States, including temporary visas, for anyone who is caught entering the country illegally. **Pages H2456–60**

H. Res. 384, 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 yea-and-nay vote of 233 yeas to 152 nays, Roll. No. 68. **Pages H2361–76**

Senate Messages: Message received from the Senate today appears on page H2350.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H2375–76, H2376–77, and H2377–78.

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.

Hearings continue March 21.

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.

Hearings continue March 22.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Readiness held a hearing on the fiscal year 1997 national defense authorization, with emphasis on force readiness. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Paul Blackwell, USA, Deputy Chief of Staff, Operations and Plans, Department of the Army; VAdm. Thomas J. Lopez, USN, Deputy Chief of Naval Operations, Resources, Warfare Requirements and Assessments, Department of the Navy; Lt. Gen. Arthur C. Blades, USMC, Deputy Chief of Staff, Plans, Policies and Operations, U.S. Marine Corps; Lt. Gen. Ralph E. Eberhart, USAF, Deputy Chief of Staff, Plans and Operations, Department of the Air Force; Maj. Gen. Clinton V. Horn, USAF, Director of Operations, U.S. Special Operations Command; and Maj. Gen, William J. Begert, USAF, Director, Operations and Logistics, U.S. Transportation Command.

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

Committee on Ways and Means: Ordered reported amended H.R. 3103, Health Coverage Availability and Affordability Act of 1996.

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.

House

Committee 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 Building Restoration and Preservation Act; and 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 cloture 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

Program for Wednesday and the balance of the week: Complete consideration of H.R. 2202, Immigration in the National Interest Act of 1995; and

Consideration of H.J. Res. , making further continuing appropriations for fiscal year 1996.

Extensions of Remarks, as inserted in this issue

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