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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. ROGERS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 20, 1996.

I hereby designate the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Remind us, O gracious God, that we should use our words in ways that point to the truth and in a manner that elicits conversation and discussion. May our expressions not bring forth only a concern that only promotes our place or advantage, but may our words bring hope to those who despair, light to those who cannot see, encouragement to those who feel alone, and a beacon for those who seek the truth. And may the words that we say with our lips, we believe in our hearts and all that we hold in our hearts, may we practice in our daily lives. 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 gentlewoman from Texas [Ms. JACKSON-LEE] come forward and lead the House in the Pledge of Allegiance.

Ms. JACKSON-LEE of Texas 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

AGRICULTURE IN OKLAHOMA

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

Mr. LUCAS. Mr. Speaker, in most years Rogers and Hammerstein hit the nail right on the head when they penned, ''Oklahoma, where the wind comes sweeping down the plain, and the waving wheat can sure smell sweet when the wind comes right behind the rain.''

Well, my friends, this is not a typical year. There has been no rain, there is no waving wheat, and it seems all we are getting this year is the wind. It is dry, my farmers and ranchers are facing another bad year, and I am just praying that most of them will make it through this tough time.

Now I know this might not be a proper place to give a Southern Plains crop and weather report, but it's the only forum I have got. On national agriculture day, we in unison should all tip our hats to the men and women that fight the elements to provide us with the cheapest and safest food and fiber supplies that this world has ever known. We can't bring them rain. But colleagues, we can give them a workable farm policy. While I have great faith in the conferees on the farm bill to do what is right for American agriculture, I take this floor to urge them to work expeditiously to make this happen.

REPEAL HIV-DISCHARGE PROVISION IN DEFENSE AUTHORIZATION ACT

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

Ms. HARMAN. Mr. Speaker, last night the other body voted to repeal the hateful and punitive provision in the Defense Authorization Act requiring the immediate discharge of service men and women infected with the AIDS virus. I congratulate them.

Let us hope the House supports the other body's courageous action.

Mr. Speaker, requiring the discharge of HIV-positive personnel is unfair and punitive and is opposed by the Pentagon, including all the surgeons general of the military services. It is also opposed by the Veterans Administration, the Disabled American Veterans, the Veterans of Foreign Wars, the Air Force Association, former Senator Barry Goldwater and conservative columnists George Wills and Charles Krauthammer.

It is both unnecessary and bad policy for the Congress to interpose its own personnel policy on the military. As General Shalikashvili has testified, ''discharging service members with HIV deemed fit for duty would waste the Government's investment in the training of these individuals and be disruptive to the military programs in which they play an integral role.''

Let's join such prodefense Senators as SAM NUNN, JOHN MCCAIN and CONNIE MACK in repealing the requirement that HIV-positive personnel be immediately discharged.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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LET US RECOGNIZE THE AMERICAN FARMER ON NATIONAL AGRICULTURE DAY

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

Mr. CHAMBLISS. Mr. Speaker, today on National Agriculture Day, I would like to express my appreciation for all the hard work that the American farmer does each year. Our Nation's food system is envied throughout the world. No where else is food produced and delivered with such remarkable quality and consistency, yet available at such a low price.

And in spite of the criticism leveled on the American farmer I am proud to say that this Congress, with the help of farmers across the Nation, worked within the new Republican framework and took a long hard look at the existing farm programs. We put in place a system that works effectively and efficiently, for our farmers, for our taxpayers, and for America. The result: A farm bill that costs the taxpayers less money and at the same time gives our farmers a safety net. A farm bill that is more flexible and market oriented than ever before and a farm bill that is the most environmentally friendly agriculture legislation in our history.

The road has not been easy. Farmers across the Nation struggle each year doing the most difficult work in the world. For this reason, on National Agriculture Day, it is important that we recognize the work they do and thank them greatly.

LEAVE THE AMERICAN WORKERS ALONE

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

Mr. TRAFICANT. Mr. Speaker, General Motors is on strike; some people are blaming the workers. Let us get off it. It is not about blame anyway. It is about jobs and outsourcing. The fact is, companies keep killing good paying jobs by buying products outside their company from nonunion, low-wage companies that pay no benefits.

Enough is enough. When Zenith moved to Mexico, did they drop the prices of their televisions? When Smith Corona moved to Mexico, did the cut the prices of their typewriters? The truth is, American workers have been trapped between GATT and NAFTA, imports and outsources. It is time, ladies and gentlemen, it is time for workers to take a stand. If not now, when, and if not outsourcing, what is it?

Now, General Motors wants to make some cuts. They could hire some of those high paid executive a whole hell of a lot cheaper from China. Think about that and leave the American workers alone.

Mr. Speaker, I yield back the balance of all that unemployment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind our guests in the gallery that they should remain quiet.

IN MEMORY OF NEW YORK CITY POLICE OFFICER KEVIN GILLESPIE

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

Mr. LAZIO of New York. Mr. Speaker, this past Saturday, I attended the funeral of Kevin Gillespie, a New York City police officer from Lindenhurst, Long Island, who was senselessly killed last Thursday while attempting to arrest three carjackers in the Bronx. Officer Kevin Gillespie, who was only 33 years old, was the father of two young sons, Danny, age 7, and Bobby, age 4.

What makes Kevin heroic is that he risked everything in an attempt to make the streets of New York City safer for people that he probably didn't even know. He had been a member of the elite Street Crime Unit for only 4 months. He was described by those in his unit as a hard worker who was good at what he did. He loved his work and loved his unit. The Street Crime Unit is responsible for fighting crime in some of the city's worst neighborhoods. He gave what Lincoln so aptly called the last, full measure of devotion, while trying to prevent violent criminals from escaping. As St. John the Apostle said in the Bible, ''Greater love has no one than this, that he lay down his life for his friends.''

I had the opportunity to meet Kevin Gillespie's mother and wife. There are no words that one can say in such a situation. As I looked into their eyes, and saw their pain, I was filled with a sense of deep personal loss. I was particularly moved when I learned that Kevin's son, Danny, wrote a note with a crayon and put it in his father's coffin which read, ''Dad, I'm sorry that you died. I love you. You were a really good dad.'' Officer Gillespie truly is a hero, and after having seen his beautiful family, I can tell my colleagues that his death diminishes us all. But what is particularly tragic about this case is that the individuals responsible for the death of Officer Gillespie should never have been on the streets in the first place; all three had violent criminal records. All had been convicted of armed robbery, and one of the three had been convicted of attempted murder. Each was out on parole.

It is unconscionable to give early release to habitual violent criminals. Instead, we need to ensure that States have the resources to keep these violent offenders behind bars and off the streets for longer portions of their sentences. Through truth-in-sentencing, we can work to ensure tougher sentences for the most violent criminals, and hopefully avoid tragedies such as this. I do not want to have to go to any more funerals and see the pain in the eyes of another mother, wife, or child.

CLINTON'S BALANCED BUDGET

(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 President Clinton submitted his new budget to Congress and I urge my Republican colleagues to examine it closely for two reasons.

First, President Clinton has blazed a trail to a balanced budget. Ronald Reagan never submitted a balanced budget. George Bush never submitted a balanced budget. But yesterday Bill Clinton did.

Second, and just as important, he has provided a plan that balances the budget while protecting our priorities like education.

The President protects basic reading, writing, and math skills. He protects college loans, safe and drug free schools and a program to help youngsters who do not want to go to a four-year liberal arts college to make the transition from school to work.

My Republican colleagues say the education cuts they are insisting on are necessary to balance the budget. Yesterday President Clinton proved that we can balance the budget without robbing our children of the skills and the training they need to compete in the 21st century.

A DISHONEST BALANCED BUDGET

(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, the gentlewoman who spoke just before us talked with great glee about this President's balanced budget, but she did not tell the whole story. He also protected $7 million for foreign countries to teach their children how to measure rainfall and $10 million more for the National Endowment for the Arts. He also gave us a budget that indeed is balanced under CBO numbers, the Congressional Budget Office numbers, in 7 years. It just does not cut any spending until the sixth year and the seventh year, after he leaves office for his second term.

Does anybody in the sound of my voice believe that you can add to domestic spending for the next 5 years, and then hope a future Congress can come along and in 2 years make all the cuts that come to balance?

This is indeed a balanced budget, a dishonest balanced budget, and a cynical one at that.

CUTS IN EDUCATION FUNDING WILL NOT RAISE TEST SCORES

(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, the Republican majority's assault on public education continues.

A few days ago, Republican members of the Economic and Educational Opportunities Committee charged that the Federal Government administers 760 education programs, and yet, test scores in math, reading, and science continue to fall.

This outrageous statement is typical of the Republican attack on public education and needs to be corrected.

Most of the programs listed have absolutely noting to do with student achievement.

The Republican definition of ''education programs'' include: FBI advanced police training, disaster assistance, radiation control, and coal miners respiratory impairment treatment.

The FBI advance police training program was never intended to raise math, reading, and science test scores of our school children.

Instead of offering constructive solutions, the House Republicans have proposed the largest cuts in education funding in our Nation's history.

If Republicans are serious about securing a better future for our children, then they need to reevaluate their efforts to deny title I assistance; to eliminate Goals 2000; and to slash funding for safe and drug-free schools.

It's time to end the hypocrisy and put our money where our mouth is in education.

THE PRESIDENT'S NEW BUDGET

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

Mr. HEFLEY. Mr. Speaker, The President has introduced a new budget designed to warm the heart of every liberal in Washington. It contains tax increases, more spending for Washington bureaucracy, and more for entitlements. Also, to the glee of liberals, the new budget has no serious welfare reform, no serious Medicare reform, and no serious entitlement reform, and no cuts in spending until the out years.

Yes, Mr. Speaker, Washington liberals should be very proud of this new budget. It avoids touch choices. It protects the status quo, and, it expands big government.

I doubt, however, the rest of America will share in the enthusiasm of Washington liberals. The rest of America is tired of picking up the tab for Washington's 30-year Spend-a-Thon. The rest of America, plus all their children and grandchildren, are going to have to pay off the $5 trillion national debt.

Mr. Speaker, isn't it about time that Bill Clinton acted in the interest of the American people instead of Washington's liberals.

VOTING VALUES MORE IMPORTANT THAN TALKING VALUES

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

Mrs. SCHROEDER. Mr. Speaker, the conventional wisdom is that Democrats do not talk about values, and so I guess the assumption is we do not have values. Well, maybe we have not talked about values because we felt we were voting our values, and we felt that voting our values was a whole lot more relevant than talking values.

□ 1115

What do I mean by that? I think the value of education is one of the most fundamental values there is to every American family. Any American family who gets their child into the schools that they want to go in and see them go forward, it is like winning the lottery. It is better than winning the lottery, because you are what your children become.

Yet the people on the other side who love to talk values are gutting this educational value. They are gutting it by cutting $3.3 billion out of educational funding, going right at that basic math skills, right at basic reading skills and at drug-free schools. Those are the core of how we build a good public school system. They would rather build B–2 bombers.

Mrs. Speaker, something is wrong.

BIG GOVERNMENT IS NOT OVER WITH PRESIDENT'S SUBMITTED BUDGET

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

Mr. KNOLLENBERG. Mr. Speaker, the President has submitted his budget to Congress and here is the big surprise. The era of big government is not over. Once again, the President has said one thing and done another. His actions simply do not match his words. He said he would reduce spending and balance the budget, but what has he done? He has proposed more of the same old business that has piled up $5 trillion of debt.

The President's budget has it all, billions in unneeded spending for wasteful programs, cleverly hidden tax increases, a back door increase on capital gains that will hurt the little guy. I had hoped that the President would have used this opportunity to offer a serious plan and engage in good-faith negotiations to balance the budget and get the economy moving again. Instead, he chose to favor his own reelection over the country's business. Now we can only hope that this is the last Clinton budget we will ever have to deal with.

INVESTMENT IN OUR CHILDREN'S EDUCATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, all across America on blackboards in all of our public schools and private schools, of course, we see something being written on the board and the word comes out ''investment.'' If I might, I-N-V-E-S-T-M-E-N-T, investment. And a little hand is writing it. That is what the President's budget is promoting, investment in our children.

As I listened this morning as we pledged allegiance to the flag of the United States of America, there were some long and strong young voices in the echo, proud Americans. Yet we have a Congress that refuses to acknowledge the word ''investment'' on the blackboards of America. The budget by the President gives us $1 billion for title 1, for basic and advanced skills assistance, investment in our children; for those middle-class parents who are struggling to educate their college-aged children, with Pell grants. Whoever said the GI bill was not worth something when our young men came back from World War II and they were able to secure a college education—investment.

Mr. Speaker, we talk about the superhighway. We cannot get our young people into the superhighway and understanding the high technology without teaching the children and the teachers. Business tells us that—investment. Support the President's budget, but more importantly, tell the Republicans that we believe in investing in education for our children.

PRIVATE CONTRACTOR COLLECTS THOUSANDS FOR GOVERNMENT FOR ONLY $54

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

Mr. EHRLICH. Mr. Speaker, 3 weeks ago the Federal Government finally got around to using the services of the National Credit Management Corp. of Hunt Valley, MD, a company located in my congressional district.

Under the terms of the contract, NCMC would send collection letters to companies and individuals that owed the Government money.

The Nuclear Regulatory Commission turned over 100 accounts to NCMC and paid the company $54 for the entire project. These were accounts that the NRC had previously tried unsuccessfully to collect. In just 3 weeks, those initial 100 letters sent out by NCMC have brought in $63,000.

What I would like to know, Mr. Speaker, is why every agency of the Federal Government is not taking advantage of private debt-collection services? More than $50 billion in nontax

debt is owed to the Federal Government. Another $60 to $70 billion in tax debt is owed to the IRS. Every day the Government does not collect its delinquent debt costs taxpayers millions of dollars, while many companies, such as the National Credit Management Corp., stand ready to collect that debt.

KENNEDY-KASSEBAUM HEALTH CARE REFORM BILL

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

Ms. MCKINNEY. Mr. Speaker, in this era of corporate downsizing and mass layoffs, working families have to fear, not only losing their jobs, but also their health insurance.

To allay this fear, 53 Senators have cosponsored the bipartisan, Kennedy-Kassebaum health care reform bill which is likely to pass in the Senate. Here in the House, Mr. Speaker, 186 Members—from both parties—have cosponsored a similar health care reform bill sponsored by Republican Congresswoman MARGE ROUKEMA.

Fearing broad bipartisan support for health care reform, however, the ninjas in the Republican leadership have begun their clever sabotage of the only real chance that health care reform has in this Congress. Rather than supporting the Roukema bill, they are pushing their own bill which they know the President will have to veto. Sadly, Mr. Speaker, I am sure the insurance industry is standing by to handsomely reward this sabotage.

POMBO-CHAMBLISS AMENDMENT WILL HELP REDUCE ILLEGAL IMMIGRATION

(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, after years of Congress failing to address out-of-control immigration, the 104th Congress is set to pass much needed immigration reform. We all want to crack down on illegal immigration. There are two amendments to be offered today, which are very important to the agricultural community in America. The Pombo-Chambliss amendment will help reduce illegal immigration. The Goodlatte amendment only makes a bad program worse. The current guestworker program simply does not work and further tinkering will not help. We need a new program that will make sure seasonal agricultural workers do not stay in this country. The Pombo amendment assures that these legal temporary workers will only be hired when American workers cannot be found. They will only be admitted for the seasonal job for which they were hired, 25 percent of their pay will be withheld and paid to them in their home country. Nonworking family members are not eligible. Any workers that disobeys the rules will be permanently barred from the program.

Mr. Speaker, I urge my colleagues to vote ''yes'' on Pombo and ''no'' and Goodlatte.

TWO EXAMPLES OF BRAVERY

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

Mr. HOLDEN. Mr. Speaker, it is with great sadness that I rise today to pay my respects to two servicemen from my district who were recently killed in military training accidents. Two brave men, Marine Capt. David Holley, and Army CWO Walter Fox, were involved in aircraft crashes. Both of these men grew up in my district, Captain Holley in Pottsville and Chief Fox in Barnesville. Both had outstanding military records and gave their lives in service to this country.

Captain Holley was a member of the 533d Marine All-weather Attack Fighter Squadron and is presumed dead after his F–18 went down over the Atlantic Ocean. His father, Dave Holley, and mother Darly are good friends of mine. Captain Holley was an outstanding young man, and his loss is a true tragedy.

Chief Warrant Officer Fox was a member of the 160th Special Operations Air Regiment and was killed when his MH–47E Chinook helicopter crashed in Kentucky last week. He was a veteran of Operation Desert Storm and had a distinguished service record.

On behalf of the people of the Sixth District of Pennsylvania, I want to honor both Captain Holley and Chief Fox and let their families know that our thoughts and best wishes are with them. Chief Warrant Officer Fox and Captain Holley were great Americans, and their lives and sacrifices will not be forgotten.

CLINTON ADMINISTRATION MUST ENFORCE THE LAWS

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

Mr. BARR. Mr. Speaker, yesterday, I was the lead witness presenting testimony before the House International Operations and Human Rights Subcommittee, on the matter of terrorist regimes influencing the U.S. political process. I urged hearings be held and investigations and prosecutions be initiated, if warranted, against American citizens such as Louis Farrakhan, for travels to terrorist regimes, and then acting to subvert the American political process.

The administration was called to testify and failed to appear. It is unacceptable that this administration would duck its responsibility to the American people and its obligation to the U.S. Congress to answer questions about the prosecution of American passport, visa, Federal election campaign laws, and others currently on the books.

It is ironic that just as Congress has begun fully debating whether current laws are adequate to protect us against acts of terrorism, our Government consciously takes a walk when presented with evidence that a U.S. citizen, like Louis Farrakhan and his organization in this country, are engaging in activities with known terrorist regimes.

EDUCATION IS AMERICA'S FUTURE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, in school districts across the Nation, teachers are being laid off, students face classrooms that will be even more crowded, needed equipment and supplies cannot be purchased, and parents are being told that they can no longer depend on after school programs.

We talk about restoring families and helping our young people. Yet, Members of this House seem ready to abandon education by making the largest cuts in America's history.

Now those who want to make these unprecedented cuts will argue that we are spending too much on education. To them, I would say, ''how quickly we forget.''

How quickly we forget that when America led the world in educational achievement, for every $10 the Government spent, $1 went for education.

Today, however, for every $10 the Government spends, only ten cents—one thin dime—goes for education.

We must restore these cuts, and they are cuts. We must invest in America's families, America's children, and America's future workers.

GET RID OF THE IRS

(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 Committee on Ways and Means is in hearings to begin the process of replacing our current tax system.

I applaud the gentleman from Texas [Mr. ARCHER], the chairman, for addressing this issue head on. He said that we have got to pull the IRS out by the roots. We can no longer support a tax system that places enormous burdens on our families, businesses, and the future of this country.

Mr. Speaker, America deserves better. We deserve a new tax system that will reduce the role of the Federal Government and get the IRS out of our lives. It must be a system that promotes economic growth, savings, and investment. It must be simple and, most importantly, it has to be fair.

I believe that, guided by these principles, we can develop an entirely new

tax system that will unleash the tremendous pent-up potential of this country's greatest resource, its people, and get rid of the IRS.

IMMIGRATION POLICY SHOULD PROTECT OUR LIBERTIES

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

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to express my deep concern over the serious implications of the Immigration Act of 1995. We must all be concerned that the steps that are taken to address legal and undocumented immigration are reflective of the civil liberties and protections implicit in our democratic system of government and treasured by all Americans. As a native Chicagoan, I have personally witnessed the immense contributions that immigrants from immigrants from Ireland, Eastern Europe, Central and South America, and Africa have made to enrich our social fabric and economic vitality.

Unfortunately, today we are faced with a measure that unfairly capitalizes on public fears about illegal immigration in order to reduce the number of people who join our society, driving a wedge between those U.S. citizens who merely seek to be reunited with their family members. Attempting to resolve both legal and illegal immigration policies simultaneously serves only to convolute these issues of significant social import. For these reasons, Congress should instead pursue separate consideration of legal and undocumented immigration as has been recommended by many of our colleagues in this and the other body.

I am equally concerned about draconian attempts to deny education to undocumented children. The Supreme Court, in Plyler versus Doe held that children born on U.S. soil are entitled to 14th amendment protections. By barring children from the classroom, we will not only be preventing a lifetime of potential, but also, we will be working to deny them equal protection under the law. Punishing children on the basis of their parent's immigration status is not only unfair and mean-spirited, but its effects will no doubt negatively reverberate throughout our communities.

Mr. Speaker, I am likewise concerned about the so-called employee verification system which has been proffered as a means to enhance employment enforcement. As the representative from the Second Congressional District of Illinois, I am honored to represent the 24,342 foreign-born individuals who reside in my district. The possibility that these citizens may be selected for the pilot program frightens me because such a system would not only fail in protecting worker's rights but would in all likelihood lead to unauthorized uses of this database, posing new dangers to civil liberties for people who look foreign, thereby encouraging discriminatory and unconstitutional behavior.

Mr. Speaker, I strongly urge my colleagues to review these and other issues with care as we consider the future implications of this bill. As we today appreciate the richness of our social fabric we must likewise think of our legacy. Mr. Speaker, I urge us not to turn our backs on the many peoples which contribute to our cultural wealth, and for this reason will today oppose H.R. 2202 as it is drafted.

Let us extend the invitation to another generation. Give me your tired, your poor, your huddled masses who yearn to breathe free.

BOOST DOMESTIC PRODUCTION OF FUEL

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

Mr. LARGENT. Mr. Speaker, 5 years have passed since American troops were sent to the Persian Gulf to fight a war that former Secretary of State Lawrence Eagleburger now calls ''a classic example of the danger we face because we are so dependent on foreign oil.''

Last year the United States imported over 50 percent of its crude oil—more than ever before—while domestic production fell to a 40-year low. Since the 1980's, we've lost one-half million high-skilled, high-wage oil related jobs.

According to the Department of Energy's Acting Deputy Assistant Secretary—that within a decade the U.S. will import nearly 60 percent of its oil. He added that our trade deficit in oil is expected to double to nearly $100 billion by that time.

We need to stimulate domestic oil and gas production by lifting Government regulations that provide no benefit to the environment but cost jobs and make industries less competitive. U.S. producers, are capable of developing untapped resources while protecting the environment if given the opportunity. We also need to develop tax incentives that stimulate domestic production.

Boosting domestic production will lead to a win-win situation—job creation and increased national security.

□ 1130

EDUCATION MUST BE OUR TOP PRIORITY

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

Ms. SLAUGHTER. Mr. Speaker, I rise today to join my colleagues in expressing our concern at the continued majority attacks on education. Education comprises a mere 2 percent of our entire budget, yet the new majority has disproportionately targeted it for drastic cuts.

Without a doubt, education is the most important investment we can make in the future of our nation. Even with a balanced budget, our country cannot grow and prosper without an educated populace.

The current Republican proposals would cut more than $3 billion in education, $300 million in education funding for New York State alone. In addition to facing these huge cuts, our schools are currently trying to piece together their budgets for next year—and are being forced to estimate their funding because of the budget stalemate here in Washington. We need to pass a long-term spending measure to ensure that education is protected.

Balancing our budget forces us to make a list of our priorities. Our future is at risk. Education must be at the top of that list.

''MR. CLINTON'S DISAPPEARING TAX CUT''

(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, this morning's Washington Times ran a lead editorial entitled ''Mr. Clinton's Disappearing Tax Cut.''

What an appropriate title, Mr. Speaker.

Let me quote the Times:

> For all the righteous rhetoric emanating from the White House deploring the squeeze on middle-class family incomes. President Clinton proved once again yesterday that he would rather spend middle-class taxpayers' money than refund it. That is the essential lesson to be gleaned from the 2,196 pages of the fiscal 1997 budget.

Mr. Speaker, when all is said and done, President Clinton is more worried about Washington bureaucracy and Washington spending than he is about the middle class taxpayer. The President has spent the last 3½ years breaking every campaign promise he ever made. And his new budget just proves that he is not serious about cutting taxes. What tax cut he does offer is temporary—but his tax increases are permanent.

The Times is right. President Clinton would rather spend money than cut taxes.

EDUCATION BUDGET CUTS IN TRIO PROGRAMS

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

Mr. ROMERO-BARCELO. Mr. Speaker, once again, some political leaders are trying to take away money needed for education. Republican Members of the House recently issued a list of Federal education programs which they say do not work.

The truth is that a majority of the programs they are talking about do not even have anything to do with educating children. Yet to justify the largest

cuts in education funding in the Nation's history, they have resorted to scare tactis and deceiving the people by not mentioning the programs that do work.

The public should know the truth about this country's successful education programs, such as the TRIO programs which enable Americans from low-income families to graduate from college. Funded under Title IV of the Higher Education Act of 1965, TRIO programs go hand-in-hand with student financial aid programs.

When children of low-income families aspire to be teachers, doctors, lawyers, or to undertake doctoral studies, TRIO provides them with the support needed to achieve these career goals.

Many students who participate in TRIO come from America's broken urban-school systems, where inequality and segregation reign. They live in violent and drug-infested neighborhoods and are confronted with a myriad of obstacles which hinder academic pursuits. The truth is that many come from families who have had to depend on welfare. TRIO provides these students an opportunity to overcome these barriers and it enables the sons and daughters of low-income families to break the cycle of poverty and dependency.

Mr. Speaker, we need to keep investing in TRIO. And we need to keep investing in education.

TELECOM REFORM HAS ARRIVED IN OKLAHOMA

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

Mr. WATTS of Oklahoma. Mr. Speaker, telecommunications reform has arrived in Oklahoma.

National telecommunication reform hit the ground yesterday for the first time when the Oklahoma Corporation Commission, in response to the Telecommunications Act of 1996, sent a proposal on local telephone competition rules to the Oklahoma legislature and Governor for their final approval.

I salute the commissioners for their rapid response to the new opportunities and choices that Congress provided America's consumers and businesses when we passed the Telecommunications Act of 1996 just last month.

Following final action by the Governor and the State legislature, Oklahoma will be leading the Nation in providing new telecommunication services to our citizens. Enhanced competition will provide Oklahomans and all other Americans with improved access and lower costs as we move the Nation's telecommunications systems into the 21st century.

I want to congratulate the Oklahoma Corporation Commission for its forward thinking and swift action in assuring Oklahomans the most modern communications available in the Nation.

FIGHTING THE GUN LOBBY

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

Mr. SCHUMER. Mr. Speaker, I have just received word that the Committee on Rules will have a hearing tomorrow on a bill to repeal the assault weapons ban. The House of Representatives will vote on a bill to repeal the ban in the next couple of days. No hearings, no markups.

This bill is headed straight to the floor faster than an Uzi's bullet. It is a sneak attack. Why? Because sunlight is the greatest disinfectant, and the gun lobby is afraid of a debate.

The assault weapons ban is simple. It says no more Uzis, no more AK–47's, no more street sweepers. Ask any hunter, any sportsman, any legitimate citizen whether the ban has interfered in any way with their right to bear arms. It has not. But if the gun lobby has its way, there will be no more ban, but there will be a lot more carnage, more police officers will be killed, more children will be caught in random gunfire, and this Congress will have blood on its hands.

Mark my words, my colleagues, we will not go down quietly. We will fight this vote by vote. We will fight it Member by Member. We will fight the rule, fight the bill, fight the gun lobby, and we will win. The American people will win as well.

HANG TOUGH AND BALANCE THE BUDGET

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

Mr. SMITH of Michigan. Mr. Speaker, I also have been reading the President's budget that he gave us yesterday. I am very upset. If we look at what the President does, for example, on tax increases, he increases taxes $232 billion more than the Republican proposal. Then look at continued spending. He increases spending $350 billion more than the Republican proposal. It is the same old issue of tax and spend.

I call, Mr. Speaker, on my colleagues to hang tough, to not have an increase in the debt ceiling unless we are going to get on that glide path to a balanced budget. If we have to close down Government to move ahead, to get politicians to do what every family in this country has to do, balance their budget, then let us do it.

Mr. Speaker, I say stick to our guns, hang tough, let us do what we have to do. Stop spending the money that our kids and our grandkids have not even earned yet to pay for today's problems. Let us be reasonable, let us be fair, let us do what we have to do and balance the budget.

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

Mr. BUNNING of Kentucky. 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 under the 5-minute rule: the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on International Relations, the Committee on National Security, the Committee on Resources, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there are no objections to these requests.

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

There was no objection.

BACK TO THE FUTURE: U.S. DEPENDENCE ON FOREIGN ENERGY

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

Mr. STENHOLM. Mr. Speaker, the German philosopher Hegel once wrote: ''What experience and history teach is this: that people and governments never have learned anything from history, or acted on principles deduced from it.'' Unfortunately, this has been the case with U.S. energy policy.

Few people serving in this Congress do not remember the impact of the two oil crises in the 1970's. Millions of jobs were lost, and the economy experienced billions of dollars in lost production and income.

The domestic energy industry, which has historically been a boom-or-bust industry, has never recovered from the drop in oil prices in the 1980's. Hundreds of thousands of jobs were lost, domestic exploration and production declined, with the result that we are even more dependent than ever on foreign sources of energy.

As we mark the 5-year anniversary of the Persian Gulf war, U.S. oil imports now approach 50 percent of domestic oil consumption and this is expected to reach 60 to 75 percent by 2010. While we currently have ready access to oil from Venezuela and Mexico, there are no certainties about what happens globally on down the line when it comes to Russian politics, the Iraqi oil embargo, and the future stability of the Middle East.

Oil imports affect national security, American jobs, the balance of trade, interest rates, the stability of the dollar, and the economy. Unless we develop a realistic and bipartisan energy policy, we will remain vulnerable to future

supply disruptions, economic problems, and threats to our national security.

IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

The 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 further consideration of the bill, H.R. 2202.

□ 1142

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 further 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. When the Committee of the Whole rose on Tuesday, March 19, 1996, amendment No. 5, printed in part 2 of House Report 104–483, offered by the gentleman from Washington [Mr. TATE], had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 3 offered by the gentleman from California [Mr. BEILENSON]; amendment No. 4 offered by the gentleman from Florida [Mr. MCCOLLUM].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BEILENSON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. BEILENSON], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 120, noes 291, not voting 20, as follows:

[Roll No. 71]

AYES—120

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
de la Garza
DeLauro
Dellums
Diaz-Balart
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kolbe
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Matsui
McCarthy
McKinney
McNulty
Miller (CA)
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roybal-Allard
Sabo
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—291

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Deutsch
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Maloney
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Collins (IL)
Durbin
Hayes
Hostettler
Johnston
Kasich
Kennedy (MA)
Meehan
Minge
Moakley
Olver
Porter
Pryce
Radanovich
Rush
Smith (NJ)
Stokes
Studds
Walker
Waters

□ 1203

Messrs. BONO, THORNBERRY, BARR of Georgia, and HOLDEN, Mrs. MALONEY, and Messrs. BALDACCI, WARD, and LATHAM changed their vote from ''aye'' to ''no.''

Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. FLAKE, NEAL of Massachusetts, GENE GREEN of Texas, and KENNEDY of Rhode Island changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. MCCOLLUM

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 221, not voting 19, as follows:

[Roll No. 72]

AYES—191

Ackerman
Andrews
Baker (CA)
Baker (LA)
Baldacci
Barr
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Browder
Brown (CA)
Bryant (TN)
Bryant (TX)
Burr
Calvert
Campbell
Canady
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Condit
Cramer
Cunningham
Danner
Deal
DeFazio
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Eshoo
Ewing
Farr
Fawell
Fields (LA)
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Harman
Hastings (WA)
Hefner
Hobson
Hoekstra
Holden
Horn
Hunter
Hyde
Istook
Jackson-Lee (TX)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kildee
Kim
Klink
Kolbe
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lightfoot
Lincoln
LoBiondo
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McHale
McHugh
McKeon
McKinney
McNulty
Meyers
Mica
Miller (CA)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myrick
Nadler
Neal
Norwood
Obey
Orton
Packard
Pallone
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Quillen
Rahall
Rangel
Reed
Riggs
Rogers
Rohrabacher
Roth
Roukema
Royce
Sabo
Salmon
Saxton
Schiff
Schroeder
Schumer
Seastrand
Shays
Sisisky
Skelton
Smith (NJ)
Smith (TX)
Stenholm
Tanner
Tauzin
Taylor (MS)
Thurman
Torkildsen
Torricelli
Traficant
Upton
Vento
Volkmer
Waldholtz
Walsh
Ward
Waxman
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (AK)
Zeliff
Zimmer

NOES—221

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bevill
Bonilla
Bonior
Borski
Brewster
Brown (FL)
Brown (OH)
Brownback
Bunn
Bunning
Burton
Buyer
Callahan
Camp
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Davis
de la Garza
DeLay
Dellums
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dunn
Emerson
Engel
English
Ensign
Evans
Everett
Fattah
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Frisa
Funderburk
Furse
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoke
Houghton
Hoyer
Hutchinson
Inglis
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kennedy (RI)
Kennelly
King
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Longley
Lucas
Luther
Manzullo
McCarthy
McCrery
McDade
McDermott
McInnis
McIntosh
Meek
Menendez
Metcalf
Miller (FL)
Morella
Myers
Nethercutt
Neumann
Ney
Nussle
Oberstar
Ortiz
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Petri
Pickett
Pombo
Portman
Poshard
Quinn
Ramstad
Regula
Richardson
Rivers
Roberts
Roemer
Ros-Lehtinen
Roybal-Allard
Sanders
Sanford
Sawyer
Scarborough
Schaefer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stump
Stupak
Talent
Tate
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torres
Towns
Velazquez
Visclosky
Vucanovich
Walker
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
White
Whitfield
Williams
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—19

Collins (IL)
Durbin
Hayes
Hostettler
Johnston
Kasich
Kennedy (MA)
Meehan
Minge
Moakley
Olver
Porter
Pryce
Radanovich
Rose
Rush
Stokes
Studds
Waters

□ 1215

The Clerk announced the following pair:

On this vote:

Mr. RADANOVICH for, with Mr. PORTER against.

Messrs. NETHERCUTT, JEFFERSON, CHRYSLER, GONZALEZ, and TOWNS changed their vote from ''aye'' to ''no.''

Mr. FOX of Pennsylvania, Ms. MCKINNEY, and Mr. NADLER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 6.

Amendment No. 6 will not be offered.

It is now in order to consider amendment No. 7 printed in part 2 of House Report 104–483.

AMENDMENT NO. 7 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATHAM: At the end of subtitle D of title III insert the following new section:

SEC. 365. AUTHORITY FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE IN DEPORTATION.

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

''(f)(1) The Attorney General may deputize any law enforcement officer of any State or of any political subdivision of any State to seek, apprehend, detain, and commit to the custody of an officer of the Department of Justice aliens subject to a final order of deportation or exclusion under this Act, if—

''(1) actions pursuant to such deputization are subject to the direction and supervision of an officer of the Department of Justice;

''(2) any deputization, its duration, an identification of the supervising officer of the Department of Justice, and the specific powers, privileges, and duties to be performed or exercised are set forth in writing; and

''(3) the Governor of the State, or the chief elected or appointed official of a political subdivision (as may be appropriate) consents to the deputization.

''(2) No deputization under this subsection shall entitle any State, political subdivision, or individual to any compensation or reimbursement from the United States, except where the amount thereof and the entitlement thereto are set forth in the written deputization or where otherwise explicitly provided by law.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Iowa [Mr. LATHAM] and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from Iowa, Mr. LATHAM.

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

Mr. Chairman, I rise today to offer this amendment in remembrance of Justin Younie, the 19-year-old son of Rick and Vicki Younie, who was brutally attacked, stabbed, and murdered in the small Iowa town in which he was born and raised. Justin's killers were illegal aliens to our country, our State, and to the quiet community of Hawarden.

While Justin's murder is the real tragedy from that night, many in the community were further incensed that the crime was committed by illegal aliens. In fact, one of his attackers had been through the deportation process with the Immigration and Naturalization Service.

Just as in Hawarden, many communities are fighting an increasing battle of illegal immigration. Local law enforcement agencies are understandably frustrated by this problem because there is legally nothing that a State or local law enforcement agency can do about a violation of immigration law other than calling the local INS officer to report the case.

State and local officials are further frustrated when a deported illegal alien reappears in their jurisdiction. The only recourse in this scenario is to again call the INS office and wait.

I offer this amendment today to empower State and local law enforcement agencies with the ability to actively fight the problem of illegal immigration.

My amendment will allow State and local law enforcement agencies to enter into voluntary agreements with the Justice Department to give them the authority to seek, apprehend, and detain those illegal aliens who are subject to an order of deportation.

By allowing—not mandating—State and local agencies to join the fight against illegal immigration, we will begin to slow down the revolving door at our country's borders, and will hopefully prevent tragedies such as the incident in Hawarden, IA.

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

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. BECERRA. Mr. Chairman, I seek time in opposition.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 20 minutes.

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

Mr. Chairman, let me first begin by saying that for anyone who has lost a member of the family as a result of some crime or has at the hands of someone committing criminal activity suffered harm or injury, let us all say that we are in grief for that individual and that we should express grave concern and take action to ensure that those types of criminal activities do not occur and that people are not hurt or injured.

There is nothing wrong with trying to use our law enforcement capacity, whether at a Federal, State or local level, to try to ensure that our citizens are able to live in safety and in harmony. But this amendment takes a step beyond that, and it does not just talk about making sure we have proper, safeguarded law enforcement activity. It actually breaks the ground of what we have had in this entire country of jurisdictional responsibility for law enforcement in the hands of our various law enforcement authorities.

Your never find the FBI, you never find the border patrol, trying to give someone a speeding ticket for speeding. You do not find the California Highway Patrol or any other State's highway patrol trying to enforce national immigration law. And that is because those are separate and distinct activities.

A California Highway Patrol officer is trained to know what the laws on the roads are, to be able to handle situations that occur on the road. A police officer is trained to deal with all the different types of activities he or she may encounter on the streets of his particular city.

A law enforcement officer with the border patrol is taught and trained on how to conduct himself and to be able to deal with the situation along the border and in the interior of our country when it comes to apprehending those who might be in this country without permission or those who are violating our Federal immigration laws.

But to now break those clear lines of division would have us allow a local law enforcement officer do the work of a Federal law enforcement officer. This amendment does not say that the local law enforcement officer has been trained on the laws of border enforcement or that that individual has been trained to deal with activities involving border enforcement or immigration law enforcement.

It is something that for the longest time this country has tried to avoid. Even recently in the last couple of years, we have seen how even Members of Congress here have expressed grave concern in expanding the powers of certain agencies, whether it is the ATF or the FBI or any other law enforcement agency. We even see at a local level how our police commissions and other agencies that oversee our law enforcement authorities are trying to ensure that, one, they have the capacity and resources to conduct the activity in their jurisdiction as law enforcement authorities, and, two, that they remain within the bounds of their jurisdiction.

This amendment breaches that jurisdictional limit. I believe it will lead to situations where we have people who are not trained to do the work doing the work beyond their capacity as local law enforcement trying to do Federal enforcement activities.

I must say as someone who is a member of an ethnic minority, it disturbs me when I hear that we will now have people who are not trained to do a specific type of law enforcement work out there doing something which has in the past caused harm, injury, and discrimination against certain classes of individuals.

I would urge Members to look closely at the amendment. I think it is well-intentioned. I think the gentleman is trying to deal with a situation out there in our country. But I do not believe at this stage we should be reaching the stage where we breach those very clear lines that have been delegated to our different law enforcement authorities from the Federal Government down to the local government.

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

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

Mr. Chairman, I would just like to make a couple of comments. This actually empowers the local law enforcement agencies. They are the ones who are out there every day in the small communities in Iowa. They know who is there illegally, under deportation orders, that they are criminals, and they are in the front line of law enforcement. That is why I think this is not an extension of the Federal control, but it is empowering us locally. That is why it is so important.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Iowa [Mr. LATHAM]. I offered a similar amendment last week in the House to the effective death penalty bill, and it was adopted.

Mr. Chairman, if our State is illustrative of anything, it is that illegal immigration is seriously out of control. Consider these statistics that the California Department of Justice has provided. Ninety-eight percent of all illegal immigrants who are deported for committing felonies in California will eventually return to the State. Of that number, 40 percent will commit crimes again.

I pointed out last week and I just observe again, we are seeing this in rural America as well. Indeed, the first drive-by shooting in a rural town in my district was committed by an illegal alien. He was convicted and served his sentence, and within one week after he was deported, he was back in the country.

Now, it turned out that he committed another crime. Interestingly enough, the local law enforcement officer had apprehended this individual before the second crime was committed, but he could not hang onto him because, and I find this amazing, I do not think most people really realize this, even if you are a criminal alien not entitled to be in the United States, if a local law enforcement officer discovers that, the Federal law does not allow this individual to be held. All the local law enforcement can do is call up the INS and notify them that they have observed this individual in the area and say where they saw him, and that is it.

Well, the INS is overwhelmed right now, Mr. Chairman, with problems related to illegal immigrants. It seems absurd to me that the Federal law precludes law enforcement from dealing with this situation when they discover it.

The amendment of the gentleman from Iowa [Mr. LATHAM], which I am proud to be a cosponsor of, will give them the tools that they need to deal with this. It does not require anything. Only if the local law enforcement wishes to assume this responsibility may they under the provisions of this bill.

But the fact of the matter is in the illustration that I gave, had local law enforcement had this power thanks to the amendment of the gentleman from Iowa [Mr. LATHAM], then this individual could have been detained right then when they found him, instead of being released, where he then went and committed a new crime. We all know that this country is awash in crime as it is, and maybe this points to one of the reasons, because our laws in certain respects are not as strong as they ought to be.

So I think this is an amendment whose time has really arrived, and I would strongly urge support for the Latham-Doolittle amendment.

Mr. BECERRA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleague for yielding me time, and especially for his leadership on this issue. I am trying to understand this amendment, and certainly I think all of us come to this issue of immigration and the question of illegal and legal immigration hopefully with somewhat of an open mind, but with a sense of fairness.

□ 1230

Mr. Chairman, I heard the gentleman who just spoke cite crime statistics. I would like us to look at that, because we are told and we have documentation by the Justice Department, FBI, and many local law enforcements that indicate that over the last couple of years, crime has gone down. One of the reasons it has gone down, of course, is the proponents and supporters of community-oriented policing, which combines prevention along with law enforcement. It means that our law enforcement officers on the local level can be focused on dealing with local crime issues and becoming part of the community.

I think this amendment may have good intentions, but it certainly is paved wrongly and the road goes in the completely wrong direction. This is not the direction we should send local law enforcement, to make them the entrappers of individuals who may look different or speak a different language. They have worked very well with the INS, the Border Patrol, and others in the local communities. But it is perfectly obvious that if anyone in a local jurisdiction is committing a crime, that local law enforcement can, in fact, act upon that crime. They can arrest that person. They can take him down to jail. The person can be indicted. That crime can be stopped.

Mr. Chairman, why should we engage local law enforcement officers in jobs they really do not want to be involved in? They have the responsibility of bringing law and order to a community, safety to a community. They need to do that job. It is the same unnecessary burden that we might put on teachers in our public school system for them to point out some young child who may be an illegal as they may perceive it.

We force them to do a job that is not theirs. This amendment forces local law enforcement, sheriffs and constables and police officers, to do a job that is not theirs.

Mr. Chairman, as someone who has participated in local government and worked extensively with our local law enforcement, supporting them through safety measures in terms of real gun laws that protect them against assault weapons, someone who has been a strong proponent of community-oriented policing and prevention activities, I know how important it is for local law enforcement to establish trust with all of the ethnic and minority groups and communities in their cities. In particular, our large cities, like a Houston that has a multicultural community, it is important that those communities who speak a different language realize that when the police come, they are there to enforce the universal laws and prevent crime against those citizens, and anyone who is doing a crime will be arrested.

It is dangerous to put immigration authority in these local law enforcements so that they cannot do their real job, which is to protect those communities and protect the larger communities and to engender trust in the community so that they can get the job done. I appreciate the direction of the gentleman, however, I think it is the wrong direction. I think we are doing wrong on behalf of our local law enforcement to burden them with this responsibility, and I think we are also endangering our ethnic and minority communities across the Nation who want to work cooperatively with the police.

Mr. Chairman, I yield back and I ask Members not to support this amendment.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to just sort of comment to the fact that I support this amendment. As somebody who has spent 20 years supervising law enforcement agencies, not just in local government but local government along the border, I must remind my dear colleague from Texas that this amendment does not make it mandatory that local law enforcement enforce the immigration aspect of the crimes that are being committed by illegal entering. It is voluntary.

Mr. Chairman, I want to remind my colleagues from both California and Texas we are talking about the commission of a crime. When somebody violates immigration law and comes into this country, they are not illegal only when they break another civil law, a local law enforcement, they are illegal because they have broken the laws of the United States.

It is, I just have to say, sort of interesting the fact that I do not know if my colleague from Texas or California are aware of things like the San Diego border task force, which is San Diego police officers patrolling the international border and getting in fire fights, gun fights with smugglers and other illegal activity that is related to the alien problem. I am not so sure that they have talked to the people that live along the frontier of this country and watch people jumping fences, violating their jurisdiction, but only being told that, well, this is a Federal issue and so local government should not be involved in the issue.

In fact, I would ask, Mr. Chairman, that some of these people may be interested in the fact that 2 years ago, while there was flooding along the Tijuana River Valley that citizens were told that their local law enforcement should not intervene and stop illegal aliens from walking through their areas while looting was going on because somehow this might violate the jurisdictional lines between the two.

Mr. Chairman, I would have to say to my colleague from California this is not an issue of the Federal Government encroaching out into the community. This is not an expansion of Federal jurisdiction. We are talking about the fact of doing what we talk about here, allowing the local community to contribute to the Federal effort. That is all we are saying, allow them to do it, Mr. Chairman. I strongly support the amendment.

Mr. BECERRA. Mr. Chairman, I yield myself 1 minute and 30 seconds.

In response to my friend from California, let me just say that the situation, the example that he cites, is one where currently we have the authority to do what is necessary to stop any looting activity, any violations that may occur in the neighborhoods of his community, my community, any community. We do not need to have the INS go out to any community if someone is looting a neighborhood. We do not need to have the INS go out if there is an individual that is breaking curfews. All those things are currently taken care of. What we are saying, however, is that we have to be very careful in having law enforcement try to do the work of the INS and Border Patrol officers.

If I can just cite for my colleagues' consideration at some point the reports by the Commission on Civil Rights, which has said that in the past there have been occasions when some very aggressive, zealous local law enforcement officials have actually detained people because of their foreign-looking appearance or because of their racial or ethnic appearance.

We have had instances where local law enforcement officials, believing they have the authority, have taken some of these measures without that authority and in fact caused the violation of certain rights that individuals have in maintaining their own privacy and being free of government intrusion, especially if they have committed no wrong. Just because one may look foreign does not mean one should be apprehended or stopped.

Those are some of the concerns that a number of communities have expressed with this legislation. Also, local law enforcement has expressed the concern of having the Federal Government allow the local governments to go into that particular field as well.

Mr. LATHAM. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I appreciate the concerns. I wish my colleague from California was worried about the civil liberties of the people

that are stopped by Federal agents, 70, 100 miles from the border, having their cars searched and being reviewed basically because Federal agents are now in our neighborhoods stopping all Americans. Frankly, if someone is going to stop and take a look at the immigration status, I think there is a level of comfort that, if we are going to have Federal agents doing it, it is not an intrusion on the community to allow, not to mandate but to allow local government to do the same.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong support of the amendment presented by my fellow Iowan. The Latham amendment would give State and local law enforcement officials authority to detain aliens violating deportation requirements in order to put them in the hands of proper INS authorities. This is in response to the brutal murder of Justin Younie in January 1995. Two illegal aliens stabbed Justin to death at a party in Hawarden, IA. These same individuals were also responsible for attacks on four others.

Mr. Chairman, I would like to express my deepest sympathies to the Younie family and the people of Hawarden for their terrible loss.

When we discuss the immigration problem plaguing our country, we immediately think of California, Florida, and Texas. What many may not realize is that this crisis also affects America's heartland. It is not just Miami, Los Angeles, and New York, but it is also Des Moines, Perry, and Hawarden.

Iowa is currently one of only seven States without an INS office.

For this reason, over the past year, I have been working diligently to get an INS office located in Des Moines, a centrally located office to help combat problems like this. A single INS office located in Nebraska serves all of Nebraska and Iowa. Federal immigration officials admit they are swamped and they cannot keep up with the increasing number of undocumented workers in these States. The director of Nebraska-Iowa INS says the number of noncitizens committing crimes is increasing at, quote, ''an alarming rate,'' about 10 percent a year over the last 10 years.

One of the primary causes of this influx is that displaced migrant farm workers have found numerous employment opportunities in agribusiness located in Iowa. Jobs at Iowa meat packing plants continue to attract large numbers of migrant workers.

Mr. Chairman, the Latham amendment helps address the problem of the paucity of INS officers by giving local law enforcement officers authority to apprehend illegal aliens when the INS just is not there to do it.

For the Younie family, Iowa and our Nation, I urge Members to support the Latham amendment.

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

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, let us get down to brass tacks. What is this debate really about? There are those of us that really want to solve illegal immigration problems, and there are those that would like to keep it watered down and make sure that we do not have the resources to deal with illegal aliens. They would rather put their head in the sand than confront this vital issue to America.

We have been passing the costs on for illegal immigration down to State and local governments for years and years and years through our Federal mandates in requiring that certain services be provided for illegal aliens. Now that they have an opportunity to help us to get our hands, our arms around the problem, they want to say no. We are not mandating on to the States or the local community. We are simply giving them the opportunity.

Mr. Chairman, what this gets down to is that the other side would rather put its confidence in the Federal arm of law enforcement rather than the local arm, because they do not have confidence in the local arm of law enforcement. They believe that they are incompetent, that they cannot get the job done. We believe that local governments do a much more effective job. We would rather have them than those that brought us Ruby Ridge and Waco handling these types of affairs rather than the Federal Government ultimately. I think it would be a good idea.

Mr. Chairman, this amendment would allow the State and local government officials to apprehend and detain illegal aliens who are caught violating deportation orders. Currently these officials are allowed to notify the INS but not anything else. INS just does not have the manpower to apprehend the illegals that are flooding the border States, like Arizona, and would welcome the help from local law enforcement.

I have a citizen's task force composed of the chiefs of police from all over our valley of Phoenix, and they wholeheartedly endorse this measure. They believe they are competent law enforcement officials, and this would not run rampant over people's rights, as I think the other side who has no confidence in local law enforcement would allege.

Mr. BECERRA. Mr. Chairman, I yield myself 2 minutes to respond.

Mr. Chairman, I am disappointed that the gentleman would demean the debate here by saying that there are some of us who would rather see criminal activity run rampant and that we are not just as concerned as he is about making sure that everyone has a chance to live and work in safety. No one here wishes to have anyone worry about being assaulted or anything else having to do with criminal conduct.

What we are saying is that there are some legitimate concerns here. There are people that I know who have been apprehended by law enforcement for improper reasons, and I want to make sure that that never happens. Do I have faith in the local law enforcement agencies that I know? Of course I do. I work very closely with them, both the Los Angeles Police Department, the LA County Sheriff's Department. They are very helpful in many activities that we work on together within our community.

To say that we are not interested in trying to reduce crime and to say that we do not trust our local law enforcement agencies, I think, just demeans this debate and gets us away from the substance of what we are trying to say.

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

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

Mr. BERMAN. This may have been raised already, and if it is, I apologize. I see a potential for a problem in this in that we certainly do not want to discourage victims of violent crimes or robberies or burglaries from reporting their conduct to the police. I am a little concerned, if this were fully implemented, it may end up having serious crimes not reported, which will lead to criminals not being apprehended. So I just wanted to raise that particular issue, Mr. Chairman.

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

□ 1245

Mr. LATHAM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have worked very closely with the gentleman from California, and I know that he does not support criminal activities and those kinds of things, and what I would say is that we are not having an attempt for police departments to take over the job of INS and Border Patrol. But I think, just like in the military, where the Air Force, and the Navy, and the Army, and the Marine Corps not working together, there is a detriment to what their goals are, and that is national security. The more that we can encourage the interoperability of INS, of DEA, of our police departments, and all our forces that are dedicated to securing our borders to making sure that crime is not illicit and running rampant in the streets, to stop the muling of drugs, we need to work together.

Let me give my colleagues a couple of classic examples. Down in San Diego I had an apartment house down in South Bay, San Diego, not even my district, but I go along on the San Diego police department drug ride-alongs. About 90 percent of the apartment was illegals, and INS would go in there and bust some of them, and they would get word, they would move out, they would not be there, and we knew that they were illegals. But yet San Diego P.D. could not go in there and bust those people.

We went into the place, and I mean it was so bad, the conditions, that it was unbelievable; I mean the filth, the debris, and I could see needles where druggers were using it. We would see a mattress where prostitutes were using it, and in the corner was a teddy bear, and yet we could not go in. There were violations, and it seemed like there were more rules to keep us from resolving the problem.

Mr. Chairman, that is the problem we are talking about, and we see potential problems.

We are fighting in California a monumental problem with illegal immigration, and we are trying to stop that. We look at the drugs coming across the flow, and on those drug ride-alongs, 99 percent have involved illegal aliens. American citizens that are dealing in drugs know that if an illegal is caught, then there is not as much penalty that is going to go to them versus if they are an American citizen.

So they use, I mean they use these people to sell the drugs, and they get busted, and it is a disaster in what is happening.

In shipping, we have ships coming in, and the preferred method of getting drugs now into the United States is with cargo because we cannot check all those containers. And we have police department, we have INS, we have Border Patrol with their dogs, all going through the containers from shipping. Now, this is not just our southern border, but coming in from all different countries, and they are working hand in hand to combat the problems that we have.

My wife is a principal in Encinitas, and we have many of the illegals living in the canyons, and yet the police department cannot go in there and bust or arrest these individuals. They are coming up at night, they are defecating on the lawn, they are using the water systems because they do not have showers down in the canyons, and the teachers are literally afraid to go into the classrooms at night and work with people in the school system.

If we cannot put and tie and make it legal to where all law enforcement agencies work together in an interoperability and not violate the rights of different people, I think that we can move in the same direction.

I wish I could get, as my colleagues know, the support of my friend from California because I know he is genuine in his interests. But we feel that every time we bring something like this up, that there is always a reason not to do it, and proposition 187, people from the gentleman's side, it is drastic, but we have a drastic problem and we are trying to solve it.

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

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

Mr. BECERRA. Mr. Chairman, I appreciate the gentleman's words because I do wish to be able to work with him, and we have been able to work together on other issues. The problem we have——

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired. Does the gentleman from Iowa yield further time?

Mr. LATHAM. Mr. Chairman, I yield another minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, the problem some of us have with the amendment, though, is it goes beyond what the gentleman just spent several minutes discussing, and that is the ability to go in there and detain and arrest someone who they know has committed wrongful activity, but actually allows now for law enforcement, local law enforcement, to seek out.

Now, my concern is how do we seek out someone who we believe might be an undocumented immigrant? How is a local law enforcement agency, do they have the information, unless they have been fully advised by the Immigration Service that they are doing some of these things?

Mr. CUNNINGHAM. Reclaiming my short time, Mr. Chairman, what we are asking is that our police department be allowed to work with Border Patrol, be able to work with INS, be able to work with those agencies so when they go in and help, that they can work in interoperability to resolve the problem. When there is violation of the law, we got somebody there that can really take care of it, and I do not believe that is asking too much. I thank the gentleman for the extra time.

Mr. BECERRA. Mr. Chairman, I yield myself a further minute.

Again, in response to what the gentleman said, if, in fact, there are these apartment complexes where there are needles laying around, if there is debris and filth, those are violations of our current State or local laws which would permit any local law enforcement agency to go in there, if for no other reason than to investigate. They would have the powers to do that. We would not have to wait for the INS to go in there and to do that.

So we have to be clear. And many times someone viewing this debate would say, well, why do these folks not want to let local law enforcement agencies uphold the law? That is not the case. Local law enforcement agencies currently have that authority.

What we are saying is, careful, we set up these boundaries for a reason. We should not break them unless we have compelling reasons. And when we have an amendment that says do not just help the INS apprehend people who are here as undocumented, but go out there and actively seek them out, that is a big concern. Because my father probably looks like someone who would be sought out, and I wonder what it would take to have a local law enforcement official say I better stop him.

And at the end of this debate I hope to be able to bring up one final example.

The CHAIRMAN. The Chair would advise the gentleman from Iowa [Mr. LATHAM] that he has 3 minutes remaining, and the gentleman from California [Mr. BECERRA] that he has 8 minutes remaining.

Mr. BECERRA. Mr. Chairman, I have no further requests for time that I am aware of, and I will reserve the balance of my time.

The CHAIRMAN. The Chair would also advise that the gentleman from California [Mr. BECERRA] does have the privilege of closing.

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

Mr. Chairman, first of all I would like to thank the chairman, the gentleman from Texas [Mr. SMITH], and his staff at the Subcommittee on Immigration Claims for all their assistance in drafting this amendment.

I would also like to thank the gentleman from California [Mr. DOOLITTLE] for his continued support in efforts to empower local law enforcement in the fight against illegal immigration.

I would also like to thank my staff, and especially Kate Coler, for working so hard on this amendment.

I just want to reemphasize this is a voluntary program where the INS, on a voluntary basis, with local law enforcement, or the State, join in an agreement, and whatever controls or restrictions put in that agreement, it is up to that agreement.

All we are saying is that the local law enforcement agencies should have an opportunity to work with INS, to be their eyes and ears out in the local communities. These people are on the frontline. These people are the ones who know if someone has violated a deportation order and is in their community under a criminal act by violating that order, and they should, in fact, have the power to detail, arrest, and transport that individual to INS so that they can be deported.

Quite honestly, we have to empower our local law enforcement. We cannot maintain this big control from a Washington base here, and this is what we should be looking forward to, have more people at the local level empowered to protect their communities.

Mr. Chairman, I move adoption of this amendment.

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

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

Mr. Chairman, as I believe I began with this debate, I would say again, I have no doubt about the gentleman's intentions and his good faith in trying to ensure that we do everything we can to make sure that law enforcement, whether local or Federal or State, has the opportunity to apprehend people who have committed crimes or who we strongly suspect of having committed a crime. And if the amendment, perhaps,

had been tailored a little narrower to deal with just that, then perhaps the objections being raised by some of us would not then be as strong.

Mr. LATHAM. Mr. Chairman, would the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I say this does apply specifically to individuals who are violating a deportation order. It is very narrow, very specific.

Mr. BECERRA. Mr. Chairman, I understand that, and I appreciate that the gentleman did narrow the amendment to that degree.

But it allows local law enforcement to seek out individuals. And the concern that some of us have is that by going beyond the ability to arrest or detain and actually go out there and proactively seek out individuals, there is a concern, and it lies on a couple of fronts. One, in local communities where we have large immigrant populations or large populations of individuals, as I mentioned, like my parents who might look or sound foreign, there is a concern that some officials within the local law enforcement agencies may be a little bit too zealous in their enforcement.

Now, if the gentleman is trying to ensure that all communities have the most effective law enforcement possible, the last thing we want to do is deter someone from wanting to report a crime, if he or she may have witnessed a crime, because they are afraid that the local law enforcement agent will be more concerned about the person's legal status than about what they witnessed.

The second matter is one that personally affected someone in the southern California area. This is an individual who happened to be driving home from work. He was in a pickup truck. He was dressed casually. He was pulled over, and in this case in fact, by the Immigration and Naturalization Service. He was pulled over, asked for identification. He was told that he would have to go with the INS officers for detention, and I believe that he did not have his particular identification on him except one form of identification, and that was his city badge that showed he was the mayor of the city of Pomona.

This was a gentleman from a city of about 95,000 people who was elected to be the mayor of the city of Pomona, and he was detained and was about to be taken in by these agents because they suspected that he might be undocumented.

Now, I grant that that is an isolated case that rarely occurs, and most individuals who are in our law enforcement agencies do their utmost to protect all of us, and we should appreciate that. But it does happen.

What we are saying is, careful, if there is a reason to breach that division, then let it be a compelling reason because local law enforcement agencies under current law are not prevented from being able to enforce the laws to stop criminal activity. And Federal law enforcement agencies have every right to go into the situation, as was expressed by the gentleman from California [Mr. CUNNINGHAM], earlier of a situation where 90 percent of the people in a housing complex may be undocumented. If, in fact, they are undocumented, the INS should be up on top of that building in a minute, and if they are not, then we should be getting on the INS for not doing its job.

It does not require local law enforcement agencies to pull people off from patrolling the street and stopping folks who are committing other crimes to go out there enforcing the laws that the INS is supposed to enforce. We have the ability to let local law enforcement agencies protect the citizenry, make sure we are secure. And we have, and we should provide the INS the resources so they have adequate resources to put border patrol and law enforcement agents from the INS in the field to protect us from violations of our immigration laws.

So I would just say to the Members, please, consider what this is. I do not doubt, as I said, the intentions of the gentleman. I think, though, in practice, the intentions will not play out the way he believes, and there would be problems.

So I would encourage Members to oppose this amendment.

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

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

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

Mr. GALLEGLY. Mr. Chairman, I stand in strong support of this amendment.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Latham amendment, giving State and local law enforcement officials authority to apprehend immigrants violating deportation orders.

Giving this important authority to local law enforcement agencies will do more to increase the public's distrust of the law rather than to increase the effectiveness of immigration enforcement.

Our local law enforcement agencies are charged with the great responsibility of protecting citizens from crime. With this authority, the police will lose their effectiveness.

This amendment endangers the life and health of many people. A particular concern is the case of victims of domestic violence or spousal abuse. Women who fear the repercussions for their husbands or themselves will not venture forward to seek help or report abuse.

This provision also will serve to obstruct justice. Witnesses of violent crimes who fear deportation for themselves or someone close to them will choose not to come forward and cooperate with police because it would be too great a risk.

I urge my colleagues to vote against the Latham amendment, and allow our State and local law enforcement officials to protect and serve within communities, rather to increase the fear.

□ 1300

The CHAIRMAN. All time has expired on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Before putting the question, the Chair will make a brief announcement. The Chair must reiterate a portion of the Speaker's announcement of September 27, 1995, concerning the use of handouts on the floor.

In addition to meeting the standards of decorum, each handout must bear the name of the Member who authorizes its distribution.

The question is on the amendment offered by the gentleman from Iowa [Mr. LATHAM].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. BRYANT OF TENNESSEE

Mr. BRYANT of Tennessee. 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. BRYANT of Tennessee: At the end of section 604(b), add the following: ''Such procedures shall include, in the case of such an individual who is 18 years of age or older and not lawfully present in the United States, the hospital or facility promptly providing the Service with the individual's name, address, and name of employer and other identifying information that the hospital or facility may have that may assist the Service in its efforts to locate the individual.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. BRYANT] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment that I believe fits with the philosophy of this Congress and of the American people. It certainly fits with the intent of H.R. 2202, which is to reform this country's immigration policy in the national interest, and I stress, in the national interest.

This amendment would do two things. First, it would require medical facilities to provide the INS with identifying information about illegal aliens who have received free emergency medical treatment from that medical facility which seeks reimbursement from the Federal Government. Second, it would waive this requirement in cases if the patient is a child under the age of 18 years old.

Currently, Mr. Chairman, this bill allows public medical facilities to seek to obtain Federal reimbursement for the cost of providing emergency medical services to illegal aliens. The bill

also requires medical facilities to confirm the patient's identity and immigration status with the INS as a condition of reimbursement.

Now, Mr. Chairman, we want to get around the argument right now that we are asking hospitals and medical providers to serve as policemen. Already they are required to obtain the patient's identity and immigration status in connection with the furnishing of this medical treatment.

My amendment simply takes the next step. It would require the medical facility, as a condition to obtaining Federal reimbursement from taxpayer dollars that we are pay in this country, it requires this medical facility to provide the INS with this information it already has; again, identifying information, such as the name, address, and employer of this person. Hopefully, this information will allow the INS to then come out and find that illegal alien and send that person out of the country.

Again, Mr. Chairman, this requirement would be waived if the patient, the illegal alien, is under the age of 18 years old. Also, Mr. Chairman, the requirement of information disclosure would only apply when the medical facility is actually seeking to obtain Federal reimbursement, again, from taxpayer dollars.

This amendment is intended to ensure that the INS receives the name, address, last known employer, and any sort of information that might be available on the illegal aliens. This information would certainly help them to locate these illegal aliens and enforce our immigration laws.

Let me state what this amendment does not do. It would not impose any additional paperwork burden on the hospitals or other medical providers. This information is already gathered, probably upon the patient'sadmittance, and certainly when the medical provider is ready to fulfill the bill's requirement of confirming the individual's immigration status when they seek to obtain Federal reimbursement from taxpayers' dollars. Further, this amendment would not pose any threat to the quality of medical care the illegal alien receives. This information disclosed is simply identifying information and not medical records.

Mr. Chairman, I believe the Federal Government should get something in return for its payment of taxpayer dollars. That something in this case is information that may help in the enforcement of our laws against illegal immigration.

Half of H.R. 2202 deals with cracking down on illegal immigrants. Opponents may argue that requiring disclosure of the patient's identity and location would deter illegal aliens from seeking medical care for fear of getting caught. I understand how a minor child of an illegal alien would be caught up in the middle of this situation and, therefore, my amendment does waive or exempt this disclosure requirement when the patient is under the age of 18.

However, when the injured person is an adult, he or she is fully responsible for their presence in this country. They are aware that they are here illegally, and they assume the risk all the time they are in this country of getting caught. Mr. Chairman, this argument with respect to adult illegals, that they would not seek needed medical care, certainly does not hold water. Illegal aliens need goods and services which they buy at public places where they could be caught, yet they go out and buy these. They often come into this country for jobs and use fraudulent documents to obtain jobs, and they take the risk of getting caught there.

Mr. Chairman, this amendment and this issue are not about a denial of medical care to illegal aliens. The bill already specifies that they may receive emergency medical services and public health immunizations, though the bill makes the illegal aliens ineligible for public assistance, contracts, and licenses.

We would never deny emergency medical care to another human being, even to a lawbreaker, but that is a separate issue. The issue here is that an illegal alien, healthy, sick, or injured, is still an illegal alien. Anyone present in the United States illegally is a lawbreaker, and should expect to suffer the consequences if caught. Mr. Chairman, an illegal alien assumes the risk of getting caught. If he is injured while here, it is merely incident to his unlawful immigration status.

Still, I think the national interest now, the national interest, is best served by helping the INS do a better job of catching these people who may be illegally in the country, to enforce our Nation's immigration laws. Certainly, hospitals would report an escaped criminal who came into the emergency room for treatment. We would expect a citizen to report a robbery in progress, and to tell the policeman the direction the robber ran and give a description of him. We call this civic duty.

Why would we not require such identifying information to be disclosed from an illegal alien when a facility is seeking reimbursement for having treated him from the Federal Government, from all our taxpayers in this country? Is that too much to ask of one who will receive Federal dollars? Surely the medical provider has an obligation to cooperate with the Federal Government if seeking these Federal dollars.

In closing, Mr. Chairman, I believe this amendment would further improve on an already very good bill, of which I am proud to be a cosponsor, and I urge the adoption of this amendment.

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

Mr. BECERRA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 10 minutes.

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

Mr. Chairman, again I must say that we have an amendment that sounds reasonable on its face, as something that we would want to make sure we could do to try to help curtail illegal immigration. And certainly the gentleman from Tennessee, whom I serve with on the Committee on the Judiciary, has always proven himself as someone who is interested in trying to do the right thing. Again, I do not doubt whatsoever that he is, again, attempting to do so.

This is an amendment that I know he had in committee that did not pass. It did fail in committee. I would say that the reason it failed was because, as the hospitals had expressed to us and as others have said, this would cause a dramatic chilling effect within our medical care system. What we would have is a situation where people may in fact not go for treatment or take a family member for treatment for fear of what would happen as a result of trying to approach a hospital.

Mr. Chairman, let me read from a letter which I will later submit for the RECORD. This is a letter from the Secretary of Health and Human Services, the Clinton administration in this letter indicating that it is opposing the Bryant amendment.

The letter from Secretary Donna Shalala says as follows:

> While the administration strongly opposes undocumented immigration and supports the denial of means-tested government benefits to undocumented immigrants, the Bryant amendment would impose burdensome unfunded mandates on health care providers, seriously jeopardize the health of many U.S. citizens and legal immigrant children, and endanger overall public health.

The concern that the administration and others have expressed here, including hospitals, is that we would, in essence, chill the ability of health care providers to conduct the primary purpose of their being in our hospitals and our health care facilities, and that is, to provide medical assistance. What would happen in many cases is you would have to have these facilities acting as INS agents to try to find out if, indeed, the individual they are treating or are about to treat is here legally or is a U.S. citizen.

Mr. Chairman, I ask Members to take the example of someone, a friend, a relative in your family, who gets into a car accident and has to be rushed to a hospital. If a hospital looks at this individual and knows that it is under an obligation to do some reporting on status, immigration status of an individual, what will this hospital do or have to do in order to satisfy that requirement as it looks at a person who is seeking emergency medical care?

I would say that we are placing something that is of less importance—status—above health. I would hope that what we would do is first understand that the primary purpose of being a doctor, a nurse, a medical provider, is to be able to help those who are in need of medical assistance.

Mr. Chairman, this is an amendment that, again, it is difficult on its face to

argue against because it seems like this is something that could easily be done, but in practice, again, the effects will be very difficult, or will have a very dramatic effect on both the provider of the health care and the recipient, the prospective recipient, of the health care. I would say, as well-intentioned as I know the gentleman from Tennessee [Mr. BRYANT] is, I must stand in opposition to the amendment, and urge Members to vote against it.

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

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would pay the same compliment to the gentleman from California [Mr. BECERRA]. Again, I respect him a great deal, and he is certainly a strong spokesman for these issues of immigration. We simply have a disagreement here.

Mr. Chairman, I might say, in quick comment to the administration's letter saying this would be in effect an unfunded mandate, I would disagree with that position. Again, keep in mind what we are talking about here are public hospitals operated by the State who are seeking Federal reimbursement. They are seeking taxpayers' money, including their State and from the other 49 States, to help offset their costs. If they do not want to get into this business of trying to help us catch illegals in this country, then they simply do not have to seek that reimbursement. It is strictly voluntary.

Mr. Chairman, second, the hospitals would complain, and I would expect that, I guess, but they are already accumulating this information. They already have it. In fact, they must submit this information in order to claim reimbursement. We are just asking them to also send it over to the INS.

I would like to think, again, that there is some degree of civic duty left in this country. If we saw a crime committed, we certainly would report that. We do not even get any money for it. The hospitals are actually getting paid for this, so I certainly would hope that that would not be their real motivation for not wanting to abide by this type of amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. BRYANT] has 2 minutes and 30 seconds remaining.

Mr. BRYANT of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, in my district we had a gentleman named Fernando Pedrosa who came from El Salvador several years ago. He was a fine man, a wonderful human being, Fernando Pedrosa was a wonderful human being, but he had leukemia. By the time he died at a hospital in my district, hundreds of thousands of dollars had been spent. That is hundreds of thousands of dollars that he had never contributed to whatsoever.

We owe it to the people of the United States to see that this problem is dealt with. We cannot have people coming in here from all over the world, no matter how wonderful they are, and they are good people, and getting cancer treated, getting leukemia treated, getting new kidneys, getting new hearts, whatever it is; and event if they are in an automobile accident, yes, they should be taken care of if it is an emergency. We are never going to throw someone out in that situation.

But if they are in this country illegally, I have no apologies, we have no apologies, that person should be treated for the emergency and then they should be sent home to their native country, because they are here illegally.

In Los Angeles, there was a breakdown in the Los Angeles County public health care system. It required a $364 million bailout of our health care system in Los Angeles, mainly due to the fact that we have been treating so many millions of people who are in this country illegally. We cannot let this go on. We owe it to our own citizens to be responsible, and at the very least, we should say if people are being treated and the taxpayers are being given the bill, that the hospitals provide information to those who are trying to enforce the law so this problem does not get bigger and bigger and bigger. We do not want to encourage people to come from other countries here in order to get hundreds of thousands of dollars of medical treatment. This bill goes a long way. I compliment the gentleman from Tennessee [ED BRYANT] on his diligence and responsibility.

Mr. BECERRA. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my friend, the gentleman from California [Mr. ROHRABACHER], he probably is aware, as I am aware, that the only medical services that someone who is undocumented is entitled to are emergency services. Someone who goes in for leukemia treatment cannot go in and get this treatment and get it covered unless they are going in under an emergency. It is not an emergency if you are about to die in a year or in 6 months. An emergency is something where your life is in danger at the moment that you are going into the hospital.

□ 1315

So the situation the gentleman has just brought up, if it occurs, should not have occurred.

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

Mr. BRYANT of Tennessee. Mr. Chairman, I would simply make a point of order as to who has the right to close.

The CHAIRMAN. The Chair advises the gentleman from Tennessee that the gentleman from California [Mr. BECERRA] has the right to close.

Mr. BRYANT of Tennessee. Mr. Chairman, yielding myself such time as I may consume, I would just simply state that this is a very commonsense measure. Again, the States that are at issue here are asking the other States in this country to spend taxpayer money to reimburse their public hospitals for this type of treatment.

Again, any type of immigration bill which is geared toward the national interest, the interest of this entire country, ought to respect this type of amendment and ought to agree to it. It simply just states that if we are going to help fund this type of treatment, then we ought to be able to be given the necessary information to locate these folks who are violating the laws of this country and to apprehend them.

I think it is a reasonable measure. I urge my colleagues to vote in support of this amendment.

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

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

Mr. GALLEGLY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Mr. BECERRA. Mr. Chairman, I yield myself 30 seconds.

Just for the purposes of edification for the Members here, let me read another paragraph from the letter from Secretary Shalala:

> Under current law as well as under H.R. 2202, the only Federal public health benefits and services for which undocumented immigrants are eligible are emergency medical services, immunizations, and testing for communicable diseases. These exceptions are made to provide immediate protection for the seriously ill and to protect the public health from disease that may otherwise go untreated in the community.

The situation the gentleman from California [Mr. ROHRABACHER] raised cannot occur under current law. We do not need this amendment to address that. Therefore, we should not be misled by the mischaracterization by the gentleman from California.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 5½ minutes.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I have, I think, as consistent and as tough a record in trying to deal with the problem of illegal immigration as any Member of this House of either party. But there have been two exceptions that we have always made with regard to this question. One of them is emergency rooms, and the other has been education of children. They are critical exceptions and they are in the interest of the United States. They are not simply compassionate exceptions. They are exceptions that are in the interest of the United States.

As the gentleman from California [Mr. BECERRA] said a moment ago, this amendment deals with one narrow area only, and, that is, emergency rooms,

because that is the only kind of medical care to which an illegal immigrant is entitled. That is because we do not want anybody to be wandering around out there who has just been injured and not able to go get care in an emergency situation.

The fact of the matter is that this is in the law for the benefit of our public. Think about two things. First of all, if one has been to an emergency room anytime in recent years, he knows what a chaotic situation they are in. Our hospitals are understaffed, they are overworked, they have a great deal of difficulty just getting to the service of the patients that are there.

Imposing upon them the additional requirement of checking the papers of somebody who has just come in on a gurney or somebody who has just staggered into the emergency room needing assistance is outrageous. For that reason, the medical community has spoken out loudly against this amendment. They did so when it was presented in California in the form of proposition 187 and they have done so since.

I think we ought to ask ourselves also as Americans if it is not a departure from our normal basic view of our obligation to each other as human beings to discourage an illegal immigrant who has been in a car wreck or has suddenly been stricken by a heart attack or by any other emergency to tell them, ''You better not go to the emergency room, because if you do they're going to give your name and address to the INS and you're going to be deported.''

In every other instance we ought to do all we can to catch them and deport them if they are not here legally. In the instance of emergency rooms, it is cruel and wrong to do it.

We have tried to put together a bill here that leaves off the extremes of proposition 187 and leaves off whatever extremes might have been brought to the bill from the left, as well. This is an extreme from the right. It is wrong for our people, it is very bad for public health, it is a nightmare for hospitals, and it is flatly wrong, morally wrong, to have a system in place where somebody who has been badly injured cannot go and get treatment, is afraid to go and get treatment.

The sponsor says, ''Well, this is different because it doesn't involve children.'' Members know very well that the word is going to go out to people that are here as undocumented aliens that ''you can't go to the hospital because no matter what your reason for going, they're going to turn you in to the INS,'' and that is going to end up applying to children as well.

For goodness sakes, let us leave sacrosanct the two things that we have always made as exceptions to this whole debate, and, that is, education of children and emergency room treatment. I reiterate one more time, the law does not allow for medical care or any other public service to be extended to people that are here illegally. The exception is education of children and emergency rooms. Emergency rooms is all that this amendment affects.

I strongly urge Members to vote down the BRYANT of Tennessee amendment, to vote with BRYANT of Texas and the gentleman from California [Mr. BECERRA]. Let us keep this bill in the middle and make it able to be passed. Do not add provisions to it that are going to cause Members not to be able to vote for it because it is just plain fundamentally, morally wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the BRYANT of Tennessee amendment, which would require public medical facilities to provide the Immigration and Naturalization Service [INS] with identifying information about illegal aliens who are over 18 years old that they have treated.

This amendment is a threat to public health. It will discourage sick people from seeking treatment, and healthy people from seeking preventative care. When this issue was presented in California in the form of proposition 187, the medical community was overwhelmingly opposed to it, on the grounds that it would place an undue burden on medical personnel.

This amendment will undermine immigration enforcement by undercutting the existing enforcement priorities of the INS. The INS is already overburdened. If enforcement personnel cannot move quickly enough to deport persons who have been convicted of crimes, it makes little sense to expect them to divert resources to follow up on reports made by medical clinics.

This amendment will be difficult and costly for medical facilities to implement. Under this provision, hospitals and medical clinics will be forced to go through extensive documentation procedures for everyone they treat. Medical personnel are not immigration experts. This amendment places unnecessary burdens on already overworked medical facilities and their personnel.

In addition, medical personnel are likely to be confused about immigration status and immigration documents. This confusion could lead to the harassment of U.S. citizens and legal residents. U.S. citizens often do not carry documents which prove their citizenship. Individuals who are mistaken for undocumented immigrants may be harassed when they seek medical care for themselves or their children. This will only contribute to a climate of fear which already negatively affects Americans whose appearance or speech leads others to mistake them as illegal aliens.

Mr. Chairman, I would hope that this country could address its immigration concerns without resorting to chasing immigrants in the emergency room and burying this country's medical personnel in paperwork. I urge my colleagues to defeat this amendment.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Bryant amendment, which would require public medical facilities to report cases of patients who appear to be undocumented.

This amendment risks lives, threatens public health, and harasses U.S. citizens and legal immigrants. Medical personnel have devoted their lives to treating and preventing illnesses. They cannot effectively perform their duties if they are constantly concerned with policing their patients based solely on suspicion of undocumented status.

Medical professionals are also unable to perform their duties if patients who need their help are so fearful of being caught and deported that they neglect to seek treatment for serious or infectious disease. The spread of infectious disease could increase dramatically in this country because of this requirement.

Medical personnel are not immigration experts. Imposing this requirement on medical facilities would feed the climate of fear and zenophobia in this country. People who are mistaken for undocumented immigrants because of their appearance or their accent face the possibility of harassment when they seek needed medical care for themselves and their families.

When a person is ill or suffering, it is not appropriate or humane to ask him or her to brandish the necessary immigration documents prior to treatment. If we are to remain a country of compassion, I ask my colleagues to defeat this harmful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BRYANT]

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BACERRA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] will be postponed.

It is now in order to consider amendment No. 9 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. 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 Ms. VELÁZQUEZ:

Strike section 607 and redesignate the succeeding sections accordingly.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from New York [Ms. VELÁZQUEZ] and a Member opposed, the gentleman from California [Mr. GALLEGLY], each will control 10 minutes.

The Chair recognizes the gentlewoman from New York [Ms. VELÁZQUEZ],

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today every Member of this body has a chance to show their support for our children, not just immigrant children but U.S.-born children who are U.S. citizens. In a rush to show our constituents that this Congress can be tough on illegal immigration, something much worse has been achieved. This body is about to prove how harsh it can be, not on illegal immigration, but on American children.

These antichild provisions are contained in section 607, whose supposed purpose is to bar illegal immigrants from receiving benefits. I would like to remind my colleagues that illegal immigrants are already barred from receiving benefits by current law. The

only law this provision can claim to change is the 14th amendment of the Constitution.

The actual effect of section 607 would be to keep over 100,000 U.S.-born children from having full access to public aid programs. And as Republican Mayor Rudolph Giuliani of New York has stated, this section is ''punitive and will result in enormous costs to State and local governments.''

Mr. Chairman, our amendment fixes this problem by striking these provisions from the bill and allowing all U.S.-born children full access to benefits. If Members care about our children and about their constitutional rights, then vote ''yes'' on this amendment.

This section of the bill makes it virtually impossible for many American children to receive public benefits. It creates a two-tier caste system where U.S.-born children of immigrants are treated differently from the children of U.S. citizens. This ignores the premise of equal protection, a blatant violation of these children's constitutional rights.

This provision affects far more than just the children of undocumented parents. It also affects the U.S.-born children of legal permanent residents. These are American children of parents who work hard and pay taxes, who start businesses and create jobs. Under these provisions, they too would be unable to file for benefits on behalf of their U.S. citizen children.

If these provisions are not removed, Congress will create a costly and overburdened administrative system. Our children will be forced to choose between a bureaucratic nightmare or relying on the kindness of strangers. This surely is a recipe for disaster.

I am sure that everyone will agree that our No. 1 priority should be keeping children healthy and safe. But by preventing parents from filing for assistance on behalf of their U.S.-born children, we will be victimizing the most vulnerable members of society, our kids. By doing so, we will be devastating the future of our Nation.

Let us fix one of the worst problems of this legislation. Vote ''yes'' for the Velázquez/Roybal-Allard amendment and show that this Congress truly cares about protecting the constitutional rights and welfare of our children.

Mr. Chairman, I yield 5 minutes to my good friend, the gentlewoman from California [Ms. ROYBAL-ALLARD], the cosponsor of this amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Velázquez/Roybal-Allard amendment.

My colleague, Ms. VELÁZQUEZ, has ably highlighted the injustices to American children that will result from section 607.

I would therefore like to focus on an additional three compelling reasons to strike this section.

First, section 607 will create an administrative nightmare.

Under the equal protection clause of the U.S. Constitution, local governments will be required to provide services to American children whose parents have been deemed ineligible.

The result will be a tremendous administrative burden on local governments, who will be forced to create a huge bureaucracy to manage and allocate benefits for these citizen children.

Most likely this will be accomplished by instituting a costly guardianship system.

Local government agencies will be required to locate, screen, and appoint a guardian for these American children.

Furthermore, they will have to provide continued oversight to prevent fraud by these third-party guardians.

Second, it is important to note that there is no funding authorization provided under this bill for reimbursement to local governments.

Therefore, section 607 would impose a costly unfunded mandate at a time when States and local governments are already struggling with limited resources and expanded demands for services.

The Congressional Budget Office has estimated the cost of establishing the guardianship system to be approximately $250 for each individual case.

Localities with large numbers of affected American children, such as Los Angeles County, will be forced to maintain thousands of guardianship caseloads.

And third, section 607 abandons Congress' earlier commitment to relieve States and local governments of Federal unfunded mandates.

If section 607 is not deleted, States and local governments will be forced to deny needy American children the benefits they are guaranteed as citizens under Federal statute and the U.S. Constitution or to divert already scarce social dollars from programs critical to the well-being of local communities.

Simply put, section 607 is a costly and an unworkable, unnecessary, unfunded mandate that serves absolutely no legitimate national interest.

We must not punish innocent American citizen children.

I urge my colleagues to vote for the Velázquez/Roybal-Allard amendment.

□ 1330

Simply put, section 607 is a costly and an unworkable, unnecessary, unfunded mandate that serves absolutely no legitimate national interest.

We must not punish innocent American citizen children. I urge my colleagues to vote for the Velázquez-Roybal-Allard amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment, which seeks to overturn a provision I sponsored during the Committee on the Judiciary markup of H.R. 2202. The basic idea behind my original amendment was that the Federal Government should, under no circumstances, make benefit payments directly to those who we know are in this country illegally.

This is precisely what is happening today. When an illegal alien present in this country gives birth to a child who, under the 14th amendment, becomes an instant American citizen, the American citizen is eligible for a whole range of social benefits. Today these benefits are awarded directly to the illegal immigrant with the intention that she pass them on to her child.

While I believe that only a small portion of these Federal funds find their way to the desired recipient, I have a deeper problem with the status quo. I simply do not believe that the Federal Government should, under any circumstances, cut checks to those who have qualified for the aid by violating the laws of our Nation.

Approving the amendment before us today will do nothing but preserve the status quo and perpetuate the message we have issued all too often to those who violate our laws by coming here illegally. That message is clear. It is illegal for you to violate our borders, but if you somehow can successfully do so, then you can have whatever you want. It is illegal for you to break into a candy store, but if somehow you find a way to smash the door down and get inside, then by all means, clear the shelves with impunity.

I for one think this is wrong. I do not believe that we should reward those who break our laws and then remain here illegally with generous welfare checks. My feeling is that if we can find illegal immigrants to send them a check, we should find a way to provide bus service to return them to their homeland.

Supporters of this amendment say that we should not punish the children for acts of the parents, that isolating illegal immigrants from benefits many improperly receive will somehow separate families.

My response is that we are not trying to separate families under any circumstances. What we are trying to do is reunite the families and allow them to celebrate their status as legal residents of their respective countries and see that they be returned to their country of origin.

Mr. Chairman, I urge my colleagues to defeat this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 15 seconds to respond to some of the gentleman's remarks.

My amendment is not about letting undocumented immigrants receive benefits. It is about keeping the U.S. Congress from creating a two-tier system that puts U.S.-born children of immigrant parents in another category and children born to U.S. citizens in another category.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, our duty as Members of the House of Representatives is to uphold and defend

the Constitution of the United States. Sometimes this is not popular. If it were popular, we would not have to take an oath to uphold and defend the Constitution of the United States, but we do occasionally what we must, even when it is not popular.

It is not popular to stand up and say anything good in favor of the children of those who have come here illegally. But it matters as an issue of law and our Constitution that such children born here are American citizens. There is no debate on this issue. There is no dispute on this between both sides. Both sides have agreed these are American citizens.

Now, what do you do with the child who is an American citizen? The child cannot receive benefits except through the parent. There is no other way. You do not give benefits directly to children.

Accordingly, the bill as presently presented and without the amendment of the gentlewoman from New York would constitute a violation of the 14th amendment. It would deny to some citizens, on the basis of nothing they have done wrong, benefits to which other citizens are entitled.

Mr. Chairman, it is unconstitutional; we must vote against this policy and for this amendment.

Mr. GALLEGLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH], the chairman of our subcommittee.

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would ask, as I listened to my colleague from California, that my colleagues from all over the country recognize that for those of us that operated public assistance programs locally, this law, this amendment, is an amendment to mandate welfare fraud. You do not understand this. Let me correct you.

The fact here is if this mandate passes, you have somebody who is illegally in the country, who will be getting a public assistance payment only for their child; and the Federal law says that it is illegal for that person to work, it is illegal for that person to be in the country, and it is illegal for the parent to use the welfare check to support themselves.

This is what we run into in southern California many times. You have parents of legal citizens who are taking checks. It is illegal for them to work, it is illegal to support themselves with the check, and that, Mr. Chairman, is why in one study we found 75 percent fraud in this category, and the rest of it basically is obviously fraud because it is a catch-22.

So you are in a situation that when you say you are going to give illegal aliens public assistance funds for their children, you are de facto either giving them money to support themselves in violation of the welfare law, or you are condoning the fact that they are working in violation of the law. They are not declaring income, which is a violation of their welfare status for their child. So what we have is a catch-22 in an absurd situation.

I know theoretically for the lawyers and the rest of them this thing should be handled a certain way. But I am telling you in practical application, common sense says that we should not have a Federal law that mandates fraud, and this amendment would encourage us to go back to a system that mandates welfare fraud.

Mr. Chairman, I ask that the amendment be defeated.

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from San Diego, CA, Mr. CUNNINGHAM.

Mr. CUNNINGHAM. Mr. Chairman, I would say to my friend from California, this is a system that is working backwards. We spend millions and millions of dollars in border patrol and INS and signs at the border saying ''Do not come across.'' It is illegal to cross into this country illegally. It is illegal. But yet once they get here, we say once you have run that gauntlet, we are going to give you all kinds of services. That is an oxymoron in itself.

The American public is saying that we want a priority, we want a priority on American citizens for limited dollars, and our deficits are going up. We want priority on those that are legally immigrating into this country, that those services are being taken away from. We want priority for our chronologically gifted people, because they are taken away from Medicaid dollars and they are taken away from welfare dollars we are trying to get down to help those people.

It is working backward, and we are saying that has got to come to a stop. Illegals, if we can identify who they are, then we ought to give them a ticket out of here, out of this country. We ought to stop them at the border. If they are illegal in this country, I do not care if they are from China or Ireland, my national heritage, or whatever country, they ought to go back. The only thing they deserve is a ticket out of here.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, this is not about undocumented aliens, this is about children. How do we value American children?

Mr. Chairman, I yield 1 minute to the gentleman from California, Mr. BERMAN.

Mr. BERMAN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would just like to follow up on the points made by the two gentlemen from San Diego. First of all, as to the comments by the gentleman from California [Mr. BILBRAY], in theory there is a great deal of validity to what the gentleman says. But the notion that undocumented aliens, illegal aliens, are not here in this country working, is a fiction, because employer sanctions in their present state without verification is a fiction. So the notion that everyone who is here undocumented has children on AFDC is nonsense, pure nonsense. The GAO reported back in 1992 that 2 percent of the funds are going to the children of undocumented aliens, two percent of the funds. That puts it in perspective.

Remember what the gentleman from California [Mr. CAMPBELL] said. If you want to get to this issue, propose a constitutional amendment to change the 14th amendment. Do not create a big government, cumbersome, guardian process to deny U.S. citizens their rights. Change the Constitution which makes them citizens. I will fight it with every ounce of my energy, but that is the honest way to go.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds to respond to the remarks of the gentlewoman from New York, when she said this was not about illegal aliens, it was about children. That could be the furthest thing from the truth. This provision does one thing and one thing only: It denies anyone illegally in this country from being paid directly a check from the Federal Government. It says nothing about children; only that an illegal alien cannot receive a check.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, to my good friend from California I would say again, I know we have talked about these issues many times, and I know he is very sincere and has legitimate concerns. But I must go along with what my colleague from California [Mr. CAMPBELL] said earlier, and again reiterate: There is a Constitution in this country, and thank God for it, because over the years we have found that it has held us in good stead. As much as there is a concern in having someone as an adult who is not legally in this country going in to receive a benefit for a child who is a U.S. citizen, I must say to you that ultimately the Constitution says if you have a citizen, there is an entitlement to a particular benefit, a particular protection, and we should not start attacking the Constitution.

If we are going to attack the Constitution, let us remember why we are attacking it. In this case we are attacking it because we are attacking children. In this Congress, when we get to the stage where we are going after kids and penalizing them for the sins of adults, I believe that we have not only sinned against the Constitution, but, quite honestly, we have forgotten what our task is as Members representing this country.

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

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I think this debate highlights the fact that we have a serious problem in this country in terms of those who come into the country, give birth to children and citizenship being granted upon that birth and, obviously, it will require apparently a constitutional amendment. I think this highlights the necessity for that.

I think we have all seen situations in which we have heard the traditional description of bootstrapping your way into a benefit. This is booty-strapping. This is a situation in which, by virtue of the act of illegal entry on the part of a parent, the birth of the child gives the right to benefits from the taxpayers' coffers.

I rise in opposition to this amendment, and I think that it does highlight the fact that we have a situation of rewarding those who would violate our immigration laws.

I thank the gentleman for yielding time to me.

Mr. GALLEGLY. Mr. Chairman, I yield 30 second to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I must oppose the Velázquez amendment. This is under the category of if only the American people understood. With budget costs out of control, with so many American citizens not getting the benefits for which they logically and rightfully qualify, we have no alternative but to cut off these welfare payments. Besides, the law is the law. We define legal and illegal, then we should apply the law.

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

Mr. GALLEGLY. I yield 1 minute to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I agree with my colleague, the gentleman from California [Mr. BERMAN]. We do need a verification for employers, and we will be voting on that later today. But in the meantime, we make decisions here to cut spending both nationally and locally on programs that are important to all American citizens in this country. Now we have an amendment to pay tax dollars to people who have entered this country illegally. All I can say, Mr. Chairman, that is wrong, and we should oppose this amendment as it comes forward.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

We have heard the opposition claim that section 607 of the bill will keep illegal immigrants from receiving benefits. But current law already does that. The only thing that this section can claim to do is violate the Constitution and hurt children.

If what Members want to do is to deny benefits to kids, then amend the Constitution, then say that. If we here in Congress are concerned about our children and committed to protecting family values, then vote yes on this amendment and protect the right of American children.

Mr. GALLEGLY. Mr. Chairman, I yield myself the balance of my time.

In closing, I would just like to say there have been a lot of things said here in the past few minutes, but, very simply put, this issue is very straightforward. The issue simply put is that we, as U.S. taxpayers, should not be using our Federal dollars to reward those that have illegally come to this country, broken the laws, and reward them with a welfare check.

Mr. Chairman, I ask my colleagues to join me in strongly opposing this amendment that would provide welfare benefits to those that have broken the law and illegally come to this country. Please vote no on this amendment and put sanity back into the bill where it was passed out of the full committee.

Ms. PELOSI. Mr. Chairman, I rise in support of the amendment by Representatives VELÁZQUEZ and ROYBAL-ALLARD, which would strike provisions in this bill prohibiting legal immigrant and citizens children from obtaining Government assistance through their parents if their parents are ineligible for benefits.

This provision is mean-spirited, unnecessary, and does nothing to advance immigration enforcement efforts. It also violate constitutional rights. Children born in the United States are entitled to equal protection under the law. Preventing U.S. citizens from obtaining benefits because their parents are ineligible violates equal protection laws.

This provision would necessitate State and local governments implementing a complex guardian system for children who already have capable, competent, and loving parents. This provision would not save money or improve enforcement efforts. The only purpose it would serve is a political one—making needy and hungry children an example because of the immigration status of their parents.

Children should not be held responsible in this debate. I urge my colleague to vote for the Velázquez/Roybal-Allard amendment and strike this provision from the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ], will be postponed.

The point of order of no quorum is considered withdrawn.

It is now in order to consider amendment No. 10 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. 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. GALLEGLY: At the end of subtitle A of title VI insert the following new part:

PART 3—PUBLIC EDUCATION BENEFITS

SEC. 615. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

''TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

''CONGRESSIONAL POLICY REGARDING INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FOR PUBLIC EDUCATION BENEFITS

''SEC. 601. (a) Because Congress views that the right to a free public education for aliens who are not lawfully present in the United States promotes violations of the immigration laws and because such a free public education for such aliens creates a significant burden on States' economies and depletes States' limited educational resources, Congress declares it to be the policy of the United States that—

''(1) aliens who are not lawfully present in the United States not be entitled to public education benefits in the same manner as United States citizens and lawful resident aliens; and

''(2) States should not be obligated to provide public education benefits to aliens who are not lawfully present in the United States.

''(b) Nothing in this section shall be construed as expressing any statement of Federal policy with regard to—

''(1) aliens who are lawfully present in the United States, or

''(2) benefits other than public education benefits provided under State law.

''AUTHORITY OF STATES

''SEC. 602. (a) In order to carry out the policies described in section 601, each State may provide that an alien who is not lawfully present in the United States is not eligible for public education benefits in the State or, at the option of the State, may be treated as a non-resident of the State for purposes of provision of such benefits.

''(b) For purposes of subsection (a), an individual shall be considered to be not lawfully present in the United States unless the individual (or, in the case of an individual who is a child, another on the child's behalf)—

''(1) declares in writing under penalty of perjury that the individual (or child) is a citizen or national of United States and (if required by a State) presents evidence of United States citizenship or nationality; or

''(2)(A) declares in writing under penalty of perjury that the individual (or child) is not a citizen or national of the United States but is lawfully present in the United States, and

''(B) presents either—

''(i) alien registration documentation or other proof of immigration registration from the Service, or

''(ii) such other documents as the State determines constitutes reasonable evidence indicating that the individual (or child) is lawfully present in the United States.

If the documentation described in paragraph (2)(B)(i) is presented, the State may (at its option) verify with the Service the alien's immigration status through a system described in section 1137(d)(3) of the Social Security Act (42 U.S.C. 1320b–7(d)(3)).

''(c) If a State denies public education benefits under this section with respect to an

alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the alien is lawfully present in the United States, consistent with subsection (b) and Federal immigration law.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following new items:

''TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

''Sec. 601. Congressional policy regarding ineligibility of aliens not lawfully present in the United States for public education benefits.

''Sec. 602. Authority of States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from California, [Mr. GALLEGLY], and a Member opposed, each will be recognized for 15 minutes.

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

Mr. BECERRA. Mr. Chairman, I ask unanimous consent that we add an additional 20 minutes total time to the debate on this particular amendment, 10 minutes split evenly between those in support and those in opposition to the amendment. I do so in recognition of the fact that we have numerous speakers, too many to be accommodated with only the 10 minutes that are available.

The CHAIRMAN. The gentleman's unanimous-consent request is to extend the debate by 20 minutes to be split evenly by each side, therefore making debate time on each side 25 minutes; is that correct?

Mr. BECERRA. That is correct, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GALLEGLY. Reserving the right to object, Mr. Chairman, I am not sure what the policy is, and I would ask for a parliamentary ruling. Is a unanimous-consent request in order for the purpose of extending the time period?

The CHAIRMAN. A unanimous-consent request is in order as long as the time would apply equally to each side.

Mr. GALLEGLY. Understanding that, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. GALLEGLY], and a Member opposed, each will be recognized for 25 minutes.

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

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

Mr. Chairman, I believe that most of my colleagues here share my view that the Nation's education system is in crisis. Classrooms are overcrowded. Teachers are in many cases overburdened and resources are in short supply. Experts in the field agree that we are barely able to provide a basic education to American students today.

We know that there is a problem, but the body has historically refused to acknowledge the devastating effect of illegal immigration on our education system. This amendment would change that by giving States the option of denying free taxpayer-funded education to those with no legal right to be in this country. Last year, more than 40,000 Pell grants worth a combined $70 million were awarded to illegal immigrants. It is estimated that California alone spends more than $2 billion each year to educate illegal immigrants at the primary, secondary, and post-secondary level. New York spends $634 million; Florida, $424 million; Texas, $419 million.

Mr. Chairman, the list goes on and on, but the dollars and cents are only part of the story. Equally important is the fact that illegal immigrants in our classrooms are having an extremely detrimental effect on the quality of education we are able to provide to the legal residents. When illegal immigrants sit down in public school classrooms, the desk, textbooks, blackboards in effect become stolen property, stolen from the students rightfully entitled to those resources.

I want to be very clear here. This amendment does not apply to the children of illegal immigrant who were born in this country and instantly became citizens under the 14th amendment to our Constitution. My amendment applies only to those who have themselves illegally entered this country or who have entered legally and then remained beyond the valid terms of their visa. In its 1982 decision in the case of Plyeler versus Doe, the Supreme Court ruled by 5 to 4 that States were required to provide a free education to all students, regardless of their legal status under the equal protection clause to the Constitution.

Many of my friends who oppose this amendment will invoke this constitutional mandate as justification for their opposition. But something that the defenders of the status quo ignore is that in the 1982 decision the court also ruled that Congress had failed to do its job. In the court's majority opinion, Justice William Brennan said Congress shared some responsibility for illegal immigrants occupying public schools. He wrote:

> Faced with an equal protection challenge respecting the treatment of aliens, we agree that the courts must be attentive to the congressional policy. The exercise of congressional power might well affect the States' prerogatives to afford differential treatment to a particular class of alien.

Today the House takes up Justice Brennan on this invitation and exercises that power. Some will argue that we have a responsibility to educate illegal immigrants simply by virtue of the fact that they have successfully broken into our country. My feeling is that an act of geography is not the same as an act of jurisprudence. Just because someone has busted through the front door, that does not entitle them to the contents of your home.

The promise of free education is only one of the magnets we hold up to those who would break our laws by violating our borders. It is clear to me that any solution to our immigration crisis must include an elimination of such incentives. Allowing our States to make their own decision on this education serves this purpose.

Mr. Chairman, this amendment has received strong endorsement of the Republican Governors Association, National Taxpayers Union and many others.

Mr. Chairman, illegal immigrants belong back in their countries of origin, and we should do everything possible to encourage them to embrace that simple truth. I encourage my colleagues to support this amendment.

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. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, as stated earlier when we debated the Bryant of Tennessee amendment, there have been two areas which we have always excepted from our hardline approach to trying to deal with the question of illegal immigrants. Those have been emergency room care and education of children. We have always done that.

It would be a tragedy if the Gallegly amendment were added to this immigration bill. We have tried to write a bill that deals constructively with the problems facing the country, that leaves off the extremes of the right or the left. This is one of the extremes of the right. This is a proposition 187 type proposal. It is not in the interest of the American people. It is not in the interest of our future as a country. It is absolutely illegal.

Mr. Chairman, the fact of the matter is that for good reasons the Supreme Court ruled a long time ago that we will not visit the sins of the father and the mother upon the children when it comes to the question of education. This bill should not contain a provision that does this even if it were constitutional, but it is not constitutional. It will not save anybody any money.

Bear in mind that, in order to implement the Gallegly proposal to let States deny education to little children who have no responsibility for their status at all, would mean that the schools would have to document the immigration status of every student in order to know which of those are in an undocumented status. The school systems do not have the money or the time to do this. The obvious impact on them is one that they do not welcome and do not need, and it is not in our interest.

Why would we want a population of children to be in this country not in school? What will they be doing if they were not in school? Well, certainly nothing that we want them to be doing.

This promotion of ignorance on the part of any category of immigrants is an outrage. These are children. We have exempted them from the efforts that we have made over the years to try to deal with illegal immigration, starting back in 1986. We should continue to do so.

Mr. Chairman, I want a tough illegal immigration bill. I am the cosponsor of this bill. But do not add these kinds of amendments that are unreasonable, illegal and not in the interest of the public.

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

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Mr. GALLEGLY. Mr. Chairman, 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 rise in strong support of the Gallegly amendment giving States the option of denying public education to illegal aliens.

As many of you know, in 1982 the Supreme Court ruled in Plyler versus Doe that, based on the 14th amendment to the Constitution which makes anyone born in the United States a citizen, illegal alien children are entitled to a public and secondary education. This has proved to be a powerful magnet or open invitation, if my colleagues will, to break the laws of this country.

However, last November, in ruling against California's proposition 187 which allowed California to deny public benefits to illegal aliens, a Federal judge said that the authority to regulate immigration belongs exclusively to the Federal Government. In other words, in the absence of Federal action, the State must provide public benefits, including education, to illegal aliens.

This amendment is entirely consistent with this decision. Through congressional action, each State would be able to decide whether or not it wants to divert resources away from educating the children of its hard-working taxpayers.

In the case of New Jersey, if the State chose this option this would mean having an additional $150 million available to improve public education for the State's children of taxpaying citizens. These are the people who are paying taxes to fund State and local education services. Unfortunately, the additional $150 million that could be going toward improvement in school programs and infrastructure to better our children's education is instead being spent on the children of illegal aliens. This is just plain wrong. Add to this the fact that New Jersey is straining to provide a change in funding that is putting in direct competition urban, suburban, and rural school systems. We can not further strain our resources and community support by demanding that the children of illegals are being educated.

And, if a State is found to be in violation of the Constitution by denying public education to these children, then I would suggest that it might be time to explore a constitutional remedy to correct this problem.

Again, this comes under the category that If only the American public knew they would opt for this choice.

The Supreme Court made the wrong decision 14 years ago. The bottomline is that we are talking about illegal aliens, and they are not entitled to hard-working American taxpayer money when there is not even enough money to go around for the taxpayer.

Give States the option. Support the Gallegly amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I thank my friend for yielding this time to me.

I rise in opposition to the amendment offered by the gentleman from California [Mr. GALLEGLY].

With respect to illegal immigration, if I may say so, there are very few areas where the gentleman from California [Mr. GALLEGLY] and I disagree. We have worked together for several years on many of the issues that are addressed in this bill, but denying public education to the children of illegal immigrants would, in my opinion, be an ineffective and overly punitive way to try to stem the flow of illegal immigrants into this country.

Let me make two brief points about the amendment. First, the provisions of the bill itself, if enacted, will go a long way toward stopping illegal immigration at the border, and, even more importantly, reducing the lure of job opportunities. The denial of access of education for children here illegally, children who have not chosen themselves to break our laws, will not act as a further disincentive for illegal immigration. People cross our borders illegally in search of employment. The fact that they bring their children along is usually incidental.

Furthermore, supporters of this proposal often mention the cost to our school systems, and, of course, they, are substantial. But the societal costs, Mr. Chairman, of allowing States to deny public education to children are even greater. Such a policy would contribute to crime, to illiteracy, to ignorance, to discrimination. It would clearly run counter to the long-term interests of American communities and American society. Denying an education to any child, I think, is unwise and inhumane.

A second point is about this bill in general. Our colleagues from Texas, Mr. SMITH and Mr. BRYANT, have done an outstanding job in managing a fragile bipartisan coalition in support of H.R. 2202. In addition, there are many of us on both sides of the aisle who have worked long and hard for legislation that deals thoughtfully with the problem of illegal immigration. It also makes meaningful reforms in our legal immigration system.

However, adoption of this amendment would make it very difficult for Members on both sides of the aisle who would otherwise do so to support this bill and, therefore, I think would seriously jeopardize our goal of passing substantial immigration reform legislation this year.

Mr. Chairman, for those reasons I ask our colleagues to oppose this amendment.

Mr. GALLEGLY. Mr. Chairman, may I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentleman from California [Mr. GALLEGLY] has 19 minutes remaining, and the gentleman from Texas [Mr. BRYANT] has 21 minutes remaining.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, we are talking about the United States, the people of the United States, spending $2 billion to educate illegal aliens just in California, $634 million just in New York, $424 million in Florida, and $419 million in Texas. We are talking about $70 million worth of Pell grants being given to illegal alien children.

Whose children do we care about? Why are we here? Who are we representing? We are supposed to care about the people of the United States of America. All of these children are wonderful children who have been brought here by illegal aliens. We care about them. But we have to care about our own kids first.

That is what this debate is all about. That is why we could never get through any illegal immigration legislation when the Democrats were in control of this body. We care about our children first, and we have no apologies about it. If we keep educating everybody in the world who can sneak across our border and bring their families, anybody who cares about their children throughout the entire planet will do everything they can possibly do to get their kids into our country, and who can blame them?

Mr. Chairman, they are wonderful people, they care about their children. We cannot afford to spend all of these billions of dollars, when our own education system is going broke, on educating the children of other people who are not citizens of the United States and have come here illegally. It makes no sense.

This amendment that the gentleman from California [Mr. GALLEGLY] is offering, is a salvation to Americans who want their kids educated, and know that their local communities are lacking the dollars to do so.

What makes sense; to keep subsidizing this education of illegal alien children and having more and more and more children come from all over the world? That makes no sense at all. Let us protect the people of the United States of America. Let us protect our own families and our own children. Let us educate those kids. Let us not spend all of our money on illegal aliens' children and then attract more and more here until our system totally breaks down.

Mr. Chairman, I support the amendment offered by the gentleman from California [Mr. GALLEGLY] wholeheartedly.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, if we have illegal children and illegal families in this country, it is our duty to deport the family and deport those who came here illegally. If we do not do that because we have not devoted enough resources to immigration and naturalization, then at the very least we should not impose the cost upon our States. It is a Federal failure that has led to this influx, and the Federal Government owes the States its support. But if both of these have not occurred, and that is the case today, we are left with children in this country.

Now in that world it is far better that those children be educated and be in school than that they be on a street corner or in a gang. The first best preferred outcome is, of course, that those who came here illegally be returned to the country of their origin with their children, and that would be constitutional to do because the children are under the custody of the parent. But we do not have the resources to do that. This bill does not give us the resources to do that. We are not hiring INS agents to expel every illegal family that is here.

So, Mr. Chairman, I put to my colleagues the essential tradeoff. Is it better to have such children in school, or kept out of school at the risk that their parents would be turned in to the Immigration and Naturalization Service? Are there gangs in Los Angeles waiting to recruit such children? Are there gangs in San Jose willing to recruit such children? Are there gangs in San Francisco and every major city of my State of California? Of course there are. If these children are here, we must educate them rather than have them be recruited, if those are our options.

Finally, I want to compliment the author of this bill, the gentleman from Texas [Mr. SMITH]. In the structure and fabric of his bill he exempted Head Start and school lunch programs. I surely appreciate his doing so, and he did it because he realized the importance of not having the termination of Federal programs that apply to education.

Mr. Chairman, it is inconsistent with the fabric of this bill to adopt the Gallegly amendment. With reluctance, because of my high regard for the author, I urge a ''no'' vote on the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 brief seconds to respond to a couple comments of the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, the gentleman from California said far better to have the children in school than out in the streets and gangs. I could not agree with him more. He says that we do not have the resources, the financial resources, to incarcerate or deport these children. I would say, if we have the resources to educate, we should have the resources to deport.

Mr. Chairman, I yield 1 minute to the gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to comment to my colleague from California, too. We will hear the business community say that if the illegals are here, it is better if they have a job than to just be hanging around unemployed, and so there are always excuses for encouraging the violation of immigration law.

Mr. Chairman, my high school, Mara Vista, had many people coming to it that lived in Mexico, crossed the border and came to our high school. That was against the law, and it is against the law. But the absurdity of the Federal system, if we do not approve this amendment, is that it will be illegal to come into the country legally and go to a public school, but it will be legal to enter the country illegally, and then they have a guaranteed right to go to public education, and this is a $1.5 billion price tag to the people of California.

Let me remind our colleagues, Mr. Chairman, this is not an issue that affects the rich, white people of this country. This is an issue that hits the school districts of the working class in this country. It is something that disproportionately is being placed on the working class school districts, and the Federal Government wants to put this mandate on and pay for the mandate totally. Do not ask the working class of this country to bear this responsibility.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Mr. Chairman, I rise to oppose this amendment because it is unconstitutional, runs counter to our Nation's commitment to the value of education, and is morally repugnant.

First, it violates the equal protection clause by granting States the option of denying undocumented children the same rights to a public education extended to other children residing in their States history documents the idiocy of challenging the constitutional and moral right of children to a free public education?

Second, 2 years ago, when the Congress reauthorized the elementary and secondary education act, we inserted the following statement of principle into that law:

> That a high-quality education for all individuals and a fair and equitable opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

We did not qualify that principled position. We did not say that it applied to some children, and not to others; we did not say that it did not apply to undocumented children. We applied that statement to all individuals.

Finally, Mr. Chairman there is no moral currency in denying undocumented children an education. We have no right to use education as a tool to enforce our immigration laws. All we will succeed in doing is punishing innocent children for the transgressions of their parents. We have no right to impose responsibility for enforcement of our immigration laws on our schools. All we will succeed in doing is turning our teachers into de facto INS agents. We have to no right to point fingers at children and block their entrance to the schoolhouse. All we will succeed in doing is stigmatizing children and encouraging negative behavior.

In defense of our Constitution and our values, and for the sake of humanity and compassion, I urge my colleagues to oppose the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California [Mr. CUNNINGHAM], the distinguished chairman of the Subcommittee on Education that deals with our elementary education K through 12, who has been long-time committed to education.

Mr. CUNNINGHAM. Mr. Chairman, the teachers in San Diego County just recently went through a strike, and I think up in Santa Barbara they are going through a strike also. We have times when our State Colleges have to increase their tuition costs, and we look at less than 12 percent of the schools in this Nation have got a single phone jack, whey we are trying to proceed into the 21st century and do what the President says, which I support, is getting the fiber optics and the computers and high-technology education into the system.

But quite often, when they argue for higher pay or classroom upgrades or even bond elections to extend taxes, they do not look and see why they do not have the dollars available. There are, just in the State of California, 800,000, 800,000 illegal children in our school system K through 12.

□ 1415

Take just half of that, just half, 400,000. At $5,000 each to educate a child, and of course in New York it is much higher than that, that is $2 billion a year. Take 5 years, that is $10

billion with which we could upgrade all of our schools in California, we could pay teachers, we could hold down the cost of tuition. The school meals program, take two meals, not three. That is $1 million a day for illegals.

Mr. Chairman, the vote, the very famous ruling by the Supreme Court, was based on a decision because Congress did not have a position on illegal immigration. What we are saying is that as of today, when this bill passes, we will have the congressional response for that court decision, and we prioritize American citizens and those that are coming into this country legally, and I think that ought to be the priority, not illegals.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply like to ask, we do not accept the figures offered by the gentleman from California [Mr. CUNNINGHAM], and I dispute them, but assuming that they were true, what would those kids be doing if they were not in school? Would they be on the streets, joining up in gangs, just withering away? How is that in the interests of the country?

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the chairman of the committee.

Mr. Chairman, as all of us know, a free public education is a hallmark of our American society. It is, indeed, an essential ingredient in the foundation of our diverse, and, yes, inclusive democracy. The Gallegly amendment would seek to deny a number of our children the opportunity to go to a free public education system. Why? Because their parents made a choice on behalf of their children. But the children did not choose to be in the United States illegally. They do not deserve, therefore, to be punished for the actions of their parents.

The assumption here, Mr. Chairman, is that there is a financial burden to the schools for having illegals in our system, but I would counter that the cost to us as a nation would be far greater by excluding these children from our schools. Schools would then assume a law enforcement burden that is both costly and counterproductive.

These children will not leave the United States simply because they are not in school. They will be, as all of our speakers pointed out, on the streets, joining gangs, left at home alone, for there is a price to be paid in terms of community health and community well-being, not to mention the harm to the children themselves.

Mr. Chairman, I urge my colleagues to reject this mean-spirited attempt that will hold children responsible for their parents' actions. They are the innocent ones in this battle. Let us not punish them for something they cannot control.

Mr. GALLEGLY. Mr. Chairman, I yield myself 30 seconds to respond to a couple of comments that the gentlewoman made.

First of all, the gentlewoman is a friend of mine, and I take some personal dissatisfaction with a comment made, ''mean-spirited.'' As a parent of four and as someone who is a product of the city school system in Los Angeles, I am a strong supporter of public education.

But one of the comments that she made was that these people were not participants in the decisionmaking process. I would submit to her that there were 40,000 adults that came to this country last year, illegally to this country, and received Pell grants that cost this country $70 billion. That was a decision they made, not their parents.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague, the gentleman from Texas, for yielding time to me.

Mr. Chairman, the concern I have about this amendment is the way it is drawn and the actual application when it is out in the schools. This amendment, I think, could create a violation of the Constitution, specifically the 5th and 14th amendments, and the equal protection. I think it sets up a good equal protection argument, that it gives the States the ability to decide, whether it is in Texas or California, New Mexico or Arizona. It think we would see that come back to the Supreme Court, and they would probably rule the same way they did on an earlier Texas case. The amendment would give the power of Congress to the States to decide whether they could deny that education to the children of illegals.

Mr. Chairman, the other concern I have is the procedure in the amendment. Again, I am trying to bring what we do on the floor down into what is going to happen into the Houston Independent School District, or the Alvin District, or any of the districts in the country.

A child may be a citizen, but their parents may be illegal. What is the procedure in this amendment to the affidavit that is going to be signed? Are the parents going to sign? That that child is entitled to an education because that child is a citizen, even though the parents may not be here legally. I think there are so many questions about this amendment that cause us concern. It would place an enormous burden on our educational system.

Mr. Chairman, we want teachers to be teaching. We want to take away some of the paperwork that is being required, not just by Federal law, but by State and local rules, and we want teachers to be teaching. What this amendment sets up is that our teachers would be doing more administrative work than they should be. We want them to be teaching those children, because those are the problems we have with public education. The education is done in the classroom, and that is where it should be. We do not punish our small children by taking away their ability to get education.

Mr. Chairman, I thank my colleague for yielding time to me.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Chairman, I rise in strong support of the Gallegly amendment. I want to congratulate him for his hard work as chairman of the Speaker's task force on illegal immigration.

Mr. Chairman, there are many arguments that have been made very eloquently by a number of my colleagues in opposition to this. One of the points that has been made consistently by those who would oppose this amendment out in California is that as we look at people who have come into this country illegally, we have a choice of having them on the streets committing crime or in the classrooms; which would we rather have? Well, of course we do not want to have people on the streets committing crime. One of the major reasons that we are dealing with this legislation is to comprehensively reform, reform our law as it relates to illegal immigration.

We have amendments that I am pleased to say have passed and will go a long way toward dealing with that, but quite frankly, we need to recognize that this is not a mean-spirited amendment. This is an amendment that simply follows down the road that we have been pursuing over the past 15 months; that is, trying to allow State and local governments to have the opportunity to make decisions for themselves.

Clearly, the Plyler decision that was made in 1982 was a bad decision. I believe that as we look at this question, the cost that has been imposed by way of this unfunded Federal mandate on States has been overwhelming. The Urban Institute did a study for this administration. They found in looking at only seven States that the cost was over $3 billion.

We obviously want to have the best educated people. I suspect there will be more than a few States who, when this amendment passes and becomes law, will make the decision that they want to continue to provide education to those who have come into this country illegally, but we should not be forcing them, through an unfunded Federal mandate, to do that. Unfortunately, that is what the Plyler decision has done. Fortunately, the gentleman from California [Mr. GALLEGLY], has been courageous enough to step forward and say that we need to make some kind of modification.

If we look at where we are headed, we are trying to decrease the magnet which draws people illegally into this country. There are a wide range of reasons they come in. Seeking family members, I remember the President of Mexico told me at one point, was the No. 1 reason; job opportunities, obviously, another very important reason. But the tremendous flow of government services is obviously another magnet which draws people illegally into this country.

We need to do what we can to encourage economic improvement, following President Kennedy's great line that a rising tide lifts all ships. We need to improve the economies of countries throughout this hemisphere, not through foreign aid but by engaging with them more through trade and other opportunities, so their economies will improve and people will not be encouraged to come across the border illegally. But if we continue to provide this magnet of more and more government service, we will be in a position where they will continue to flow.

Strongly, strongly support the Gallegly amendment. I hope my colleagues will jointly, in a bipartisan way, do it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I cannot believe what I just heard from the previous speaker. He referred to the problem of unfunded mandates. If he is so concerned about those unfunded mandates, why did he oppose my amendment in the Committee on Rules that would have required that for all refugees who come into this country, that the Federal Government assume the full cost of educating and training those refugees, rather than dumping those very same costs onto the local units of government?

I would also like to know why they refused to support the idea that we ought to have the Federal Government provide for the education costs, rather than dumping those costs, as we do now for legal refugees, onto the backs of local school districts. I know I am talking about legal refugees, as opposed to illegal immigrants, but the fact is every time a refugee is allowed into this country, that is a foreign policy decision made by the national Government. Why should local governments be stuck with meeting the costs of those foreign policy decisions?

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, one would think that we would not need an amendment like this in this bill. One would think that the law would already provide that if somebody is illegally in this country, they would not be entitled to receive Government benefits; that they would, instead, once known, be required to depart from the country.

Unfortunately, we have a court decision that makes it necessary to enact this amendment to make very clear the will of the Congress that when someone is unlawfully in the United States, they are not entitled to Government benefits except under certain emergency circumstances that this bill provides for; for example, with regard to emergency medical care.

Mr. Chairman, this is a situation where we have already put into this bill a very fine amendment offered by the gentleman from California [Mr. COX] that enables local law enforcement authorities to be designated by the Attorney General of the United States to assist in the apprehension and the deportation process of removing people who have entered this country illegally, or have entered this country legally and have overstayed their legal admission period, and therefore are not entitled to be in the country any longer.

That authority, giving to local governments the ability to remove people who are in the country improperly, would contradict an amendment that says that nonetheless, if they are here illegally, they would be entitled to free public education.

We need to have local government working hand in hand with the Federal Government, and we need to make sure that we do not have magnets that draw people to this country, and free public education, free health care, other welfare benefits, are exactly the kinds of things that attract people to the country and cause them to violate our laws in entering the country. So I strongly support the position offered by the gentleman from California [Mr. GALLEGLY], regarding this issue, and I thank him for his efforts.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, putting aside the fact that this amendment appears to be unconstitutional, and also putting aside—for discussion purposes—whether it is good for our country to have an entire class of people who are likely to live here their whole lives who are uneducated, I would just like to mention those in my county that opposed this provision when we had this discussion in California a few years back: our Republican sheriff opposed it, our Republican district attorney opposed it, the police chief opposed it, and the Chamber of Commerce opposed it.

We know that most juvenile crime occurs between the hours of 3 p.m. and 6 p.m., when kids are out of school and their parents are still at work.

□ 1430

If we think we have trouble with juvenile crime now, try throwing several thousand kids out of school to hang around all day long and get into nothing but trouble. That is why our police chief opposes this. I urge Members to consider that aspect of this very ill-advised and, I would say, mean-spirited amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 30 seconds to the gentleman from San Diego, California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, in the San Diego Union there was an article a few months ago that really pointed out the problem here. That is, there was a woman from the interior of Mexico who had actually taken the time to write three letters to the school district to make sure that her children could get a public education in the United States even if they were illegal. She could not believe it, so she waited three times to get an answer back that says, ''If I bring my children here, from Mexico, do I have to show they're legally here?'' And they said, ''No, you have no problem at all getting them educated in this country.'' I think that is the message we must stop sending.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important as we look at this particular amendment to really ask where the impact will be felt.

First of all, I am very proud of the leadership in the State of Texas that has chosen not to make a whipping boy out of the children of immigrants, legal or illegal. In essence, this amendment does that. It ignores the Plyler versus Doe decision of the Supreme Court that says making access to education dependent on immigration status is a violation of the equal protection clause. It clearly makes armed guards out of principals and teachers.

It also says that rather than investing in children who are here, this in some way is going to prevent illegal immigration. That is not correct. What it simply does is create an unfunded mandate by requiring local jurisdictions now to scratch their heads and ask the question, what do we do with these children who need education? Ban them?

This is a bad amendment. It is bad for the future of America, it is bad for those who believe in education, and it certainly is bad for those who have to provide education to children in their communities.

Mr. Chairman, I rise in opposition to the Gallegly amendment which would allow States the option of denying education benefits to undocumented children. This amendment is unconstitutional. It is a direct attack on Plyer versus Doe, the Supreme Court decision which said that making access to education dependent on immigration status is a violation of the equal protection clause.

This amendment runs counter to the goals of American public education. Any State that

makes access to education dependent on immigration status would remove school employees from their traditional role as educators and turn them into quasi-INS agents. Financially strapped schools would be forced to shift scarce resources from teachers, books, and infrastructure to the training of school personnel and enforcement costs.

The Gallegly amendment unfairly punishes undocumented children for the actions of their parents. Denying children access to education will create an underclass of illiterate, uneducated individuals, at a moment when America needs a skilled work force to compete in the global economy. Ultimately, it makes more sense to have children in the classroom rather than on the streets.

The goal of American public education is to impart the values of democracy such as equal opportunity and justice for all people, and a respect for your neighbor, no matter what his or her ethnicity, race, or religion. Public education prepares our young people to become productive citizens and mature adults.

As a nation, we must turn our attentions to strengthening our public education system and making it work better for our children. Instead, we are debating an amendment which seeks to restrict the access to education for children who are already in this country.

The Gallegly amendment would create an atmosphere of suspicion and hostility in our schools. Our schools are intended to have a climate conducive to open minds and learning. This amendment however, promotes an atmosphere of animosity toward children who look or sound foreign.

I urge my colleagues to vote against this amendment, which does nothing to control undocumented immigration. The Gallegly amendment is unconstitutional, but we must not allow it to pass and wait for the Supreme Court to strike it down as such. We cannot, in good conscience, deny young people the opportunity to learn. I believe that we all know in our hearts that this amendment is unfair and that it violates our sense of justice. Thank you, Mr. Speaker, and I reserve the balance of my time.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds for a clarification.

The point that needs to be made, that has not been made so far, is that this amendment does not deny educational benefits to anyone. It does not require schools to do anything. It simply gives the State the discretion to decide whether it wants to continue to provide illegal aliens with a free public education at taxpayers' expense. Nothing less, nothing more.

Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, CA [Mr. PACKARD].

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

Mr. PACKARD. Mr. Chairman, several points have been brought up that I think need to be addressed.

One, it is better that the children of illegals not go to gangs, better to have them in the classroom. The last thing that illegal children want to do is to be picked up and arrested, because they will be sent home and they do not want that. The vast majority of the gangs in this country are made up of citizen youth, not illegals.

Second, we ought to educate them so that they will be qualified to get a job. Illegals cannot legally work in this country. If we educate them, they still cannot work legally here in this country.

We have school buses going to the border in San Diego to pick up children that walk across the border and get on the buses to fill the classrooms. We already have classrooms that are overcrowded, oversized. We cannot get new textbooks. We cannot build new classrooms for those that are here legally.

Gov. Pete Wilson points out that the largest single fiscal burden to the California taxpayers is the mandate that States provide a public education to illegal children. Over 355,000 of them are educated in our schools at a cost of almost $2 billion. If we could put that into lowering classroom sizes and buying better and more modern textbooks and building facilities for our citizen children, then we would have less gangs from citizen children and we would not have to worry about the illegals.

I strongly support the Gallegly amendment and urge my colleagues to vote for it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, one of the most admirable characteristics about the United States is that our Nation distinguishes between the conduct of parents and their children. So many times I have seen in, for example, European countries, the children of immigrants in the streets because in those nations there is no distinguishing between the illegal conduct of their parents and the children.

We do not blame the children for the conduct of their parents. That, among other reasons, is why we are the moral leader of the world. I truly believe, Mr. Chairman, that we would be making a very grave mistake by adopting this amendment today, and that is why I have risen in opposition to it.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 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. Chairman, this amendment would create more problems than it will ever solve.

At a time when juvenile violence is on the rise, this amendment would deprive a large group of children in our communities of the only thing that can keep them out of trouble, and that is an education.

This amendment will not save States money but it will pose a significant community health and safety hazard. Children thrown into the streets by this amendment will not simply disappear. They will be left with nothing to do during school hours, tempting them to pursue a host of noneducational activities. One can only imagine the possibilities.

In addition, depriving children of their fundamental human right to learn how to read and write will wreak havoc on their life. These future men and women will be incapable of performing the most basic public responsibilities and will be unable to contribute to the society at large.

Let us not fool ourselves. The money this amendment is trying to save by depriving kids of an education will have to be spent on more law enforcement, more incarceration and more rehabilitation. With this amendment, we are doing nothing more than just trading schools for prison, a policy wrought with problems.

Mr. Chairman, the author of this amendment is a very good Member of this body. But this is not the right approach. This is an amendment that does not strike at the core of the basic decency of our country. These are kids. They do not have lobbyists. They do not have those protecting them. This is not the right thing to do. We should reject this amendment.

Let us retain at least this basic element of education. This is what will teach these young men and women to be productive citizens, maybe not in this country but in the country that they came from.

Mr. Chairman, this is not a good amendment and it should be defeated.

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

Mr. GALLEGLY. Mr. Chairman, I have only one speaker remaining before closing. I do believe I have the right to chose; is that correct?

The CHAIRMAN. The gentleman from Texas [Mr. BYRANT] has the right to chose.

Mr. GALLEGLY. That being the case, Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, I would just like to confirm that the gentleman from California [Mr. GALLEGLY] as the offeror of the amendment has the right to close and is reserving the right to close.

The CHAIRMAN. The minority manager in this case is supporting the committee's position on the amendment and, therefore, has the right to close.

Mr. RIGGS. Mr. Chairman, I strongly support the Gallegly amendment which would reverse the Supreme Court Plyler versus Doe decision and permit the States to decide for themselves whether to provide a free public education to illegal aliens.

Those in this country without the knowledge or permission of our Federal, State and local governments take advantage of our public assistance programs. They do not pay into the tax base, and they actually defraud our

own taxpaying citizens of critical education, health and welfare assistance. I would simply point out that providing a free public education to illegal aliens cost California taxpayers $1.7 billion last year.

I strongly urge support of the Gallegly amendment. I would authorize States to put the needs of their own citizens above those of illegal aliens, and it is good, sound public policy.

Mr. Chairman, as we begin the debate on the Immigration in the National Interest Act, I want to bring to your attention an amendment that my colleague from California, [Mr. GALLEGLY] will be offering. Other members of the California delegation and I strongly support this amendment.

Our amendment is fashioned after California's widely supported proposition 187, which received 59 percent of the vote on November 7, 1994. It will allow States the option of not providing illegal aliens with a free public education in much the same way that they are currently not obligated to do so for residents of other States. This will remove a substantial incentive for illegal aliens to come to this country. Most importantly, it will allow the States to spend very limited educational dollars on its own citizens and legal residents.

The widespread support for proposition 187 is only one manifestation of a new social climate across the Nation. This new attitude demands accountability from Federal, State, and local governments. It recognizes the inability of government to pay for many public services. Illegal immigrants have been identified as major contributors to the demands placed on these public programs, and thus to the budget deficits facing several States and localities.

In the 1982 court case of, Plyler versus Doe, the Supreme Court ruled against the State of Texas, saying that there was nothing in Federal law authorizing denial of educational benefits to illegal immigrants.

The Gallegly amendment would overturn this Supreme Court decision and permit States to mirror Federal law, denying illegal aliens a free public education. It would eliminate one of the more egregious of border magnets: free public education.

The issue, Mr. Chairman, is whether States have the right to decide for themselves whether or not to provide a free public education to illegal aliens.

Those in this country without the knowledge of or permission from our Federal, State of local governments, take advantage of our public assistance programs. Illegal immigrants defraud our own taxpaying citizens of critical education, health and welfare assistance.

Our amendment would provide Federal affirmation of the States' right to deny a free public education. It would authorize States to put the needs of its own citizens above those of illegal aliens.

We must end the free lunch for illegal immigrants. Unlike citizens or legal aliens, they do not pay into the tax base and, therefore, have no right to claim any public education benefits.

States which are already struggling with tight budgets, are forced, by Federal mandate, to spend billions of dollars each year educating illegal aliens while basic services for U.S. citizens and legal immigrants are being reduced or eliminated. It is time that this Federal Government removes this huge unfunded mandate on the States.

In the seven States most heavily impacted, education benefits for illegal immigrants are costing taxpayers over $3.5 billion annually—not including the cost of higher education or adult education.

California alone is home to 1.7 million illegal immigrants—43 percent of the Nation's total. It will cost California over $2.9 billion to provide federally mandated services to these illegal immigrants: including $563 million for incarceration costs, $395 million for health cost, and $1.8 billion for fiscal year 1996 for education. Imagine the cost to our taxpayers by the year 2000.

To illustrate my point, let's look at what we, in the State of California, could do for our own students with $2.9 billion.

We could hire 80,555 more teachers at an average annual salary of $36,000. We could significantly reduce class sizes, and we could infuse our public education system with more text books, computers and desperately needed classroom supplies.

By removing this mandate, we are ending a long-standing policy that encourages illegal immigration, bankrupts States and results in a less than quality education for our own children.

Let's remember, every dollar spent on educating illegal aliens is a dollar we don't spend on our own children. Every teaching hour spent on instruction for illegal immigrants is an hour lost to our own students.

A child must have access to a comprehensive basic education to give children a fighting chance at life. We must guarantee that right for our own children. The only way to ensure that right is to enable the States to make the most prudent fiscal decisions possible. Aliens who are in the United States illegally should not be entitled to receive any of the privileges or benefits of membership in American society. It is simply unfair to our citizens and legal residents. Poll after poll shows that American people are tired of footing the bill for those who are in the country illegally. The passage or proposition 187 in California, and other similar movements in Florida and Arizona are evidence of this.

The availability of public education benefits is one of the most powerful magnets for illegal aliens. As a matter of immigration policy, Congress must remove all of the incentives that lure illegal aliens to the United States—that means giving the States the right to deny public education benefits.

I urge this House to carefully consider the Gallegly amendment and vote in favor of it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, not coming from a State that has a serious immigration problem, I have tried to listen and learn about this issue. I have been particularly intrigued by this amendment because I was a teacher before I came to Congress, will be a teacher after I leave, and have served on the Education Committee while I have been here.

It seems to me it is inherently wrong and the majority of the American people would not want to kick any kid out of school, including the child of parents who have illegally come to this country. But let us all understand something. The question here is not whether people can come to this country, be here illegally and then just stay, put their child in school, get all kinds of services from the government, from the taxpayer, and stay in this country. That is not at issue here. Families who are found to be here illegally are sent back. They are deported.

The question is, while we are finding them and while the deportation process is going forward, should their children be on the streets unsupervised or in the schools? I think the vast majority of American people would say, ''well, they should be in the schools. They should not be out running loose as gangs unsupervised on the streets.'' That is all this amendment is about. It does not have to do with the parents being here illegally. It has to do with unsupervised children.

□ 1445

So I would encourage my colleagues to support a bill that is tough on enforcement, that is tough on finding the parents who are here illegally, but let us not be tough in a way that is going to cut off society's nose to spite its face. Let us not say that while we are looking for these parents, we are going to assure that their children run loose on the streets. At least let us provide this general use of American education to try to contain, and, yes, improve those children, remembering that their parents are here illegally, and, when found, are sent back.

Nobody has a right to be here illegally, to receive all of these services, and stay here, even after they are found. Once the are found, they are deported. The only question is what shall we do with their children in the meantime.

The Republican answer is to put them on the street, leave them out there unsupervised, and create these gangs, I suppose. We Democrats are saying that the children should be in school. I agree with the position of the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California, [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in opposition to my friend's amendment. Except for possibly emergency medical services, the only other public benefit that I think it is wrong to deal with on this basis is public education, for all the reasons the gentleman from Montana just eloquently stated.

But the real question I have for the gentleman is why do you think, if your amendment passes and becomes law, why do you think that there is any chance in the world this will be more seriously enforced, more effective in doing what the gentleman wants to do, even though I think what you want to do is wrong, than employer sanctions are?

Without an adequate verification system in place, this is all a game. Proposition 187 was a game because it sent a message, but it had nothing to do with

verification. And until you do something here on verification, you have already collapsed a mandatory verification system; you have an amendment in a minute to wipe out any verification system; and then you are going to say we were tough. We got them out of the schools. You are not going to get anybody out of the schools without verification. That is why this amendment standing alone is really empty.

Mr. GALLEGLY. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia, [Mr. GINGRICH] the Honorable Speaker of the House.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 3½ minutes.

Mr. GINGRICH. Mr. Chairman, I thank my friend from California for yielding me time.

Mr. Chairman, I want to start by, at least in part I think, answering the very good question of the gentleman from California [Mr. BERMAN]. The gentleman and I, I think, agree that we want to strengthen and support legal immigration to the United States, that this is a Nation of legal immigrants, and that we in no way want to send any signal to legal immigrants who are willing to obey the law.

But I think there are five questions you have to answer before you decide to vote ''no'' on the Gallegly amendment. The first one is very simple, and it keeps getting asked rhetorically, and I cannot quite believe the answers the liberal friends give themselves.

Does offering money and services attract people? This used to be the land of opportunity. It is now the land of welfare. Do we believe people in some countries might say ''I would like to go to America and get free goods from the American taxpayer?''

Now, if you believe people are totally coming to America with no knowledge of the free, tax-paid goods they are going to get, then I think you are living in a fantasy land. I think there is no question that offering free, tax-paid goods to illegals has increased the number of illegals. That is question No. 1.

Question No. 2: Is it the United States Federal Government's responsibility to close and protect the borders? This is not California's failure, this is not Florida's failure; this is a Federal failure.

If it is a Federal failure, then question number three is, should we impose an unfunded mandate? Last year the House voted 394 to 28 against unfunded mandates. By 394 to 28 we said the U.S. Congress should not impose on State and local governments those things the U.S. Congress refuses to pay for.

Well, guess what this is? This is a Federal unfunded mandate, which, by my calculation, for four States alone, is $3.2 billion a year. It is the U.S. Congress saying ''You will spend your taxpayers' money.'' I want to come back in a second.

Fourth, are we really prepared to overrule the citizens of California? Sixty-four percent of the citizens of California said they are fed up with their State becoming a welfare capital for illegal immigrants, and 64 percent of the people of California, after a long and open campaign, voted for proposition 187. The fact is that they voted to say they are tired of their tax money paying for illegals. But we are now being told we should overrule the voters of California, we should impose an unfunded mandate.

So here is my proposition. If this amendment goes down, I move that we take the money out of the rest of the budget and we absorb federally the cost of these children. I am going to tell you, you start going out there in a tight budget when we are trying to get to a balanced budget and you start telling your citizens, ''I want to take care of illegal immigrants so much that I am going to give up my grant, I am going to give up money coming to my schools, I am going to give up money coming to my colleges, so I can send it.''

But it is totally unfair. The State of California spends a minimum of $1.7 billion a year, the State of New York spends a minimum of $634 million a year, the State of Florida spends $424 million, and the State of Texas spends $419 million.

Now, if they want to spend it, that is fine. Texas said they want to spend it. That is their right, to voluntarily in their State legislature decide do tax themselves. But for this Congress to say we are going to impose on you this mandate, we are going to require you to tax your citizens for a Federal Government failure, is absurd.

It is the Federal Government that has failed. I think it is wrong for us to be the welfare capital of the world. I think it is wrong for us to degrade immigration, from the pursuit of opportunity to the pursuit of tax-paid welfare.

I think that this is a totally legitimate request by the people of California, and I hope that every Member will vote yes for Gallegly, because this is the right thing to do, to send the right signal around the world. Come to America for opportunity; do not come to America to live off the law abiding American taxpayer.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 4¾ minutes.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, every American, every American, should despair of our ability as a Congress to act in any significant way in a bipartisan fashion after that speech by Mr. GINGRICH, the Speaker of the House. We have tried to bring a bill out here that would address the problem of legal and illegal immigration in a bipartisan fashion, Mr. SMITH and I did, and we worked very hard on it. We have Members of both parties trying to make it pass.

There are about three things that will kill this bipartisan consensus, one of which is this pernicious proposal, which is also unconstitutional, to provide that States can deny education to kids they think happen to be the children of illegal immigrants. Mr. GINGRICH knew that when he came to the floor. He asked a question. He said, Should the States have to pay the costs of what is the result of the failure of a Federal responsibility?

I agree with the answer. No, they should not. But, Mr. GINGRICH, if you really believe what you said, and you do not, if you really believe what you said, you would not have instructed your Committee on Rules to forbid the offering of an amendment that would do exactly that.

It is an outrage that the Speaker of this House would come down and seize upon this bill to make partisan gain. We have tried to put together a bill that is in the interests of all the people and that can pass. And of all people in this body to come forward and try to seize upon it to try to draw a line between us, it should not be the Speaker of the House. For what he just said, I say shame on you, Mr. Speaker.

The fact of the matter is that we have made two major exceptions to the entire question of illegal immigration from the very beginning, and that has been emergency medical care and little kids who show up at the schoolhouse. And for the Republican majority now to come forward, I might say except a few brave ones over here who have been reasonable and courageous and stood up today, but for the Speaker of this side to come forward and say we ought to abandon that and jeopardize the ability to pass this bill, smacks of nothing more than raw political opportunism. It is an outrage.

I hope that this House will vote resoundingly against the Gallegly amendment, not only to repudiate a very bad policy that is not in the interest of the public, but to repudiate a total failure of leadership by the Speaker of the House himself.

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

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Mr. Chairman, in response to the last speaker's comments, I would point out the Speaker of the House certainly did not personalize his comments. But I am wondering, given the fact that the last speaker attempted to impugn the integrity of the Speaker, whether it would be appropriate to take that gentleman's words down if he were to repeat those same remarks, or whether those remarks constitute a violation of the House rules?

The CHAIRMAN. The Chairman of the Committee of the Whole cannot respond to the parliamentary inquiry. A demand by the gentleman was not made at the appropriate time.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Gallegly amendment, which would deny a public education to undocumented immigrant children.

This amendment is cruel, does not save money, and does nothing to advance immigration control. Once more, we see innocent children being made the scapegoat in the immigration policy debate. The plan seems to be to use any means to punish the children of undocumented immigrants.

To deny anyone the opportunity to be educated is short-sighted and inhumane. If undocumented children cannot be educated, they will have nowhere to go but the streets. These children will not just go away if we continue to deny them benefits. They will be sent reeling into the cycle of poverty that we are seeking to end.

Moreover, this particular provision will be a nightmare for already overburdened school districts to enforce. It will take an enormous investment of funds and time to document the status of every child enrolled in public schools.

Schools should be a safe place of learning and opportunity for young people. The doors should not be shut to innocent children in order to punish their parents. Children should not grow up learning that only some of them are fit or qualified to receive an education. I urge my colleagues to defeat the Gallegly amendment.

Mr. RADANOVICH. Mr. Chairman, I support the Gallegly amendment to allow a State to exercise the right to refuse illegal immigrants admission to public schools.

Public schools are supported by taxpayers. The children of these men and women properly derive the benefit of education in public schools.

By telling illegal immigrants that the attraction of free education for their children no longer exists, we send a powerful message. It says those who are lawfully present in the United States are welcome to participate in its privileges. But, those who have broken the law to enter our country or to remain here after their lawful entry expired deserve no benefit from the taxpayer.

Illegal immigration is a threat to our national security. By adopting this amendment, we can enlist the States—and I assure my colleagues that California will move on it immediately—in a concerted and comprehensive campaign to end this menace.

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

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BRYANT of Texas. 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. GALLEGLY], will be postponed.

It is now in order to consider amendment No. 12 printed in part 2 of House report 104–483, as modified by the order of the House of March 19, 1996.

AMENDMENT NO. 12, AS MODIFIED, OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. CHABOT: Modify the amendment to read as follows: Strike section 401.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. CHABOT], will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. CHABOT. Mr. Chairman, I yield one-half of the time in support of the amendment to the gentleman from Michigan [Mr. CONYERS], and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment and claim the 30 minutes. I yield 10 minutes of my time to the gentleman from Texas [Mr. BRYANT] and I ask unanimous consent that he may be allowed to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. CHABOT].

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

Mr. Chairman, I am pleased to offer this amendment with the extremely distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS]. It is a real honor for me to be associated with the gentleman in this bipartisan effort.

Despite all the tactical shifts, Mr. Chairman, there really are only two sides to this debate. There are some people, some very well-intentioned people, who believe that we need a national computerized system through which the Federal Government would specifically approve or disapprove every hiring decision that is made in this country. Then there are those of us, myself and the gentleman from Michigan included, who do not believe that such a system is appropriate.

That is the issue. The Chabot-Conyers amendment would strike from the bill that section which asserts the Federal Government's power to sign off on new employment decisions as they are made.

Now, because of massive opposition to this scheme, its proponents have decided to get a foot in the door by starting with an initial so-called voluntary pilot project. But the system that it establishes is neither really voluntary nor a simple pilot. I will expand upon that point in a minute.

More importantly, we know where this program is designed to lead. The end goal is and always has been a national mandatory system by which the Federal Government would assert the power to sign off on the employment of every U.S. citizen. That was what was in the bill to start with, and that is what its proponents have said they want. In fact, some of them cannot even wait beyond today to ratchet up a level of coercion. The very next amendment with its very explicit employer mandate clearly shows where all this is headed.

As former Senator Malcolm Wallop has written, he calls this ''One of the most intrusive government programs America has ever seen.'' The Wall Street Journal calls it odious. The Washington Times asks in editorializing against the system and for our amendment, ''Since when did Americans have to ask the government's permission to go to work?''

Now, even if the Government always worked perfectly, we would have huge philosophical objections to this procedure. But, as Senator Wallop says, ''Americans can spend eight months just trying to prove to the Social Security Administration that they are not dead.''

□ 1500

Mr. Chairman, here, remember, we are talking about citizen's ability to work, about their very livelihood. And no one has argued that errors will not be made, causing heartache for those citizens who lose their jobs.

The L.A. Times reported just last month that anonymous sources within Social Security fear that, quote, 20 percent of legal workers might be turned down by the system when it is first implemented. Over time, that 270 percent error rate would fall to around 57 percent, officials estimate. Officially, Social Security now says that it, and I quote again, cannot predict the verification results for a pilot project. The Social Security Administration further states that in addition to attempted fraud, quote, nonmatches can occur for many reasons, including keying errors, missing information, erroneous information and failure of the individual to notify Social Security of legal name changes, et cetera.

Indeed, a constituent of mine was in my office just yesterday on another issue and told me that he and his new bride have been trying for 4 months now to get Social Security to record her married name, and they still have not got it straightened out, although we are trying.

The bill in fact explicitly contemplates errors that deprive American citizens of their jobs. Its answer? More litigation. Victims could sue the Government under the Federal Tort Claims Act. That prospect should be cold comfort, either to somebody who has lost a long-sought job because of this program or to the taxpayers who will have to foot the bill. Well, at least this new Government program is voluntary, we are told. Not for the employees, it is not.

Let me repeat. Employees, American citizens, have absolutely no choice

whatsoever about whether they are covered under this section, nor is it truly voluntary for employers. To quote Senator Wallop again, the strong-arm incentive for the business owners to join the system is that they will be targeted for additional Federal enforcement if they choose not to participate.

The Small Business Survival Committee says the system would create unprecedented employer liability. They oppose it, as do, for example, the Associated General Contractors, the National Retail Federation, and many, many others.

As for this being a pilot, well, as Stuart Anderson notes, the covered States have a population in excess of 90 million Americans, about one-third of this country. Together, these so-called pilot States would be the 11th largest nation in the entire world.

Mr. Chairman, this system is to be added on top of the burdensome I–9 document review requirements that started us down the road, down the path of making employers into basically Federal agents. Congress was assured in 1986 that that program would, quote, terminate the problem. Well, it has not. Remarkably, that program's very failure is advanced as a justification for proceeding further down that path. So this addition is proposed.

Do my colleagues know what? It will not work, either. We will hear shortly from the gentleman from California [Mr. GALLEGLY], and others that it cannot work unless it is explicitly made mandatory on employers. Even then employers who knowingly hire illegals simply call the 800 number. Moreover, others in this body argued that without a national ID, anyone could buy fake documents with corresponding numbers and cheat the system. So we know what is coming next, a national ID card in all likelihood.

The bottom-line question, though, Mr. Chairman, is whether this Government of ours should be in the business of saying yea or nay whenever an American citizen takes a new job. I say no. So do the Catholic Conference, the ACLU, the National Center for Home Education, Americans for Tax Reform, Citizens for a Sound Economy, the Cato Institute, Concerned Women for America, the Eagle Forum, the Christian Coalition, and virtually all the legal experts who have taken a look at this, including the American Bar Association.

All these groups and others that I will try to mention later support the Chabot-Conyers amendment.

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

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

Mr. Chairman, this amendment would totally undermine our efforts to stop illegal immigration. A vote for this amendment is a vote for continued illegal immigration. A vote for this amendment is a vote against protecting jobs for American citizens. In order to cut illegal immigration, controls at the border are not enough.

Almost half of all illegal aliens come into this country legally and stay after their jobs, after their visas have expired. Why? Jobs. Jobs are the No. 1 attraction for illegal aliens coming to this country. If we can reduce the attraction of this magnet, we can save taxpayers untold millions of dollars and improve the prospects of vulnerable American workers now competing with illegal aliens for jobs.

For the past decade, employers have checked the identity and work eligibility documents of new employees. Unfortunately, the easy availability of counterfeit documents has made a mockery of the law. Fake documents are produced in mass quantities in southern California. Just from 1989 to 1992, there were 2.5 million bogus documents seized. This amendment would strike the quick check system in the bill that allows employers to verify the identity and work eligibility of new hires.

The bill proposes only that we have a pilot program to be set up for 3 years in five States and then it expires. The amendment would deny employers the opportunity to choose to do what is in their own interest. It says that Congress knows better than businesses what is best for them. Now talk about big brother. American workers will benefit from the quick check system. It will ensure that they will not be competing for jobs with illegal aliens.

Confirmation systems like that in the bill have been tested. Since 1992, the INS has tested a telephone verification system with over 200 employers. Every single employer who has tried this system tried the INS pilot program, was pleased with the results. In fact they recommended that the pilot program be implemented on a permanent basis.

Mr. Chairman, electronic confirmation requires no national ID card, no new data base, and it ends in 3 years. This is not a first step toward anything. That is also why the National Federation of Independent Business, the National Rifle Association, and the Traditional Values Coalition do not oppose the voluntary quick check system.

Now let me set the record straight on one other matter, and that is the alleged error rates that we have been hearing about. These percentages are not error rates. There is no such error rate. These refer to a secondary verification. Secondary verification is understandably ordered whenever employees provide information that is not accurate. They have to double check on the inaccurate information.

Secondary verification does not necessarily mean inaccurate data. It more often means that it is the fault of employees mistakenly providing erroneous information or, quite frankly, being caught providing fraudulent information. In short, the ultimate big brother is Congress saying they know better than employers how to run their businesses. Let us trust business owners to decide what is best for them. The quick check system is a convenience many want, and that is why the National Federation of Independent Business does not oppose this quick check verification system.

Let us follow the lead of the U.S. Commission on Immigration Reform which recommended a verification system very similar to the one we have in this bill. The commission found that such a system would reduce the use of fraudulent documents, would protect American jobs and would reduce discrimination. That is exactly what this volunteer pilot program that expires in 3 years will do, and I urge my colleagues to vote very strongly against this amendment.

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

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

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

OK, this is the famous camel's nose under the tent amendment. This is the one where it starts off real nice. Not to worry, folks. It is OK. Trust us. We will make it a pilot project. Will that make it OK? We will make it a temporary project. We will make it voluntary. We will do it just like we did the Japanese internment program when we said we are going to find out who the Japanese are that need to be rounded up. And how did they do that so quickly? They used the census data. Government trusters, that is where that came from. So congratulations, voluntary, temporary program for employment verification.

Mr. Chairman, I think the gentleman from Ohio [Mr. CHABOT] and others on this side should be congratulated, because there is a simple problem here. The basic flaw in the verification scheme in this bill is an assumption that we have got to impinge upon the privacy of law-abiding citizens in hiring illegal aliens. The problem is the few unscrupulous employers who evade the law today will continue to do it tomorrow, even if we pass this verification scheme in whatever form. How? Because they can simply continue to hire illegals underground and off the record as they do today. That is how we get illegals in, not that all the people that are busy breaking the law are now going to come forward and call the U.S. Government to determine whether one is an illegal or not and they should hire them. They are going to continue it in the underground economy.

Is that difficult, complex? No. But this is the beginning of the progress of the system that will maybe ID everybody in the country. Now maybe it will not. But I am not here to take a chance today. This is not my job, to bank on what the future is going to do when we let these lousy programs get started. I think it is unnecessary.

Why, oh why did the gentleman from Texas [Mr. SMITH] omit the tester program? Was there something wrong with that? The tester program would at least keep us honest, because that would allow people that were supposed to look foreign looking, whatever that is, to go in and see if they are really being treated the same way. But in the manager's amendment, carefully the gentleman took that out.

Should I be alarmed? Oh, not to worry. Hey, what is the problem? You are getting a little sensitive. Let us just go ahead with the ID program and we will make it pilot program. We will make it temporary. We make it voluntary. We will make it anything, but get the nose under the tent today.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, as much as I admire my friend the ranking member, his talking about the camel's nose under the tent reinforces my view that, if we were to restrict free speech at all, we should make it illegal to use metaphors in the discussion of public policy. We are not talking about camels, noses and tents. We are talking about whether or not we have a rational approach to enforcing the laws against illegal immigration.

I have to say that, of all the things in my life that puzzle me, why so many of my liberal friends have such an aversion to this simple measure is the greatest. As a matter of fact, if we do not use an identification system, let us be very clear, we are not talking about a card anybody has to carry anywhere. What we are saying is what would seem to be the very noncontroversial principle, if one were applying for a job, one of the things one should be asked to do is to verify that one is legally eligible to take the job and is in this country legally.

During the great period of time in life when one is not applying for a job, which for most of us is most of the time, then one will not be bothered with this. It only applies when applying for a job.

Now, Mr. Chairman, what are the alternatives? If we do not do this, what are the alternatives? The alternatives are much more interference with liberty. If in fact we do not try to break the economic nexus that has people hired illegally and the only way we can do that is by simply requiring that people identify, that they are here legally, then we get into much more repressive efforts. We get into much more interference with liberty.

A free society like ours with enormous numbers of people coming and going, with enormous amounts of goods flowing in and out cannot physically bar entry. We understand that most people who come here come here to work. What this says is all we are going to say is that if you in fact come here to get a job, one of the things you will have to do when you give all this information—by the way, the notion that you are now allowed to apply for a job in perfect anonymity seems puzzling. This is an invasion of privacy. What the invasion of privacy? When going and applying for a job, one has to prove that one is here legally.

□ 1515

Now, I think they have to prove maybe what their education is, maybe they have to prove their age, maybe they have to prove a lot of things. How can it be logically argued that it is an invasion of privacy to add to all the information they already have to give, their social security number, and et cetera; and, oh, by the way, can we please establish that they are here legally? It does not make any sense. I have friends on the left who react; I do not understand why.

Mr. Chairman, the gentleman talked about the Japanese roundup, one of the worst periods in American history and wholly irrelevant to this. It has absolutely nothing in common, absolutely nothing in common at all. Locking people up because of their ancestry has nothing in common with saying, by the way, in addition to social security, educational qualifications and everything else, we want to make sure that they are here legally.

That puzzles me. As a matter of fact, the only way to prevent discrimination based on national origin, or to minimize it; we can never prevent anything; but the way to minimize it is to, in fact, have a better system of identification. The better the system of identification, the less likely we are to have this discrimination.

So I do not understand. Yes, people are afraid of forms of national identification. That is not what we are talking about. And on the other side we have the conservative trend that has grown up that we saw in the terrorism bill, and apparently on the right wing we now have this increasing view that the American Government is the enemy and is to be prevented from enforcing any of its laws.

Now, I do not believe that a purely voluntary system makes sense. If, in fact, we cannot go beyond this to adopt an amendment that makes this a binding thing, we are talking about simple rhetoric. But this is obviously the first step in that war. And let us be clear what we are talking about. We are requiring that when one applies for a job or applies for a benefit, where being legally in this country is a prerequisite under the law, they have to prove it. To turn this into some act of oppression makes no sense whatsoever, and, as a matter of fact, the opposite is the case. If we do not allow ourselves to use this simple, straightforward system of requiring verification when one applies, we will be inviting a great deal more in the way of repression.

Unless my colleagues are prepared to say that all the laws on the books about illegal immigration can be flattened at will because, without this kind of verification, that is what happens, then my colleagues are to vote against this amendment and vote later for an amendment that will begin to make this a requirement.

Mr. CHABOT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise today in support of the Chabot amendment to strike the telephone verification system for prospective new employees. I am a strong supporter of turning off the economic magnet that draws illegal workers into our country. However, we cannot turn off this magnet with a system that is flawed. If we do, we are asking for trouble.

An error rate in the data base on even the smallest percent means thousands of people will be denied the ability to earn a living. With 65 million hiring decisions made each year, an error rate of only 1 percent would deny 650,000 American citizens their jobs. The Social Security Administration says it cannot predict what the error rate might be. However, in 1994 there was a 2½-percent nonmatch rate with social security.

We all employ case workers in our offices, and we all know firsthand how difficult and time-consuming it can be to correct an error in an official government record. Try convincing the Internal Revenue Service that they have made a mistake, for example. Yet the employee has only 10 days to correct any errors made by Social Security before being fired.

While the employer can hire someone else, what happens to the person who needs a job and is denied it because Social Security has made a mistake?

Some have said no new data bases are created by phone-in verification. But that is not correct. Employers must keep a permanent record of each approval code they obtain from the government. In order to know which approval matches which employee, there must be a new data base. To avoid further liability, employers also need to keep records of any negative responses they receive.

Whether we like it or not, this is an unfunded mandate, an increased paperwork burden on American business. Phone-in verification is an addition to the I–9, not a substitute. Employers must keep this additional information in order to prove they obey the law.

Even though the bill calls for a voluntary pilot program, it also calls for additional inspectors for enforcement to check the records of employers who choose not to participate in the program. That is not what I call voluntary. And I urge the approval of this amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA] a member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding the time to me.

Mr. Chairman, this is an amendment that we must pass, because if we do not, we set in motion some omnious measures that will not only affect our privacy, but our job security.

Let me first say that we have to remember that there are 66 million job transactions that occur in this country every single year. In other words, someone is either hired or somebody changes jobs and gets a new job 66 million times every year in this country.

Are there errors that occur in the systems that we have in place with the Social Security Administration and with the INS' own data base? I must answer the chairman's, the gentleman from Texas [Mr. SMITH], own statement that there are no errors and say, Mr. Chairman, there are. We know it.

The Social Security Administration itself has said that they cannot guarantee anything better than probably a 20-percent error rate in the first couple of years. And they are hoping they are lucky enough get it down to a 5-percent error rate in providing information. Why? Because the Social Security number was never meant to be an identifying number, but that is what we are using it for.

The INS admits that in its own worker verification pilot programs 9 percent of the time the people that they say were authorized to work were, in fact, not authorized to work.

In addition, in the INS's own pilot program, they tell us that 28 percent of the time they could not give the accurate information or information whatsoever to be able to make a hiring decision, and they had to go through a second, more complicated, more consuming step.

Then we have the whole issue of, well, verification is going to be. OK. The gentleman from Massachusetts, [Mr. FRANK] is arguing that this is not going to harm anyone. Well, let me tell my colleagues something. If it is not going to harm anyone, what would be the harm of leaving in, as the gentleman from Michigan [Mr. CONYERS], said, the tester program that allows us to send a decoy in who acts like a prospective applicant for the job and check to see that employers are abiding by the law? No, that was taken out of the bill even though in committee, with the chairman's support, it was put in. In the dead of night, behind closed doors, it was taken out.

Mr. Chairman, this is something my colleagues better be concerned about because it leads us along the lines of big brother telling us, ''Show me your ID before not only I give you a job, but anything else in this country.''

Vote for the Chabot amendment. Vote against any worker identification program.

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

I just wanted to respond to one point the gentleman from California just made, and that is the Social Security Administration testified before the subcommittee that they would guarantee 99.5 percent accuracy if all we were asking was the person's name and number, not address, nothing else like that. All we are asking for in this pilot program, 99.5 percent accuracy.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee, [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, it is my pleasure to rise and speak in opposition to this amendment. Even though I am a colleague of the gentleman from Ohio [Mr. CHABOT], who is a sponsor of it, I disagree with him on this one.

I have concern about some of the arguments that have been made about the Government approval, and how they are going to make mistakes, and how we are asking employers to do all these things. In reality, we all know that the I–9 process already exists out there that the employers must use with potential employees. But right now we put these employers in a catch box. As my colleagues know, if they ask too many questions of a potential applicant for a job, they question the documents as to whether they are counterfeit, they can be sued by these applicants. But on the other hand, if they do not ask enough questions and they hire an illegal, then the INS can come in and fine them.

So we are putting these employers in difficult situations, which this process, by use of the 1–800 number on a voluntary basis, will help alleviate. It will be a defense to those employers, and again it is a voluntary situation, using existing data, the Social Security number, which is used on income tax forms already by the Government in so many ways.

I think it is a reasonable provision within the bill, and I hope this amendment goes to defeat. I urge my colleagues to vote against it.

Mr. BRYANT of Texas. I yield myself 3 minutes.

Mr. Chairman, we have a pilot program working in this area already. The result is that employers who have been in the pilot program like it, and the other result is that there have been no claims of discrimination come out of the pilot program. So the fears raised both on the part of prospective employers that might be placed under this provision and the fears raised by potential discrimination simply do not have any basis in our experience, having operated pilot programs elsewhere already.

The fact of the matter is that employer sanctions now in the law; that is to say, the law that says it is against the law for an employer to hire someone who is not legally present in the United States, those sanctions are not working any longer. They used to work, but they do not work any longer because job applicants have discovered how to counterfeit any one of or all of the 29 documents which can be presented to prove one's legal status.

Without verification in this bill, we really have no way to make this most significant improvement, and that is how to get around document fraud that completely undermines the law that prohibits employers from hiring somebody who is not a legally present individual.

It is a simple system. The Social Security number is looked at, and a check is made to see if a number is valid and if it belongs to the name on the card. That is all there is to it. It is not an intrusion on civil liberties. It is not a threat to anybody's employability. It is certainly not an inconvenience to employers. If anything, it is a convenience to them and a protection to them against getting involved in some type of a dispute over whether or not they hired someone knowing that their documents were not valid.

Mr. Chairman, I think that if we are serious, we have to keep this provision in the bill, and I urge Members to vote against this Chabot amendment. If the Chabot amendment succeeds, we are right back to the status quo, we are right back to where we started about 16 months ago. Illegal workers will still be working, and they will still be working and taking American jobs.

This is a simple procedure. It is one that has worked in the pilot programs that have tested it. It has worked for the benefit of those applying for the jobs as well as for the benefit of those doing the hiring.

I urge Members to vote against the Chabot amendment and maintain the Smith language that is in the bill.

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

Mr. CHABOT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FLANAGAN], a very distinguished member of the Committee on the Judiciary.

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

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Chabot amendment.

At a time when our Government is trying to get smaller, get out of people's lives, at a time when big brother is finally moving away from the direction it has gone, when it is trying to be less intrusive, I think that this is not the direction we need to be going.

The gentleman from Wisconsin [Mr. SENSENBRENNER] gave us some very excellent practical arguments against this system. Mr. BRYANT gave us the alternative argument, which is very good as well. It says, if we are going to have a rule that is going to make employers be required to be INS agents or have some of those functions, at least let us make it easy for them. Mr. BRYANT on this side then went on further still and said let us make it a convenience for that employer to be able to do that better so they are not held up by the system.

I say to my colleagues that this is not the direction we need to go to

make it easier for private citizens to have to do the job of Government, to be able to stand up and say, no, we are not going to require citizens of the United States to get permission from the Federal Government to work. And that is what this pilot program, if it becomes a total program, would do.

To have the Federal Government of the United States be a last word on whether someone works today or whether someone does not is particularly odious. It is anathema to the reason most of us came here. To have the Federal Government of the United States say, ''You may work today because we have decided that you're here legally, and we're going to trust that all the records are right, that we're going to go ahead and say that there's no glitch in it,'' and all in an effort to make the I–9 form, odious by itself, work better is wrong-headed as well as being merely wrong.

□ 1530

We should go the step in the other direction, to provide positive incentives for employers to help us solve the problem of illegal immigrants working. We should go in the direction of bringing the employers enlisted into the battle against illegal workers, rather than impressing them into the battle and making it as harmful as possible to the people who work for them, but as harmless to them as possible. We are not going in the right direction. We must reject this portion of the bill. I urge a vote for the Chabot amendment.

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

Mr. Chairman, I tried the metaphor, but when the gentleman from Massachusetts does not use it himself, it should be outlawed. I will try another one, the Ponzi scheme. That is that whatever amendment is on the floor, if we do not pass this, we will never stop illegals from coming in.

Remember the McCollum amendment that would put your picture on an ID card, on a Social Security card and make it tamper-proof? Have we forgotten that one already? That was the one we had to have or we would never stop illegals. We moved that one on. Now we have the nose under the tent, and if we do not get this one in, we will never stop illegals.

Forget the fact that all the fraudulent employers that want to use illegals are never going to report them through the proper methods anyway. They will all be violating not only this amendment, but all the other immigration laws. So the underground economy is laughing as we finally put the nail on illegal immigrants by a foolproof ID card.

Mr. Chairman, what does the Japanese internment program have to do with this? Some say nothing, and some say it has something to do. Where did they find out who the Japanese were and where they were to go get them? They found out through the census program, which was not started out for that, I would say to the gentleman from Massachusetts [Mr. FRANK]. The census system was not started off for that purpose. It got to be used that way.

Social Security was not started off to be ID. It was for Social Security. Now it is ID. It is on your driver's license. Now we have deteriorated a little bit more and a little bit more, and then someone says, ''This is not the nose under the tent, the camel's nose under the tent, this is innocent, freestanding, vital to the immigration bill; we have to get it or we will never stop illegal immigrants.''

I say hogwash. Support Chabot.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say to my friend that apparently we have now found out that the serious threat to civil liberties is the census. I would say in that case it is too late to worry. I do not myself regard the census as a threat, but if it is a threat, it is already there, so if people were going to manipulate things like the census, they would already have it and they would not need anything else.

Mr. CONYERS. Mr. Chairman, I will throw up my hands, then. It is all over; we have had it.

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

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

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

Mr. BILBRAY. Mr. Chairman, let us be up front about this. There are those who do not want us to be able to enforce our immigration law and want to remove every reasonable tool. They want to find excuses for that. There are those that say that somehow it is terrible to the employer.

Mr. Chairman, let me give a letter from Virginia, who works for G.T. Bicycles. She said that the telephone verification program has given her peace of mind with the knowledge that G.T. Bicycles is complying with the law regarding employment, because if you are an employer, you have no way of knowing that the law requires you to get a Social Security number and to fill out an I–9 form, but you do not know if that number belongs to the person.

There are those that are going to try to find excuses to strike this system and eliminate any reasonable point of enforcement of our immigration laws. So please do not say you are against illegal immigration, do not say you are against illegals getting public assistance, do not say you are against illegals taking jobs from people, but then say, Oh, but I am against having a reasonable enforcement vehicle. It is a cop-out. Let us be up front about it. Let us say, I really do not think illegal immigration is a real problem. I think these people ought to be allowed to come into our borders.

But this system is a system that is the most nonobtrusive approach we can possibly do, in a system where we require reporting so we can raise taxes, so we can get money for the Federal Government.

Mr. Chairman, when it comes time for us to participate in the securing of our national frontiers, of our national sovereignty, the Federal Government's number one obligation and responsibility, when it comes to that responsibility, Members are willing to walk away and find excuses to cop out. All I have to say is, if it is good enough and it is reasonable enough for us to move forward with some programs so we can enhance our coffers, then doggone it, it is time that we do the reasonable thing to control illegal immigration. But let us not sit there and vote for this amendment and then say, I really am against illegal immigration. This amendment will decide which way you stand, and the American people will know it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in opposition to this Chabot amendment. What I would love to see, Mr. Chairman, is to get the rollcall of the Chabot amendment and the people who voted in favor of striking the verification system, and then the people who vote for the Gallegly amendment to knock all the children of illegal immigrants out of the public schools, and the Bryant amendment, to report all the names of illegal immigrants to the INS, and all these other Prop 187 amendments, and match the two, because there will be a lot of people who vote ''yes'' on Chabot and then ''yes'' on Gallegly on the public education and ''yes'' on Bryant, and then we will know how rhetorical the discussion on doing something on illegal immigration is; because they will have sat there and gone back to their districts and said, ''We did something about public services, employment, and illegal aliens. We just knocked out any way of ever enforcing it,'' the Chabot amendment.

I have great respect for the gentleman, I have listened to him both in committee and on the floor, and I know he feels this passionately, but it is intellectually flawed, because there should be one additional provision. It should repeal employer sanctions. If we do not have verification, we have no meaning in employer sanctions. We have the present situation.

Mr. Chairman, I cannot think of what creates a more cynical public than the notion that the Government saying, as we said in 1986, ''We are doing something about this,'' and then denying the mechanisms to try and do anything about it. That will only intensify the hostility between the public and their elected officials.

If employer sanctions are going to mean anything, Mr. Chairman, verification is at the heart of what we are supposed to do. The problem with the amendment of my friend, the gentleman from Texas, is that ideally I think we have to do some pilot projects before we can implement a full 800-telephone verification system. But the problem with the amendment of the gentleman from Texas, which CHABOT seeks to strike, and which GALLEGLY seeks to strengthen in a subsequent amendment, is that it has none of the protections that we put in. And as the gentleman from Ohio [Mr. CHABOT] pointed out, it may be voluntary for employers, but it is mandatory for employees.

There are no protections on privacy, there are no protections on errors, there is no enforcement of discrimination in that particular program. A mandatory system at the point where it is feasible and implemented, if done right, will stop discrimination which now exists, because the person who wants to comply with the law is not going to accept the documents coming in under the I–9 requirements, is going to assume that person is illegal and is going to discriminate, not because that person is racist, but because that person does not want to run afoul of employer sanctions and does not understand that employer sanctions have no meaning under the present situation.

It can protect against privacy innovations, just like we did in 1986 with the legalization program, where we had INS legalize 1.8 million people and never once give the names of the people that came forward to the enforcement wing. You can protect against all of those kinds of things.

The amendment in front of us is bad because it, without repealing employer sanctions, renders employer sanctions totally meaningless. The base language is bad because it has none of the protections we need. That is why the Gallegly amendment, I am forced to conclude, is the only feasible fashion for dealing meaningfully with this whole subject.

Mr. Chairman, I urge a ''no'' vote on the Chabot amendment.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I rise in support of the Chabot-Conyers amendment. I found it very interesting that the good gentleman from Texas [Mr. BRYANT] indicated there were no examples of abuse by the Government in the present system.

Whereas I agree that illegal immigration is a very serious problem, there has also been a very serious problem in the enforcement of the existing rules and regulations, and as currently stated in the bill, the employment verification system will add to and not replace the current I–9 verification.

Mr. Chairman, in my district there is a fruit farmer, Mr. Stanley Robison, who has been in business for 60 years. Whereas the INS requires all kinds of verifications, Mr. Robison set about acquiring those verifications. They were all in a separate file, according to the laborer or the worker. When the Department of Labor came in and audited his files, they found that he had asked for too much verification, and that had consisted of employer and worker harassment. This man was fined $72,000 before he ever had a day in court.

Mr. Chairman, this kind of abuse cannot go on. Please support the Chabot-Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand in strong support of the Chabot-Conyers amendment to strike the so-called voluntary employment verification system. I ask my colleagues here today to listen and to listen closely as I relate a personal story about the dark side of employment verification, because no matter how well-intentioned this system appears, the consequences can be ominous.

I raised my kids in France for a few years while I served as the U.S. Ambassador to UNESCO in Paris. One day my son was coming home from school alone. He was apprehended by the French police and asked to produce his national identity card. He did not have it with him. He was detained, arrested, and taken to jail. I had to go take him out, simply because he did not have a card. He did not look French.

Are we ready, as a bastion of freedom and democracy, to subject the citizens of this country to the same type of insidious mistakes? If we do not pass the Chabot-Conyers amendment to strike, I think we will be doing that. Do we want to impose a so-called voluntary system on employers that has no protection for employees? From my own family's experience in Paris, I can assure the Members that individuals that appear foreign will be unfairly treated. In this so-called era of less government, why would we want to impose costly regulations upon the engine of our economy and our Nation's job creators?

Mr. Chairman, do not be deluded. This employment verification is only the first step. As the gentleman from Michigan [Mr. CONYERS] has said, this is the nose under the tent towards a national identification card, a first step towards the loss of our freedom. Remember this, only a small percentage of employers knowingly hire undocumented workers.

We have laws on the books that require reporting for every new hire, the I–9, but we do not spend any money on enforcement. We have a law that requires that employers pay minimum wage and withhold Social Security, the Fair Labor Standards Act, but we do not spend any money on enforcement. These employers are violating the law now, and nothing in this bill will force them to comply with a new verification law.

Mr. Chairman, I urge my colleagues here today to vote yes on the Chabot-Conyers amendment to strike.

Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. GALLEGLY].

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

□ 1545

Mr. GALLEGLY. Mr. Chairman, I rise in very strong opposition to this amendment offered by my good friend the gentleman from Ohio. The author may be well meaning but he is simply wrong on this issue of verification, and his amendment will only serve to protect those special interest businesses who currently violate U.S. immigration laws.

Mr. Chairman, this amendment is truly a litmus test of our seriousness to curtail illegal immigration, protect jobs for Americans, and stifle low wages.

Mr. Chairman, preventing illegal entry is a key to prevention and deterrence, but Congress can ill afford to ignore the 4 to 6 million illegal immigrants already residing and working in this country.

This is where the gentleman from Ohio is misinformed. He completely ignores the fact that the illegal immigration problem must also be addressed in the Nation's interior, well away from the border.

I agree that enhanced border enforcement is important. This bill addresses that. I also agree that stiff fines and employer sanctions are very helpful. These measures are fine, but simply not enough.

Like it or not, Mr. Chairman, there are businesses in this country who knowingly break U.S. law and hire illegal immigrants. Short of more random checks and unannounced raids, alternatives that I am sure the gentleman from Ohio would oppose, a verification system is direly needed, and a 1–800 number is by far the easiest way to do this.

The gentleman in his remarks makes inaccurate, misleading, unsubstantiated and maybe even ridiculous arguments against verification. A system of verification does not establish a data base. It does not create a Federal hiring approval process.

The gentleman's amendment would wipe out any type of verification and, in effect, would only serve to protect those unscrupulous businesses which break U.S. law. His amendment would perpetuate a system which replaces American workers with low-wage employees. I urge sound defeat of this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, there is a truism that I think applies in life as it does in legislation, that one excuse is just as good as another if we do not want to do anything. We have heard a lot of excuses today. I am afraid that this amendment, as well intentioned as it may be, is just another excuse. If we really do not want to do anything about the immigration problem and the employment of those who are not legally in our country, then this excuse is just as good as another.

I cannot refute all of the excuses that have been offered as a support for this amendment, but let me take one, the idea that there is an error rate in the Social Security office and that somebody may be denied the opportunity to work because there has been some mix-up in their Social Security number.

I want to suggest that if we put in place this bill without this amendment, we will do two things. First of all, let an American citizen who is legally in this country and legally entitled to be employed be denied an opportunity because somebody has made an error in his Social Security rate, two things are going to happen. First of all, they are going to correct his Social Security records, which ought to have been done in the first place, and second, he is going to get the job.

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

Mr. CALVERT. Mr. Chairman, the Chabot amendment takes the teeth out of this bill. Illegal immigrants come to this country for one reason, jobs.

The immigration bill of 1986 tried to move in the right direction, but it failed to maintain an adequate workplace enforcement provision. What it did was create a system where employers are forced to be pseudo INS agents. With the fear of fines, employers must decide which documents are fake and which are real.

This is an unfair, unrealistic burden. 1–800 is not big brother. It simply gives employers an easy, cost-effective way to make sure they are following Federal law.

As a former small businessman who ran several restaurants in southern California, I saw my share of suspicious documents over the years. 1–800 would give me peace of mind as a small employer.

When I first proposed a toll-free workplace verification system back in 1994, I had no idea it would attract such attention. I am glad that it has, but like many hot issues, certain untruths have cropped up.

1–800 is not big brother; it is not an intrusion into small business; it is not discriminatory; it is not an ID number or system. It is, however, cost-effective, nondiscriminatory, business-friendly and, most importantly, the most effective tool we have at stopping illegal immigration once and for all.

It may come as a surprise, but many employers knowingly hire illegal immigrants in this country. These employers hide behind the current law. The I–9 form, which I have used on thousands of occasions as an employer, is cover. Get your fake documents, xerox them on the back of the I–9 form and when the INS comes in, you are OK.

That is wrong. We need to have a verification system that employers can rely on. If you vote for Chabot, you are voting for the status quo. I urge Members to vote to support tough action against illegal immigration and oppose the Chabot amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself the balance of my time.

I would like to associate myself with the remarks of the last gentleman. They were points well made.

I want to also respond briefly to a comment made early by the gentlewoman from Idaho [Mrs. CHENOWETH]. I think she misheard me. I said that the pilot program now working to test this system that the Chabot amendment would eliminate has not yielded any complaints from employers and not yielded any instances of discrimination against potential employees.

The example the gentlewoman gave a moment ago is exactly the example we are trying to avoid. I do not know the specifics of her hypothetical situation, but we want employers to be able to rely upon this check to know that they do not have to worry about whether or not they have somehow violated the current laws with regard to all these documents.

We want them to be able to do what the provision says and that simply is, check the number and see if it is a valid number, and, second, see if it belongs to the name on the card. That is all this does. It is an effort to protect the employer and to protect the employee, as well, and to make the system simple.

We are left with the situation that if this is taken out of the bill by virtue of adoption of the Chabot amendment, we simply cannot enforce employer sanctions, and employer sanctions, which once worked before document counterfeiting became so widespread, are not working now. Please vote against the Chabot amendment. Let us keep some meaning in this bill with regard to employer sanctions.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Kansas [Mr. BROWNBACK].

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

Mr. BROWNBACK. Mr. Chairman, I want to rise in support of the Chabot amendment, and also in recognition of the fine job that the gentleman from Texas [Mr. SMITH] and others have done in working on this overall issue of illegal immigration. I think they have done an outstanding job. However, on this issue I have a dispute and a disagreement with them on it.

I think the Members in looking at this amendment should consider and ask themselves three questions in being up-front about what is going on. First, where are we headed with this? If there is a legitimate thought in your mind that where we are headed with this is a potential of a national identification card system, and you disagree with that, you should vote for the Chabot amendment.

Second is, what precedent are we setting in putting forward this provision? If you are questioning the precedent that we are setting is something that we are going to go toward a national ID system, again you should vote for the Chabot amendment.

Finally I would ask Members, the question is how competent is the Government to do this? If you have a question about the competency, call the IRS right now with a tax question. I think that might answer some questions about how competent is the Government to get this right when we have got a huge nation of so many people.

For those reasons and for the reason of which I think I was sent here to Congress, which is to get the Federal Government off of people's backs and out of their pockets, I am supporting the Chabot amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 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. Chairman, this is an issue of civil liberties and personal privacy. We do not need big brother to keep track of our citizens, and this is what we are doing with a national ID system. If you are blond and fair-skinned, you are not going to be asked to provide an identity. But if you are a member of the congressional Hispanic or Black or Asian Caucus, you probably are.

This is the nub of this argument. People whose accent, appearance, or family background make them look like foreigners would be screened out of jobs as employers attempt to avoid the inevitable problems which this verification process would cause. Why would an employer bother to hire somebody that, quote, looks foreign?

What makes everybody think that this system is going to work? I have heard Members on both sides rail about the inefficiency of Government, the IRS, IRS computers and verification system, that we are creating a gigantic bureaucracy. Yet for some reason many on that side and on our side think that it is going to work. This is a case of personal privacy. This is a case of civil liberties.

All Americans recognize that illegal immigration is a problem, but a solution to this problem is not the creation of a database of unprecedented scope that invades the privacy of all our citizens and requires employers to ask the Government's permission before they make hiring decisions. Business people should not be bureaucrats and INS officers. This is what we are doing.

The establishment of a massive and costly verification system to access information from existing Government databases, such as the INS and the Social Security Administration, is not going to solve the problem but just create new ones.

Once again, this is a violation of the privacy of all Americans. It is a good, bipartisan, left, right, center amendment that should be adopted.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I rise today in support of the Chabot-Conyers amendment. As a business owner, I find it quite disturbing that the Federal Government would want to be involved in every hiring decision that I make. While I understand the bill now calls for a voluntary verification system, I believe this program is intentioned to become yet another big government mandate on businesses across America.

The cost of this new Government program will be unavoidably passed on to consumers through higher prices. I believe we were sent here to reduce the size and scope of the Federal Government and that this big government proposal simply goes in the opposite direction. To have to call a 1–800 number and ask permission of the Federal Government each and every time we hire an employee is simply wrong. A 1–800 big brother is not good for business, it is not good for employees, it is not good for the direction we should be taking America.

I strongly urge a ''yes'' vote on the Chabot amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I thank my very dear friend from Texas for yielding me this time. I would like to again extend hearty congratulations to him for a job well done. He has been working 12 hours a day on this issue for many, many months. We are all grateful to finally see this issue coming forward.

Let me address the question that we have right now. Clearly the system that we have today has a very simple and basic message. It says, ''Please go buy false identification papers before you get a job.'' That is what we have that exists today.

What we are proposing is clearly the least intrusive way to deal with this. Many arguments have been made that this is going to create a problem for business. Quite frankly, this will be very helpful to the business community. Why? Because they will not have any liability once they have utilized this 1–800 number to make the call and make the determination as to whether or not the verification is true and has taken place.

I think that as we look at this question, it is key for us to do everything that we possibly can to step up to the plate and encourage people to determine whether or not someone is, in fact, qualified for employment.

□ 1600

This is a pilot program and it is based on a very successful test that has been utilized in my State of California. Participating employers actually liked it. They found that it was helpful because it eases government regulation, and workers liked it because it eliminated possible discrimination and it allowed quick and very easy hiring.

So this is a very, very responsible move, the committee's position. I hope that we can move ahead at least with this, and I urge opposition to the amendment that is before us.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 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 me time.

Mr. Chairman, I rise to oppose the Chabot amendment. I would just like to make the observation to anybody who is paying attention to this debate, any of our colleagues, that if you oppose illegal immigration, you must oppose the Chabot amendment. There is no way to control illegal immigration unless we can cut the magnet of jobs and stop the incentive of people coming here, and that means making employer sanctions work; making the law we have and have had for 10 years on the books that says it is illegal to knowingly hire an illegal, make it work.

I can put every person in the United States military across our Southwest border, I can seal it with a wall, and I cannot stop the people who are going to come here illegally, because they are going to come for jobs one way or another. Over half who are here illegally today, and there are four million present and 300,000 to 500,000 a year coming here to stay here permanently, are here because they have come on legal visas and overstayed. And the incentive for all of this is to get a job.

Employer sanctions is not working. The only way it can be made to work is to get some of the fraud out of the business. I suggested enhancing the Social Security card earlier. On a very close vote, it lost.

The only other option left to us in this bill is the 1–800 number, which is no new data base, no new information. Just simply have a pilot program to let us test to see if it will not work to make it easier for employers and effective law enforcement to have, when somebody comes to seek a job, have the employer, when they see the Social Security number that they are going to see, they have that law right now, to call the telephone number that they have, for free, and find out if the number matches the name being given to them. It is as simple as that.

If it does not match, then why should they not reject the employment of that person? Because they have been presented obviously a fraudulent document, which is the way they are getting employed.

It is a very simple process. It is not complicated. It is not big brother. There are places and roles that government must play. This is a simple one, and it is one of them.

Immigration is a Federal responsibility. Nobody believes in reducing the size and scope of the Federal Government any more than I do. But I must tell Members, there are times and places, including national defense and immigration, where the Federal Government has a role. I urge a vote against the Chabot amendment so we can control illegal immigration. If we do not vote against it, we can never control illegal immigration.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is the same gentleman from Florida [Mr. MCCOLLUM] who just told us on an earlier amendment that if we did not pass the photo ID amendment, that immigration would collapse and we would be overrun. That did not succeed, so now he is here on the telephone verification, and now once again the world will go down in smoke if we do not pass this amendment.

Please, let us fact the facts: If people come in on student visas and overstay, a telephone verification system is not going to stop them. If people come in here as visitors and do not go back, telephone verification will not do a thing in the world about it.

I love everyone advising our business friends how helpful this will be to them. They happen to oppose it through an organization. By the way, the American Bar Association, which is for strong immigration rules, is 100 percent for the Chabot-Conyers amendment.

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

Mr. Chairman, what was designed as a coercive mandatory and permanent program now is being sold as voluntary and temporary. The principal argument in its favor apparently is it is not as bad as it could be. Well, we all know that government programs do not stay voluntary or temporary very long. This one is not voluntary to begin with, and as Grover Norquist of Americans for Tax Reform pointed out yesterday, income tax withholding was introduced as a temporary funding mechanism in World War II. The concept of American citizens having to obtain government working papers, or in the language of the bill, a confirmation code, in order to work, is antithetical to the principles I was sent here to support.

But I ask my colleagues to think ahead 5 or 10 or 15 years from now and decide whether you want to look back and say yeah, I did vote to put that system into place, or no, I did the right thing. I voted to stop it when it could

have been stopped. Please join me and the gentleman from Michigan [Mr. CONYERS] in supporting this amendment, along with everyone from the Christian Coalition to the ACLU, to the ABA, and every business group that has taken a stand.

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

Mr. Chairman, I just want to remind my colleagues that the NFIB in fact supports this bill and in fact they do not oppose the very voluntary system that we have in the bill for a pilot program for verification. I urge my colleagues to vote no on this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. GOODLATTE].

The CHAIRMAN. The gentleman from Virginia, Mr. GOODLATTE, is recognized for 2 minutes and 15 seconds.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Chabot amendment and in favor of the employer verification system. In fact, I support making the system mandatory and will be supporting the amendment of the gentleman from California [Mr. GALLEGLY] later on.

But it is important to make it very clear that this is simply a voluntary system that everybody can participate in if they choose to. Those who have chosen to participate in this system thus far in the pilot program in Los Angeles have found it to be an excellent system; 220 employers participated, and they found a 99.9 percent accuracy rate on the employment verification checks that were done under that system.

Why do we need this system? Because the current system, the bureaucratic I–9 system, which would hope this would be the first step toward evolving a system that would work very effectively and efficiently and get employers away from the intrusive bureaucratic ineffective I–9 system, does not work.

We have a magnet that draws people to this country, jobs. Who can blame anybody for wanting to come to this country for that opportunity? But we have already taken the step of making it illegal to employ people. Now we have got to give employers the means to effectively screen those people out.

Fraudulent documents are a massive problem: Just a few days ago in Los Angeles, a major raid on a factory manufacturing illegal green cards, Social Security cards, birth certificates, driver's licenses, all manner of fraudulent documents that cannot be properly screened out by employers. All we do here is say match the Social Security number that they bridge in with the Social Security number in the file. No new data base, no ID card. Simply give the opportunity for employers to get a real verification. Employees ought to love it, too. If you go in and you get a job and they have the wrong Social Security number for you and that money that your employer and you pay in in taxes to the Social Security System does not get credited to your account, you have lost out in your retirement days. So you are going to know right when you go in that your Social Security number is matched up with the one that is on file with the Social Security Administration.

This is a system that is simple, it is a simple system that is fair, it is a system that will work, it is a system that is voluntary, and I urge every Member of this body to support a voluntary employer verification system.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 1 minute and 15 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 15 seconds to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his direction in this issue, and I thank my colleague, the gentleman from Texas [Mr. SMITH], for his continued persistence on a very important issue.

I think, Mr. Chairman, the question should be asked, who we are trying to help today? I rise in support of a perfectly legal system, the I–9 system, that required us in this Government to verify employment eligibility. It was a system that had a fingerprint, coded information, and a picture. The question is whether or not that system has fully worked or there are problems, and whether or not we can reform that system.

It seems that if we would add this big brother system, however, that there would be a number of industries in my community; for example, the Houston grocery store owners and the food industry, which have indicated this labor intensive industry would be severely burdened, employing some 3 million people cross the Nation and experiencing high turnover.

Some stores hire 50 to 150 new employees each week during the Christmas season. Telephoning the Government would amount to an impossible burden on store managers. Around 65 million hirings take place every year. The phone system and the bureaucracy would be totally unbearable and unnecessary.

Could you prevent fraud? I think not. To have someone provide you with a Social Security number and name, it could possibly be verified that they were that person. I believe I have the strong support of civil rights, Mr. Chairman. This is not the right direction. I support the Conyers-Chabot amendment and believe we should move toward helping our employers and helping our workers.

Mr. CLAY. Mr. Chairman, I rise to support the Chabot-Conyers amendment. While I commend the sponsors of the bill for removing the horrendous mandatory employment verification system included in the bill reported by the Judiciary Committee, this voluntary employment verification system has major flaws. The prospect that millions of people would lose or be denied jobs because of unreliable data or employment discrimination is too great a risk to take in a free society.

We already know from an INS telephone verification pilot project currently underway in southern California that there are major flaws in a system that tries to merge INS data with Social Security Administration data. And, who suffers most when a verification system makes errors or is too slow? The job seeker is the one most harmed.

It is unfortunate that proponents of this voluntary system chose to delete critical civil rights protections that were included in the Judiciary Committee text, particularly provisions that provided for testers to identify discriminatory employer behavior that would likely result from the verification system. This technique has been effective in identifying other types of discrimination, including housing discrimination. Such civil rights protections must be part of any fair employment verification system, voluntary of mandatory.

I share the concern that we begin to go down a very dangerous path by establishing an employment verification system that will require every employee in the United States to get permission to work from the Federal Government through a national computer registry. This response to legitimate concerns about illegal employment is way out of proportion to the actual problem. The INS estimates that undocumented persons represent less than 1 percent of the U.S. population; and yet under this voluntary system approximately 20 million employees could face the very real threat of being denied employment or victimized by employment discrimination.

Mr. Chairman, I urge my colleagues to support the Chabot-Conyers amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of the Chabot-Conyers amendment to strike the establishment of a new and additional employment eligibility confirmation process. I oppose the worker verification system, which is really a 1–800 big brother system, because it is an onerous imposition on businesses in my district and in my State of Texas.

I have spoken with Houston grocery store owners and those in the food industry in Houston, and they have voiced to me their concerns about the call-in verification system. A call-in system will not prevent fraud because verifying a new hire's name and Social Security number does not prevent the fraud of an illegal alien using the name and Social Security number of someone else who is eligible to work. The grocery industry is labor intensive, employing more than 3 million people, and experiences high turnover. Some stores hire 50 to 150 new employees each week during the Christmas season. Telephoning the Government would amount to an impossible burden on store managers. Around 65 million hirings take place every year. The phone system and the bureaucracy necessary to handle this volume efficiently and accurately would be staggering in size and cost.

Verification systems would rely on highly flawed Government data. The INS database slated for use has missing or incorrect information 28 percent of the time, while Social Security Administration data has faulty data 17 percent of the time. Even a low 3-percent

error rate could cost nearly 2 million Americans to be wrongly denied or delayed in starting work each year.

Furthermore, I am a strong supporter of civil rights, and this system would represent a major assault on the privacy rights of all Americans. The verification would lead to an intrusive national ID card. Just as we have seen the uses for Social Security cards being expanded beyond its original purpose, there are already calls being raised to use a national verification system to give police broader access to personal information and to retrieve medical records.

In committee, I also voted for an amendment to strike the provisions for an employment verification system, and I urge my colleagues to join me today in voting ''yes'' on the Chabot-Conyers amendment and voting ''no'' on the Gallegly-Bilbray-Seastrand-Stenholm amendment.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT], as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. CHABOT], will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 8 offered by Mr. BRYANT of Tennessee; amendment No. 9 offered by Ms. VELÁZQUEZ of New York; amendment No. 10 offered by Mr. GALLEGLY of California; and amendment No. 12 offered by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, except the electronic vote, if ordered, of amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MR. BRYANT OF TENNESSEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 11, as follows:

[Roll No. 73]

AYES—170

Andrews
Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bono
Brown (OH)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Dornan
Dreier
Duncan
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Funderburk
Gallegly
Gillmor
Goodlatte
Goodling
Gordon
Graham
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Istook
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lewis (KY)
Lincoln
Linder
Livingston
LoBiondo
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Wamp
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)
Zimmer

NOES—250

Abercrombie
Ackerman
Allard
Armey
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clinger
Clyburn
Coburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frisa
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Herger
Hilliard
Hinchey
Hobson
Holden
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Spratt
Stenholm
Studds
Stupak
Talent
Tanner
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Ward
Watt (NC)
Waxman
Weldon (FL)
White
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—11

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Porter
Radanovich
Rush
Stark
Stokes
Waters

☐ 1634

Messrs. HYDE, ZELIFF, FOX of Pennsylvania, EMERSON, LIGHTFOOT, DIXON, HOBSON, LONGLEY, and DOOLITTLE changed their vote from ''aye'' to ''no.''

Messrs. WELLER, PACKARD, LAUGHLIN, BATEMAN, HEFLEY, BOEHNER, PAXON, RAMSTAD, SOLOMON, and Mrs. MEYERS of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings, except the vote by electronic device, if ordered, on amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ] on which further proceedings were postponed and on which the ''noes'' prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 269, not voting 11, as follows:

[Roll No. 74]

AYES—151

Abercrombie
Ackerman
Andrews
Baldacci
Ballenger
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Canady
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Davis
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Mollohan
Morella
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Schiff
Schroeder
Scott
Serrano
Skaggs
Slaughter
Souder
Studds
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—269

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Deutsch
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Porter
Radanovich
Rush
Stark
Stokes
Waters

□ 1644

Mr. SMITH of Michigan and Mr. SAWYER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GALLEGLY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. GALLEGLY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 163, not voting 12, as follows:

[Roll No. 75]

AYES—257

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—163

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman

Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Kolbe
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Molinari
Mollohan
Morella
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Volkmer
Waldholtz
Ward
Watt (NC)
Waxman
Weller
White
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Peterson (FL)
Porter
Radanovich
Rush
Stark
Stokes
Waters

□ 1702

Mr. VOLKMER changed his vote from ''aye'' to ''no.''

Mrs. KELLY changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore. (Mr. RIGGS). The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 12, as follows:

[Roll No. 76]

AYES—159

Abercrombie
Andrews
Baesler
Barcia
Bartlett
Becerra
Boehner
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bunn
Bunning
Buyer
Camp
Chabot
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (GA)
Collins (MI)
Conyers
Cooley
Crane
Crapo
Cubin
DeLay
Dellums
Diaz-Balart
Doolittle
Doyle
Durbin
Edwards
Ehlers
Engel
English
Ensign
Evans
Ewing
Fields (LA)
Filner
Flake
Flanagan
Fox
Funderburk
Gibbons
Gillmor
Green
Hall (OH)
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilleary
Hilliard
Hinchey
Hoekstra
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
King
Kingston
Klug
LaHood
Lewis (GA)
Lewis (KY)
Linder
Longley
Lucas
Manzullo
Martinez
Matsui
McDade
McDermott
McHugh
McIntosh
McNulty
Meek
Menendez
Mica
Miller (FL)
Mink
Mollohan
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pastor
Paxon
Payne (NJ)
Pelosi
Petri
Pombo
Portman
Poshard
Quillen
Rahall
Ramstad
Rangel
Reed
Richardson
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Salmon
Sanders
Sanford
Scarborough
Schroeder
Sensenbrenner
Serrano
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Stockman
Stupak
Tate
Taylor (NC)
Tejeda
Thompson
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Waldholtz
Walsh
Ward
Watt (NC)
Weldon (PA)
White
Woolsey
Wynn
Yates
Young (AK)

NOES—260

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bono
Borski
Brewster
Browder
Bryant (TN)
Bryant (TX)
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chambliss
Christensen
Clement
Clinger
Coble
Combest
Condit
Costello
Cox
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Eshoo
Everett
Farr
Fattah
Fawell
Fazio
Fields (TX)
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Heineman
Herger
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McInnis
McKeon
McKinney
Meehan
Metcalf
Meyers
Miller (CA)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Neal
Neumann
Nussle
Orton
Packard
Pallone
Parker
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Pryce
Quinn
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Sabo
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (TX)
Spence
Spratt
Stearns
Stenholm
Studds
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thornton
Thurman
Torricelli
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Porter
Radanovich
Rush
Solomon
Stark
Stokes
Waters

□ 1317

The Clerk announced the following pair:

On this vote:

Mr. Hostettler for, with Mr. Radanovich against.

Mr. GEKAS and Mr. LAUGHLIN changed their vote from ''aye'' to ''no.''

Mr. NORWOOD and Mr. PAXON changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 1715

The CHAIRMAN. It is now in order to consider Amendment No. 13 printed in part 2 of House Report 104–483, as modified by the order of the House of March 19, 1996.

AMENDMENT, AS MODIFIED, OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment, as modified, made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. GALLEGLY:

Amend section 401 to read as follows (and conform the table of contents accordingly):

SEC. 401. EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.

Section 274A (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''DEFENSE.—'', and by adding at the end the following:

''(B) FAILURE TO SEEK AND OBTAIN CONFIRMATION.—Subject to subsection (b)(7), in the case of a hiring of an individual for employment in the United States by a person or entity that employs more than 3 employees, the following rules apply:

''(i) FAILURE TO SEEK CONFIRMATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(6), seeking confirmation of the identity, social security number, 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, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after such 3 working days, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF CONFIRMATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry during such 3 working days in order to qualify for the defense under subparagraph (A) and the confirmation mechanism has registered that not all inquiries were responded to during such time, the person or entity can make an inquiry in the first subsequent working day in which the confirmation mechanism registers no nonresponses and qualify for the defense.

''(ii) FAILURE TO OBTAIN CONFIRMATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate confirmation of such identity, number, and work eligibility under such mechanism within the time period specified under subsection (b)(6)(D)(iii) after the time the confirmation inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending paragraph (3) of subsection (b) to read as follows:

''(3) RETENTION OF VERIFICATION FORM AND CONFIRMATION.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must—

''(A) if the person employs not more than 3 employees, retain the form and make it available for inspection by officers of the Service, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

''(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, three years after the date of the recruiting or referral, and

''(ii) in the case of the hiring of an individual—

''(I) three years after the date of such hiring, or

''(II) one year after the date the individual's employment is terminated, whichever is later; and

''(B) subject to paragraph (7), if the person employs more than 3 employees, seek to have (within 3 working days of the date of hiring) and have (within the time period specified under paragraph (6)(D)(iii)) the identity, social security number, and work eligibility of the individual confirmed in accordance with the procedures established under paragraph (6), except that if the person or entity in good faith attempts to make an inquiry in accordance with the procedures established under paragraph (6) during such 3 working days in order to fulfill the requirements under this subparagraph, and the confirmation mechanism has registered that not all inquiries were responded to during such time, the person or entity shall make an inquiry in the first subsequent working day in which the confirmation mechanism registers no nonresponses.''; and

(3) by adding at the end of subsection (b) the following new paragraphs:

''(6) EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.—

''(A) IN GENERAL.—Subject to paragraph (7), the Attorney General shall establish a confirmation mechanism through which the Attorney General (or a designee of the Attorney General which may include a nongovernmental entity)—

''(i) responds to inquiries by employers, made through a toll-free telephone line, other electronic media, or toll-free facsimile number in the form of an appropriate confirmation code or otherwise, on whether an individual is authorized to be employed by that employer, and

''(ii) maintains a record that such an inquiry was made and the confirmation provided (or not provided)

''(B) EXPEDITED PROCEDURE IN CASE OF NO CONFIRMATION.—In connection with subparagraph (A), the Attorney General shall establish, in consultation with the Commissioner of Social Security and the Commissioner of the Service, expedited procedures that shall be used under the confirmation mechanism in cases in which the confirmation is sought but is not provided through confirmation mechanism.

''(C) DESIGN AND OPERATION OF MECHANISM.—The confirmation mechanism shall be designed and operated—

''(i) to maximize the reliability of the confirmation process, and the ease of use by employers, recruiters, and referrers, consistent with insulating and protecting the privacy and security of the underlying information, and

''(ii) to respond to all inquiries made by employers on whether individuals are authorized to be employed by those employers, recruiters, or referrers registering all times when such response is not possible.

''(D) CONFIRMATION PROCESS.—(i) As part of the confirmation mechanism, the Commissioner of Social Security shall establish a reliable, secure method, which within the time period specified under clause (iii), 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.

''(ii) As part of the confirmation mechanism, the Commissioner of the Service shall establish a reliable, secure method, which, within the time period specified under clause (iii), compares the name and alien identification number (if any) 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.

''(iii) 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. In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Service, an expedited time period not to exceed 10 working days within which final confirmation or denial must be provided through the confirmation mechanism in accordance with the procedures under subparagraph (B).

''(iv) 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.

''(E) PROTECTIONS.—(i) In no case shall an individual be denied employment because of inaccurate or inaccessible data under the confirmation mechanism.

''(ii) The Attorney General shall assure that there is a timely and accessible process to challenge nonconfirmations made through the mechanism.

''(iii) 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.

''(F) TESTER PROGRAM.—As part of the confirmation mechanism, the Attorney General shall implement a program of testers and investigative activities (similar to testing and other investigative activities assisted under the fair housing initiatives program under section 561 of the Housing and Community Development Act of 1987 to enforce rights under the Fair Housing Act) in order to monitor and prevent unlawful discrimination under the mechanism.

''(G) 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 for any action taken in good faith reliance on information provided through the employment eligibility confirmation mechanism established under this paragraph (including any pilot program established under paragraph (7)).

''(7) APPLICATION OF CONFIRMATION MECHANISM THROUGH PILOT PROJECTS.—

''(A) IN GENERAL.—Subsection (a)(3)(B) and paragraph (3) shall only apply to individuals hired if they are covered under a pilot project established under this paragraph.

''(B) UNDERTAKING PILOT PROJECTS.—For purposes of this paragraph, the Attorney General shall undertake pilot projects for all employers in at least 5 of the 7 States with the highest estimated population of unauthorized aliens, in order to test and assure that the confirmation mechanism described in paragraph (6) is reliable and easy to use. Such projects shall be initiated not later than 6 months after the date of the enactment of this paragraph. The Attorney General, however, shall not establish such mechanism in other States unless Congress so provides by law. The pilot projects shall terminate on such dates, not later than October 1, 1999, as the Attorney General determines. At least one such pilot project shall be carried out through a nongovernmental entity as the confirmation mechanism.

''(C) REPORT.—The Attorney General shall submit to the Congress annual reports in 1997, 1998, and 1999 on the development and implementation of the confirmation mechanism under this paragraph. Such reports may include an analysis of whether the mechanism implemented—

''(i) is reliable and easy to use;

''(ii) limits job losses due to inaccurate or unavailable data to less than 1 percent;

''(iii) increase or decreases discrimination;

''(iv) protects individual privacy with appropriate policy and technological mechanisms; and

''(v) burdens individual employers with costs or additional administrative requirements.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and a Member opposed will each control 30 minutes.

Mr. GALLEGLY. Mr. Chairman, the modification of the amendment made

in order by a previous order of the House is at the desk, and I ask unanimous consent that it be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Chairman, I seek time in opposition to the amendment. I would also like permission to yield half of my time to the gentleman from Ohio [Mr. CHABOT] and ask unanimous consent that he be allowed to control said time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

Mr. Chairman, I offer this amendment along with several of my colleagues from both sides of the aisle. We have been debating this bill for several hours now, and we have more to come. But I am here to tell you that this is the watershed moment in immigration reform. This is the litmus test for sincerity. This is where Members will decide to either get serious about ending illegal immigration, or to just keep talking about it.

The simple truth is we not fight illegal immigration without a reliable, reasonable way of determining who is here legally and who is not. We have to start right there. We need a system, a mandatory system, to ensure that illegal immigrants are separated from the jobs that motivate them to come here in the first place.

The voluntary verification system now in this bill will not cut it. I have often said that a voluntary system will have about as much effect as a voluntary speed limit, a very little, if any at all. Today the documents are supposed to provide definitive proof of who is here legally and illegally. We have got green cards, we have pink cards, Social Security cards, birth certificates, and a myriad of others.

Unfortunately, the range of documents has only widened the range of options to counterfeiters. In many areas of this country you can buy a fake Social Security card good enough to defraud any law abiding employer for about $30. Just think about it: A $30 investment buys a lifetime of illegal employment in America. It sounds like a pretty good deal to me.

That is the beauty of the telephone verification system. This amendment, which I call 1–800–end fraud, makes counterfeit documents obsolete because it renders them irrelevant.

Mr. Chairman, there has been an incredible amount of misleading information spread about this issue in recent weeks. Believe me when I tell you that Pinocchio has nothing on those who have opposed this critical effort. I know this because I have personally received calls from my constituents urging me to vote against my own amendment. When I asked them what they think we are talking about here, what exactly, well, first, they pause because responding to questions is not part of the script that they have been given, and then they say, ''This is a national I.D. card. This is a dangerous tracking provision that is going to follow me into my own home and put all my personal private information into a government computer.''

It is just absolutely incredible. I thought our discussions on Medicare had established a new low for this body in terms of misinformation and scare tactics. But that is nothing compared to what we have been dealing with on this issue.

In the name of truth and reason, I would like to take a second to review how this pilot program will work. Specifically, within 3 days of hiring someone an employer would make a simple toll-free telephone call to ensure that the Social Security number presented by the worker was valid; that that number matched the name and it was not being used by 40 other people working in 40 other places. That is all there is to it.

This program has been strongly endorsed by the California Chamber of Commerce, the largest State chamber in the Nation, because it provides safe harbor for employers and gives them a clear and easy way to comply with the law.

For too long we have tried to turn employers into junior INS agents. This amendment shifts the responsibility back where it belongs, to the Federal Government. Just a few of the facts: This system does not create any new data base, period. This system does not collect any information that can later be misused by the Government, period. This system does not do anything other than verify the people employed in this country are eligible to work in this country.

Nowhere in this system is there an ability for the Government to know whether you have got a gun, whether you home school your kids, or whether you prefer Cheerios or Wheaties at the breakfast table. The critics of this amendment know all this, but they have taken great lengths to make sure that the people they claim to represent do not.

A familiar refrain is that we would not need this system if we just focused more on the border. Well, this bill already does focus on the border. But it, frankly, is beyond me to know how the border enforcement can deal with those 4 to 6 million illegal immigrants already working in this country, or how any provision can provide determining who they are or who they are not.

I have consistently supported increased border enforcement, but increased border enforcement will not solve all our problems, and it certainly will not solve this one. This system puts the teeth into immigration reform. This system makes immigration reform work. Without it, we are left with a watered down bill that sounds great, but has only a limited effect.

Mr. Chairman, I urge my colleagues to support this amendment.

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

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

Mr. Chairman, well, forget that we just passed an amendment dealing with this very same subject, the employment verification system. As a matter of fact, the name of that amendment, I would say to the gentleman from California [Mr. GALLEGLY], was the voluntary worker verification system.

Fast forward. A year later we come to the floor and make it permanent. Well, why wait for a year? Let us vote a temporary system, and then come right back and vote a permanent system, the same system.

So, to quote my good friend from California, an imminently qualified member of the Committee on the Judiciary, who said in the name of truth and reason, [Mr. GALLEGLY] in the name of truth and reason, why are you offering this amendment, when we just passed the employment verification system minutes ago?

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

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

Mr. GALLEGLY. Mr. Chairman, I appreciate the gentleman yielding.

I think it is very simple. If we have a voluntary system, there is no compliance.

Mr. CONYERS. No, Mr. Chairman, reclaiming my time, tell me why? No lectures.

Mr. GALLEGLY. Mr. Chairman, the reason why, the people that are violating the law today are not going to participate in the voluntary system. They are not the ones we are looking for. The ones we are looking for are the ones that intentionally violate the law.

Mr. CONYERS. I understand. Now, why did the gentleman not offer this amendment in the first place, instead of taking us through the voluntary charade?

Mr. GALLEGLY. Mr. Chairman, if the gentleman will continue to yield, I am sure the gentleman knows the answer to that: Because it was in the bill that passed out of the committee, the full committee that we both serve on, by a vote of 23 to 10, but was changed by leadership prior to coming to the floor.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, just a moment. I am a senior Member of Congress, but the gentleman says, changed by the leadership just before it came to the floor.

Now, in the name of truth and reason, first of all, I want to congratulate my colleague for his candor and his truthfulness and his honesty. The gentleman can sit down now, because I am not going to yield anymore.

Let us analyze this legislation. We pass out millions of books about ''How our laws are made'' in Congress. Before this measure came to the floor, it was changed by the leadership.

Question. Is that leadership a person whose initials are N.G.? I did not ask the gentleman that question, Mr. Chairman. He can sit down. It is a rhetorical question.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I think it may have been someone whose initials are N.G.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I do not wish to pursue this matter, nor is it appropriate to belabor the processes, the internal processes by which legislation is created in the House of Representatives. Suffice it to say that if we had come back after a little while of fooling around with a temporary verification system, and somebody said it did not work, and there were a lot of people coming in, fine. But amendments back-to-back, do not be offended.

That is the way the system works around here these days in the 104th Congress. You vote verification; it does not come up in the committee of jurisdiction, but it takes a little detour through the Speaker's office on the way to Rules, and, whammo, here we are, strongly supporting the Gallegly amendment because the leadership said so.

Well, now, we follow the leadership too on our side. The only thing is we do not have to park our brains at the door. Our leadership does not operate like that. Relax, sir, please. Our leadership does not order all of us to be in lockstep, as you are routinely.

I notice it is getting to be a little stressful on the other side, but this takes the absolute cake. Let us now move from the voluntary to the permanent, one amendment back-to-back. Hey, this is what we really needed all the time.

Now, do not think this is 1–800–Big Brother. Please, do not think that. This is not about Big Brother. This is not about the camel's nose under the tent. I know that part. This is a perfectly wonderful system, at which the underground economy is laughing as we debate whether it is permanent or whether it is temporary. What difference does it make? They are not going to abide by any of it. Besides, you have not put any enforcement provisions in the existing I–9 law to begin with.

So I am sure this is going to impress some amount of someone's constituents somewhere, but, please, it is not a good day for those of us who would like to have a strong bill on immigration, without violating anyone's civil liberties.

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

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds to respond to my good friend from Michigan, and he is my good friend, and I have great respect for him. In fact, I truly admire his wit. I found his presentation extremely entertaining.

Mr. Chairman, the only thing that I would say to the gentleman from Michigan [Mr. CONYERS] is the initials in opposition were not N.G. As a matter of fact, the initials N.G. has said they are very supportive of the mandatory 1–800 number.

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

Mr. Chairman, this amendment originally, as we know in the Committee on the Judiciary we offered an amendment to strike out what I called 1–800 Big Brother. We were unsuccessful there, but it was very close. It was 17 to 15. It had bipartisan support. We had 8 Democrat votes and 7 Republican votes. The fact of the matter is, there was so much opposition to making this mandatory that the proponent of this bill, I think, knew that were it mandatory, it would have lost.

□ 1730

Now, I had concerns myself, as did the gentleman from Michigan. We did not even want what was a so-called voluntary system because we knew where this was going to lead. We knew that within a few years then it would be mandatory, and we knew within a few years, rather than being in just five States, it would be all across the country. So it would be nationwide and it would be mandatory.

Mr. Chairman, the fact is that is exactly the way it was originally in the bill in Committee on the Judiciary. This was going to be not voluntary, not in just five States, but this was going to be mandatory for every single hiring decision anywhere in the entire country, all 50 States. That is where they wanted to go originally.

Now, we defeated that and this is what we got sort of as a compromise. But let us not be misled where the proponents of this want to go, in order to make it truly effective, is mandatory, nationwide. The gentleman from Florida [Mr. MCCOLLUM], has stated very clearly in committee that even that will not really work unless we have a national ID card, which is the ultimate step here. Every American citizen at the end of this road will have to carry a national ID card around with their picture, perhaps retina scans, and God knows what is going to be on this card. But that is where we are headed.

Mr. Chairman, to me that is big brother, and that is the reason I fought this in the committee. That is the reason, along with the gentleman from Michigan [Mr. CONYERS], we have been fighting this on the floor today. Voluntary, it, in my opinion, was an unprecedented assertion of Federal power. To make it mandatory, which is what this amendment would do, clearly is unprecedented. From now on in those five States, every employment decision is going to have to be confirmed, affirmed by the Federal Government. That goes too far.

I think it is just the opposite of why we were sent here. Many of us feel that we were sent here to reduce the scope and the power of the Federal Government. We do not all agree. Some people do not mind bigger government, some of us do. I happen to mind it very much.

Another thing that I have heard this sold as, I have had several folks from California mention, well, the business people in California want this, to have a 1–800 number so that they can protect themselves in case there has been some foulup on the I–9 forms or some of the other Federal requirements. Let us look at what that basically means.

Mr. Chairman, we have big government with the I–9 forms and all the rest. Since that did not work, then we are going to go to the next level, which is additional big government. The I–9's and that system did not work, so we are going to the next stage. This does not replace the I–9 forms. It does not replace that at all. It is an additional requirement that people will have.

The gentleman from California just said before, he said the voluntary system, which we just passed, the so-called voluntary system, the previous amendment that we just passed, he said it was not going to work. The bad guys, the people who are hiring illegal aliens off the books, paying them cash right now, they are not going to call this 1–800 number. They are going to continue to keep hiring these illegal aliens and paying them under the table.

Mr. Chairman, who is going to be affected? The law-abiding citizens, as usual. Those are going to be the people that would have the additional level of bureaucracy, the additional Federal requirements to call the Federal Government and get their OK before we can hire somebody. That is wrong. There are clearly going to be errors in this system.

There was an L.A. Times article, and this was previously mentioned, that estimated the Social Security department had estimated that there would be 20-percent error rates. Then they said that would be early on. Then it would likely back off to, say, 5 percent. The Social Security Administration has indicated they really do not know what the error rate would be at this point. Even if it is 1 percent, we are talking about hundreds of thousands of American citizens that are going to get caught up in this system. They have to verify that, yes, indeed, they are employable, who could conceivably lose their jobs and have their lives put on hold if there are mistakes.

I know in our office we have dealt many times with people in my community that have problems with the IRS where they have made mistakes, with the Social Security that has made mistakes, with Veterans that has made mistakes. In this debate, the previous debate, I have heard my name pronounced Cabot, Chabot, Chaboy, just

about every name one can think of. I am dead meat in this system, you know, if it were pronunciation and the spellings. We have got the gentlewoman from Florida [Ms. ROS-LEHTINEN], we have the gentleman from California [Mr. RADANOVICH]; there is the spellings. All you have to do is have one letter that is thrown off, and you are caught up in the system. It is going to be a nightmare for these people.

Mr. Chairman, I would like to read from something here that we got from the NFIB. This is what the NFIB sent out on this. It says:

> On behalf of the more than 600,000 members of the National Federation of Independent Business, the NFIB, I urge you to oppose the Gallegly amendment which would mandate that employers in at least five of the seven States with the highest illegal immigrant population call a 1–800 number to verify every new hire's work eligibility. This amendment will be offered, et cetera.

Small businesses across this country have sent a strong message time and time again that they do not want any more government one-size-fits-all mandates coming from Washington. In fact, a recent survey found that 62 percent of NFIB members oppose being required to call a 1–800 number for every new hire.

Please let small business owners know we hear their pleas for less government requirement and that it is not Washington as usual. Vote no on the Gallegly amendment.

Again, we lost on the so-called voluntary, but this is not voluntary anymore. This is clearly mandatory and it is clearly wrong, and for that reason, we strongly oppose this.

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

Mr. GALLEGLY. Mr. Chairman, as Members will see as the debate goes on, there is strong bipartisan support as evidenced by our next speaker.

Mr. Chairman, I yield 3 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 Gallegly amendment. I want to answer the question why. The question we simply have to ask over and over is, do we have an illegal immigration problem or do we not? If Members answer as I do, we do, then this amendment makes sense.

Mr. Chairman, our amendment would create a pilot program in five of the seven States with the highest populations of illegal aliens to test a mandatory worker verification system. The system is simple: An employer makes an inquiry through a toll-free 1–800 number, a toll-free facsimile number, or other electronic media to confirm whether an individual is authorized to be employed in the United States.

This system will protect employers from civil and criminal liability for any action taken in good faith reliance on information provided through the worker verification system.

For those who believe this amendment is antibusiness, I could not disagree more. While much has been made about this being a mandate on employers, it will actually protect business men and women from harsh employer sanctions. Currently, hardworking, honest business people can do everything they are supposed to and still be held liable for unknowingly hiring an illegal alien. In addition, it will reduce the current burden on employers to be INS experts on fraudulent documents.

Currently, there are a list of 29 documents that can be used for employment verification. Fortunately, H.R. 2202 reduces this number to six. However, counterfeiters have proven quite adept at tampering with or reproducing most of our identification documents. We cannot expect the business men and women in this country to be INS investigators or experts on fraudulent documents. We must provide them with the manageable and affordable tools necessary to comply with the law. It would be irresponsible of us not to provide American employers with this type of support.

Under current law, an employer is required to see two forms of identification and fill out the I–9 form. An employer can comply with this and still unknowingly hire an illegal alien who presented fraudulent documentation. This employer can face thousands of dollars in fines from employer sanctions even though they followed the correct procedure for verifying eligibility. Their only mistake is not being able to detect counterfeit identification.

The unfortunate consequence of this uncertainty under our current system, is that an employer may not want to take a chance on hiring an individual with a foreign sounding name or appearance for fear of hiring an illegal alien. Because this amendment requires the employer to verify eligibility for every employee, it removes the incentive for employers to treat applicants differently because of their appearance or surname.

While I do not believe this is the perfect fix to our illegal immigration problem, I do believe that it takes a big step in the right direction. A pilot project, try it, test it, experiment with it, see what works, see what does not work. Junk that does not work, but try it before we mandate it nationwide, but a voluntary system, as has been said, will not work. I also believe that we are going to have to address the counterfeiting of breeder documents, such as birth certificates, to insure that an employee is eligible to work.

Without a worker verification system in place with adequate resources, we will not be able to put a dent in our illegal immigration problem. I urge my colleagues to support employers and oppose illegal immigration by voting for the Gallegly-Bilbray-Seastrand-Stenholm-Beilenson-Frank amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is interesting to find out how many Members of Congress understand what business wants and needs and what they know is best for business. Yet when we get the reports and the letters and the calls from business organizations, they are saying just the opposite. They say they do not want it.

They do not want it. They do not want it even if we think they want it. They do not want it if we think they need it. They do not want it if we think that it is good for them, even if they do not know that they would be better off for it. The do not want it.

Do my colleagues get it? The business community has spoken on this pretty clearly, and yet Member after Member, in support of the Gallegly amendment, explains to us how much better off business will be and how they will learn to love this as soon as they try it and let us give it a chance.

By the way, forget voluntary. Let us go to mandatory right now. The next amendment that might be up, if it could be made in order, is to make it nationwide. I mean, why wait for a few months? Let us do it tonight, tonight, tomorrow.

Mr. Chairman, we know what business needs. We know, whether they like it or not, it is going to be good for them. The problem has been revealed by the previous speaker, the gentleman from Texas. It is that they are forging all the documents on which we are going to base the phone call a mile a minute. That is why the phone call is going to be no more worth the document than it was based upon. That document may likely well be fraudulent.

Do we not see, mandatory programs like this are not going to work. Stepping on people's rights and trying to make class distinctions within our society is not a good way to go.

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

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I want to compliment Members on both sides of this issue. We have remained on the issues and people have spoken, no matter how strongly they feel, and remained on the issues. Most of this debate has dwelt on those issues. Even though those feelings are strong in many cases, they have remained that, and I think that is where we want this floor to remain most of the time. I would say all the time.

That working environment was degraded when the gentleman from Texas [Mr. BRYANT] personally attacked the Speaker of the House. The Speaker, like the gentleman from Texas [Mr. STENHOLM], went point by point by point on his issues and spoke only to the issues of the Gallegly amendment. Then when the gentleman from Texas [Mr. BRYANT], attacked the Speaker, got into personal references, I think that was wrong. I would say to my friend that it is uncharacteristic of

him and I know him as a friend, and I say this because myself, I have lost my temper on the House floor and I have done very similar things. But I think when we chastise the position of the Speaker, which this Gallegly amendment was overwhelmingly passed, we chastise the motive of the rest of us. When over 60 percent of my voters in California support that position, I think that was wrong.

Mr. Chairman, I say that with the intention that I have done the same thing, and I think in this particular case it does disservice to what we are trying to do, and I just think it was wrong.

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

Mr. Chairman, I just wanted to quote from the Employers for Responsible Immigration Reform, and what they state in their correspondence to us is that fully one-third of the Nation would be required to participate in the creation of a huge new Federal bureaucracy. Furthermore, there is no evidence to suggest that this system will work. They oppose the Federal mandate under the Gallegly-Stenholm-Seastrand-Bilbray-Stenholm amendment.

I would just like to list a number of these business groups, because it has been stated in here that business wants this particular amendment.

□ 1745

Those who oppose this amendment, among them are the American Association of Nurserymen, the American Hotel and Motel Association, the American Meat Institute, the Associated Landscape Contractors of America, Associated Builders and Contractors, Associated General Contractors, the College and University Personnel Association, the Food Marketing Institute, the International Association of Amusement Parks and Attractions, the International Foodservice Distributors Association, the National-American Wholesalers Grocers' Association, the National Association of Beverage Retailers, National Association of Convenience Stores, the National Federation of Independent Business, who in the last particular amendment took essentially a neutral position, not opposing nor endorsing the amendment that we took up before, but they oppose this amendment; the National Retail Federation, the Society for Human Resource Management, the National Retail Federation, the Christian Coalition, the Citizens for Sound Economy, Small Business Survival Committee, the American Civil Liberties Union, Concerned Women for America, National Center for Home Education, the American Bar Association, Eagle Forum, U.S. Catholic Conference, and on, and on, and on, and there are other groups that I did not have time to read.

But this is a bad amendment. For that reason we oppose it.

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

Mr. GALLEGLY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I think really what I hear here is a different perception of the immigration issue, and to try to sensitize this institution to the fact of the level of concern we should have about this immigration issue, let me just show my colleagues the different perspective.

All over America, when people drive down a highway, this is what they see, and I am sure many of my colleagues, that is what they see in their neighborhoods. But let me show my colleagues what the people of California see and people around the border see, and this is 70–80 miles north of the border. This is the kind of thing that we are confronted with, with absurdity. CalTrans from California was kind enough to send this sign to try to sensitize my colleagues to the fact that Washington must wake up and address this absurd, immoral situation.

Mr. Chairman, people are being slaughtered on our freeways because Washington needs to address this issue and has been ignoring it. Mr. Chairman, this amendment makes it possible for us to try to address the reason why people are coming here: Jobs. Jobs are what are drawing them across our freeways and being killed and slaughtered. The fact is this amendment will finally address the issue in the least intrusive way of addressing the issue of trying to keep people from hiring people who are not qualified.

Mr. Chairman, there may be those who think that this is a bad idea, but ask those who know that are affected. The Chamber of Commerce of California supports this amendment because they know. They have the reality of today of illegal immigration. They are not sitting in some insulated place, way off away from the problem. They know the problem, and they want this amendment.

I would ask my colleagues to recognize that those who are against the national ID system should support this amendment. It is the least intrusive alternative to a national ID card.

And those of my colleagues who say that they support the concepts of business, small business, more than any other segment of our society, uses telephonic, and listen to this. Of any part of society, small business is using telephonic verification now and has developed a dependency on it for business more than anyone else.

All we are saying is let us learn from business, and Government should learn to use technology for the benefit of our society, just as the private sector is, and we should use technology for the benefit of protecting our citizens and noncitizens, and their freedoms and liberties.

So support this amendment. It is the best nonintrusive, efficient way to be able to get the job done.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] for defensive remarks.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I regret that the gentleman from California [Mr. CUNNINGHAM], made remarks which apparently the Speaker sent him in here to make, and then he left. I do not see him anywhere. I also regret that they would bother to take time in the debate to come and make remarks like that. That is patently absurd.

I will say this. I will just reiterate what I said before. This reminds me a little bit of the lobby bill in 1994. We worked for a 2-year period trying to put that bill together. It was a totally bipartisan effort until the last minute when the Speaker, now Speaker, sensed the possibility of political advantage and came in at the last minute, blind sided us, and opposed it and tried to kill it. Mr. Chairman, we overcame it.

Today, once again we worked for two, virtually a year and a half now, trying to put together an immigration bill everybody can be for. There are two dealbreakers in it; one is this on education, and one is the deal on hospitals. And then the Speaker of the House, unable to resist political opportunity, comes to the floor, the Speaker of the House comes to the floor and makes a speech about this one amendment and talks about liberals this and about how we have these evil illegal aliens that are taking away our children's education and so forth.

It was, in my view, a performance beneath the rank of the Speaker. It was, in my view, a performance designed to make this into a political opportunity instead of a bipartisan bill, and he may have succeeded. It is a shame.

Mr. Chairman, I think that passionate objection to his action was clearly warranted. I regret very much the mischaracterizations by the gentleman from California [Mr. CUNNINGHAM], no doubt probably calculated by some speech writer in the Speaker's office of anybody out here losing their temper. I have not seen anybody lose their temper today, but I have been willing to stand apart and say, ''You know, Mr. SMITH and I worked a long time to put this bill together to make it work, and along comes the Speaker of the House and basically tries to bring us down to the lowest common denominator.''

Do my colleagues know why what I am saying is true? Because these guys over here whipped that amendment, they whipped it hard to make sure that they would win, to make sure they would have a political issue, not a bill, not a new policy for the public, but an issue, and with that kind of leadership on their side and with that guy in charge of the House of Representatives, I submit to my colleagues I think the public is not long going to be on their side. I regret it.

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

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

Mr. GALLEGLY. Mr. Chairman, as the gentleman knows, I have great personal respect for our relationship. We have worked hand in hand on the issue of illegal immigration for many years.

But I think the gentleman would be the first to yield to the fact that this is an issue that I have worked very hard for a long, long time without any partisan involvement at all. It is a philosophical issue that I have a tremendous passion for, that I think affects all Americans. I think that is one of the reasons that we saw a fairly significant number of Democrats that voted for that as well.

Mr. BRYANT of Texas. Reclaiming my time, I agree with everything the gentleman said, except I want to make very clear to him that it was made clear in the very beginning there were a couple of issues along the way that would derail this bill and get it vetoed and cause a bunch of us to feel like we could not continue to support it. And those two were brought up today, and one failed and one passed. The gentleman's passed. The gentleman has been consistent from the very beginning.

The fact that the Speaker of the House came down here and made the kind of speech that he did, in my view, brought a bill that really was bipartisan down to a very partisan level and was not, in my view, fitting of the office of the Speaker of the House, and I——

Mr. GALLEGLY. If the gentleman would further yield, I would hope that he would still consider strongly supporting the bill, in the final analysis, that he has worked so hard on, like so many others of us have.

Mr. BRYANT of Texas. I would like to. I just hope my colleagues do not make it any worse.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Today we are offering this amendment that would call, and I want to underline this, for a 3-year mandatory pilot program in 5 of 7 States: California, Arizona, Texas, Florida, New York, Illinois, and New Jersey. And these States are most impacted by illegal immigration.

As is pointed out, this amendment simply is going to put back into the bill the original language that was passed by the House Committee on the Judiciary.

Now, I want to stress that the requirement that illegal aliens be verified for work eligibility is crucial to true immigration reform. I want to repeat that this does not establish a national ID card or even a system by which a worker can be tracked throughout their career.

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 on the employee. It does not create a new Government data base. It is a pilot program that cannot be expanded into a national program without a specific vote by this House.

I think anyone who has watched my voting record would agree that I am opposed to any Government intrusion, and this is a simple way to keep American jobs by people that come here legally.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

If a citizen is not approved to work, and that is really what this is all about here, is what the committee report says happens. And I would like to read from the committee's own report. If he or she wishes to contest this finding, secondary verification will be undertaken. Secondary verification is an expedited procedure set up to confirm the validity of information contained in the Government data bases. Under this process, the new hire will typically contact or visit the Social Security Administration and/or the INS. The employee has 10 days to reconcile the discrepancy. If the discrepancy is not reconciled by the end of this period, the employer must then dismiss the new hire as being ineligible to work in the United States. I find that to be very objectionable; in fact, outrageous.

It is the individual employee, the individual American, that is the person who is really going to be hurt in this. The individual innocent American employee gets caught up in the mess because perhaps they used a maiden name or perhaps there was a typo or one of the numbers was typed in wrong or whatever.

As I mentioned earlier today, we had a situation in my district where for 4 months they still have not been able to clear up the Social Security, the fact that they are married and ought to have a married name on there.

What we also heard earlier referred to today is that it took 8 months to prove to Social Security that one particular woman was not dead. That is the proof she was not dead 8 months, and they still have not cleared it up. So that is the type of problem we got with this, and this particular person could be an American citizen, perfectly legal, has 10 days to clear it up, or they are out of work. And that is not the way it should be in this country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment. Mr. Chairman, there are a number of groups who oppose this amendment. Among them are Americans for Tax Reform, the ACLU, the Small Business Survival Committee, the National Retail Federation, Empower America, Citizens for a Sound Economy, NFIB, and the Food Marketing Institute.

Mr. Chairman, I wholeheartedly agree with Grover Norquist, who is the president of Americans for Tax Reform, when he said, whether voluntary or mandatory, employment verification represents an enormous intrusion by the Federal Government into the rights of individuals.

The debate should not be over what type of employment verification systems we have but whether we really have an employment verification system at all. I realize, living in Idaho, that we have problems with illegal immigration, but let us not reach so far that we violate our own civil rights.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILENSON], who is from the San Fernando Valley and parts of Ventura County.

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

□ 1800

Mr. BEILENSON. Mr. Chairman, I am not a member of any of those fine groups that either the gentleman from Ohio [Mr. CHABOT], or the gentlewoman from Idaho [Mrs. CHENOWETH], mentioned, so I am free, apparently, to rise in strong support of this amendment.

If we are serious about stopping illegal immigration, then we must provide a sound method for employers to find out if prospective employees are legally authorized to work in the United States. Otherwise, it would be virtually impossible to enforce the existing law against hiring.

The telephone verification system included in the bill, provides a very promising way for employers to easily determine whether a prospective employee is legally authorized to work. It was, as Members know, one of the key recommendations of the Jordan Commission, which did an extremely thorough and creditable job of producing very reasonable recommendations for regaining control over our Nation's immigration system.

But for the telephone verification system to work, it has to be mandatory rather than voluntary in the States where it would be tried on an experimental basis. If it is not, those employers who intend to flout the law will obviously not participate in the system, and the INS will have no way of determining whether the system is actually working.

The Committee on the Judiciary, as Members again were reminded, recognizes the importance of making this system mandatory. Unfortunately, the Committee on Rules changed the system to a voluntary one, to some of us who serve on that committee in what was an egregious example of overreaching by our own committee, in disregard for the deliberative process of the committee of jurisdiction.

This portion of the bill should now be restored to the form it was in when it was approved by the Committee on the Judiciary. Employers should welcome

this telephone verification system, since it would give them a simple, reliable way of determining who is legally authorized to work here and who is not. Right now they do not have a sound and dependable way to do that because we failed to provide any such method when Congress enacted employer sanctions as part of the Immigration Reform Control Act of 1986.

Mr. Chairman, much is being said about the potential for governmental intrusiveness in hiring practices that would result from this new system. Nothing could be further from the truth. All this verification system does is to provide a way for us to finally enforce the existing 10-year-old law against hiring illegal immigrants and for employers to be able to confirm that they are in fact obeying the law.

The only people who will experience any negative effects are the people who should feel those effects, employers who are breaking the law by deliberately hiring illegal immigrants, and immigrants who are breaking the law by trying to get a job here when it is illegal for them to do so.

Mr. Chairman, I urge our colleagues to support this very important amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, illegal immigrants are from all over the world. They are not just from South America, they are from Asia, they are from Europe, they are from Russia. One thing they all have in common, they mostly want a job.

As an employer, you have certain responsibilities in this country. One of those responsibilities is to fill out an I–9 form. That has given employers a cover, because once you have that I–9 form in the personnel jacket, along with two pieces of identification, along with that Social Security card, in every case, if the INS comes into your establishment and you have met that criteria, even though you have a great number of illegals working in that business, you are not held accountable for that, because there is no way for you to verify whether or not a Social Security card is a fraudulent document.

This is all that does. It gives an opportunity for an employer to call a number and check a name to a number. This is a system that we must have, and quite frankly, if it is a voluntary system, those people that are not very good employers and who are knowingly hiring illegals are going to continue to do so.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California, Mr. ESTEBAN TORRES, who has a great deal of experience in this matter.

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California. The amendment would take a Federal employer verification system to new Orwellian heights. For the past hour we have debated the merits of a voluntary employer verification system. The amendment before us would require every employer, in at least five States, to call a toll-free number to verify the name and Social Security number of every new hire.

You can be sure that these States won't be Rhode Island, Delaware, Montana, Alaska, and North Dakota.

No, the States will likely include New York, California, Texas, and Florida—or nearly half the population of this country.

From a small business standpoint, this amendment piles on more bureaucratic redtape and more costly reporting requirements. The INS estimates that the compliance cost per employer will be at least $5,000.

If this amendment is enacted there is no guarantee that the Federal Government could handle even a small percentage of those employers mandated to use the Big Brother system. Not only would we have problems with compliance, there is no guarantee that the system would approach any level of useful accuracy.

The current database upon which the system would be based is grossly unreliable and would cause citizens and legal residents to be denied employment. Experts estimate that 20 out of every 100 legal job applicants would be denied jobs under this flawed system.

And the price tag for this gargantuan Big Brother computer verification system would sink us even deeper in red ink.

We can't even afford to pay the INS to keep up with its current workload, much less pay for a giant new system. And in the end, even if all these problems could be resolved, nothing, I repeat, nothing in this Big Brother verification system will prevent the black market from selling stolen Social Security numbers. Nor will it prevent a situation like the sweatshop owner in El Monte, CA, who deliberately broke the law and hired undocumented workers.

The Big Brother approach will serve only to impose new requirements on businesses that are already complying with the law and do nothing to punish those that are not.

Let us not forget the basic principle that makes this country great: Freedom. Let us not be tempted to rule our citizens through an identification card. This is a terrible amendment and I ask you to vote no.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I will begin by stipulating that I do not purport to represent business here. I understand that a lot of businesses do not like this amendment. A lot of businesses, unfortunately, like to hire people who are here illegally. They find them easily exploitable. That is why there was, for many in the business community, opposition to what is really the central point here, whether or not we have employer sanctions.

In fact, during this debate people have been blaming a verification system, when in most cases they should have been complaining about sanctions. It is logical to say we should not have employer sanctions. Understand that that is a decision we made in 1986. We said, and by the way, people should understand, there is a universal recognition here in this debate that people come to this country, whether legally or illegally, to get jobs. We recognize that. That is the magnet. It is not illegal welfare, and so forth, it is jobs.

We have said that when people come here illegally and get jobs, they jeopardize our ability to maintain rules and laws that maintain occupational safety and health, minimum wages, et cetera. When you are here illegally, you cannot claim your rights.

In 1986, this is when business got the mandate. In 1986 Ronald Reagan signed the law that said, ''You cannot hire people who are here illegally.'' It set up the verification system. That was set up in 1986. The difference now is that we believe we have a more rational verification system. The current system gives a whole bunch of documents that can be used. That is where you get counterfeiting. That is where you get inconsistency in who is asked and who is not.

What we are saying is that given we have sanctions, and nobody has moved to repeal them, given that the employer is responsible for verification, and nobody has moved to repeal that, then the only question is what is a more efficient way to do it. We are saying that the most efficient way, the fairest way, is to say, not that you single out anybody, that is just a nonsensical argument, but this in fact says everybody who comes in must be verified. We have a 10-day period to catch up.

No, I do not believe 20 percent of the American people are unfairly identified as illegal aliens. That is an exaggerated figure. We also have in here 10 days in which you can straighten it out. I believe my office can help people prove that they are here legally.

Then we are told, ''But it is going to interfere with privacy.'' We have had a lot of inconsistencies here today. My favorite are the people who think that asking people to prove that they are here legally is an invasion of their privacy, but checking their urine is not, because we have people who have been for drug testing, mandatory drug testing, and they have imposed that on people, but no, we cannot ask people whether or not they are here legally.

Now we have the question, ''Well, would the government abuse it?'' I understand some of my friends on the left who, I think, are unduly suspicious here, because I think it is in the interests of working people to have a good

verification system. On the right, I guess we are dealing in part with the Republican wing that we were told on the floor of the House trusts Hamas more than the American Government. Maybe we can pick up a couple of votes if we subcontracted this out to Hamas, but I do not think they are here legally, so they could not work for us, fortunately.

What we are talking about is efficiency. We have on the books the sanction system. If Members do not like it, they should be moving to repeal sanctions. We have on the books a requirement that we verify that you are here, but with a lot of documents in an inconsistent way. This is the most logical way to carry out the existing legal requirements.

Mr. GALLEGLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH], chairman of the subcommittee.

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California [Mr. GALLEGLY], and appreciate his leadership on this issue.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I rise in strong support of this amendment, because it is a pro-small-business amendment. If we look at our State of California, California's Chamber of Commerce has come out in support of this. Many of the people who are opposing this amendment claim that they understand the small business sector of our economy. The author of the amendment, the gentleman from California [Mr. GALLEGLY], has been, throughout his entire lifetime, adult lifetime, a small-business man, up until he joined this distinguished body a decade ago.

Mr. Chairman, I have been involved in businesses myself before I came here, and I still am. Quite frankly, I believe if we look at the issue of employer sanctions, which my friend, the gentleman from Massachusetts was just discussing, there were many of us who opposed the employer sanctions provision, believing that we should not force those employers to be responsible for what clearly is a Federal issue. They should welcome the prospect of having this process of verification, which is easier than going and expending $10 at a K-Mart store.

Quite frankly, Mr. Chairman, we should join in a bipartisan way supporting the Gallegly amendment. I urge my colleagues to do that.

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

Mr. Chairman, I would only close our debate on this amendment in opposition to it by pointing out that we have gone from voluntary to mandatory. Maybe next month we will hit nationwide. We are up to 3 years and counting. But do not worry about it. The wonderful patronizing statements of my colleagues, who are my friends, that tell us that employees should welcome this telephone verification system, one Member went as far as to suggest that one reason they might not welcome it is because they themselves support illegal immigration. I do not think that is a fair canard. I do not think it is the thing we should be saying about these business associations.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have heard some very interesting debates here today. I support this amendment because I think it is a common-sense amendment. I would like to tell the Members why I think it is good common sense. On the one hand, we have a system in which we as taxpayers spend millions of dollars, hire tens of thousands of employees, to maintain a Social Security system that is designed to have records that relate to employment and records that relate to your contributions as an employee into the system. We also have tens of thousands of people and spend millions of dollars trying to put in place a system that will verify those who are legally in our country, and we have purposes in doing so.

On the other hand, we have hundreds of thousands of people who are illegally in our country who are likewise spending, probably, millions of dollars trying to duplicate and reproduce the same kinds of documents that those that are employed by the taxpayers are also doing. Then we have the employer in the middle, and the employer, because of the way our system operates, is faced with an individual standing in front of him, presenting him with documents. He does not know whether they are produced by the legal system or by the illegal system.

Yet the employer says, ''Well, if I am a taxpayer paying for the legal system to be in place, whey can I not just ask that system to tell me if these are true or forged documents?'' And the system does not allow him to do so. That, to me, makes no common sense at all. If we are going to make the employer the enforcer, we ought not to put him in a position of simply saying, ''We are going to send the INS into your office, and if you did not have the right documents there, then gotcha.''

We all know, ''Don't ask, don't tell.'' I say that this is a system of ''Do ask, do tell.'' We ought to ask, as an employer, and as the Government, we ought to tell whether or not these are in the one category of legal documents, or in the other category of illegal documents. Mr. Chairman, I urge support of the amendment.

□ 1815

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

Mr. Chairman, I first of all want to make very clear that those of us that oppose this amendment do very much want to crack down on illegal immigration.

There are many things which I support. I supported the Tate amendment which basically stated that if, for example, somebody does try to come into this country illegally, they will then not be able to come into this country legally at some later time, so do not even bother to try to come in again. One-strike-and-you're-out. I think that is good policy. Harsh, tough, but I think it is good.

I also very strongly support eliminating welfare as a magnet. We have got too many American citizens, I believe, on welfare in this country right now. I think we ought to completely overhaul the welfare system. We have got far too many people that ought to be supporting themselves and their own kids that are American citizens right now. But unfortunately we have got people coming into this country because welfare is too often a magnet. I do not think welfare ought to be given to illegal aliens.

There are many things. We ought to beef up the patrols on our borders to keep illegal aliens out. But to have one more requirement on American businesses to call the government before they hire somebody or right after they hire somebody and clear everything up within 10 days, I think that is the wrong way to go.

Malcolm Wallop, for example, a former Senator from Wyoming for whom I have a tremendous amount of respect said, ''This is one of the most intrusive government programs that America has ever seen.''

The Wall Street Journal called this system odious. The Washington Times asked, ''Since when did Americans have to ask the government's permission to work?''

The National Retail Federation said, ''It's yet another Federal Government mandate on business and we're trying to get rid of government mandates.'' This is a government mandate in essence that would require every American to get the government's OK to work in this country. It should not be that way.

Many of us believe very strongly that we were sent here to lessen the intrusiveness of the Federal Government in their lives. This goes in just the opposite direction. It runs against the grain of many of us who are trying to reduce Federal involvement in our life.

That is the reason I oppose this amendment. Also, it is not going to work. As I stated before, the bad guys that are hiring illegal aliens now, they are not going to call the number. So it is not going to work. It is just more government. We ought to oppose it.

Mr. GALLEGLY. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the previous remarks highlight the disconnect between reality and what the opponents are saying. There is now on the books such a mandate. The gentleman acts as if this amendment would create it.

The law now says, and has for 10 years, that you must show to the employer that you are legally entitled to work in the United States. Employers are legally at risk. If they fail to ask and it turns out they have hired someone who is not legally entitled to work, they are at risk.

I do not understand this argument. If you want to abolish sanctions, okay, but you cannot argue that this amendment creates an obligation which we have had for 10 years. I would point out, by the way, that it is so onerous an obligation that most people apparently do not even realize we have it.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I support the Gallegly amendment, although in a conference committee I want to make sure, if this bill reaches a conference committee, that what he is proposing here is truly feasible. But I would like to just go construct my notions of why I think this is important.

No one in this House, as far as I know it, is in favor of illegal immigration. There are some people who believe in open borders, but I have not heard anyone in this House ever articulate that.

Now the issue is, are we going to stop with border enforcement, or are we going to have some interior enforcement? I am sorry to say that my friends in the majority do not seem to want to put a lot of resources into investigating industries that historically recruit undocumented workers, but now we have the question of the employment. As the gentleman from Massachusetts [Mr. FRANK] has just mentioned, employer sanctions were established to make it illegal to hire someone who is not here legally.

The voluntary program now in the bill has none of the privacy protections, none of the discrimination protections, none of the protections against mistakes that the Gallegly amendment has. The Gallegly amendment says if this system wrongfully terminates a person from a job, they have a remedy to recover their lost compensation. The Gallegly amendment provides for testers which can go out and make sure that any employer is doing this across the board as to all of his employees, not just the ones who might have a foreign accent.

It has the protections, it deals with the issue of making sanctions enforceable, and the only question now for me which I hope to learn about in the months ahead as we deal with this legislation is, is it feasible? I am not sure it is, but I think we should give this approach a boost because it is the right approach, at least in concept.

I urge an ''aye'' vote.

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I am rising here today to support the Gallegly amendment. If things are going to be made illegal, we have to provide the means of enforcing that decision. Otherwise we are just philosophizing. Our voters did not send us here to sit down and talk together about ideas. They wanted us to change the way things are in the United States.

It is not enough to say you are against illegal immigrants flooding into our country. You have got to be able to do something about it, or that is not what your public life is all about. We are not here to philosophize with one another. We are here to try to solve a problem.

In California and elsewhere, we have a mammoth tide, a wave of illegal immigration, sweeping across our country. We should give the people the tools to make sure that those illegal immigrants when they come here are not the recipients of workers' comp, unemployment insurance, Social Security, and all the other government benefits that go with being employed in this country.

The fact is that we have made it illegal for an employer to hire these people. Otherwise, let us just take off that ban. If you want to take off that ban, that is fine. Or, if you want to say it is legal for illegal immigrants to get government benefits, fine, make that your position.

But do not tell the American people you are against illegal immigration if you are trying to undercut every single attempt that is being made to try to enforce that decision. We are here not to just philosophize, we are here to solve problems and get things done. Please take your heads out of the clouds and make sure your feet are on the ground.

Mr. GALLEGLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Chairman, I rise in support of the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield such time as she may consume 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 amendment. I would like to thank the three sponsors from California for their commitment to seeing that we put this mandatory pilot program back into the bill—a commitment which they know I strongly share.

I strongly believe that we cannot accurately claim that these are effective and efficient reforms without this amendment. And, above all, I urge that the business community recognize its responsibilities and that they become part of the solution and not part of the problem.

As we all know, the original bill, as passed by the Judiciary Committee, contained this mandatory pilot program. Its purpose is to make it easier for employers who continue to struggle understanding the enforcement and eligibility 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 worker 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.

Unfortunately, between the proliferation of fraudulent documents, and the overconcern of INS with sanctioning employers for paperwork violations, such as incorrectly completing I–9 forms, little has been done to catch unauthorized/illegal workers.

Mr. Chairman, opponents of the pilot program claim that it will become a big brother program giving the Federal Government the sole power to decide who will work for an employer. This is just not true. It seems to me that this argument is being used more and more liberally every time it is perceived by some that the Federal Government is overstepping its powers when it clearly isn't.

Furthermore, opponents claim to fear that mistakes made by the computer data base 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. Well, come on my colleagues. This is a weak argument that no one would deny, and an easy one to use as justification for opposing the pilot program.

Even without computer verification, these same problems still persist because of paperwork/administrative mistakes. With increasing uses of computer technology in all public and private sectors, this is a real problem that we deal with every day and will continue to deal with every day in the future. The bottom line is that there are always going to be computer errors and data entry mistakes. Should we therefore pass a blanket prohibition on computers in the workplace? I think not.

In fact, Mr. Chairman, under this program an employer is provided with a good faith defense similar to that provided under IRCA, 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 an informational error which cannot be resolved within a 10-day period, then he is entitled to compensation under existing Federal law.

The success of phone verification has been proven in southern California which 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.

Mr. Chairman, the purpose of the mandatory pilot program is to make it easier for employers to verify the work eligibility of prospective

employees. It will help to prevent confusion over documents and alleviate concerns about hiring/not hiring someone who looks like he is illegal. It is in the direct benefit and interest of all employers because it will help to eradicate all of the fears, uncertainties, and arbitrary sanctions that employers have complained about for the past 10 years.

At the same time, just as we require legal and illegal aliens to comply with the law, so too must employers. This program will also hold employers accountable for their hiring decisions. By this I mean that unscrupulous employers could no longer get away with knowingly employing illegal aliens because they would have to verify their work eligibility.

And, my friends, 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.

Reducing the number of allowable documents from 29 to 6 and increasing by 500 the number of INS employment inspectors, which this bill does, is a strong step in the right direction. But, it is not enough.

This is another commonsense amendment, and one that should be supported by everyone, including the business community.

Therefore, I urge all of my colleagues to show their support for a simpler yet more complete employer verification system by voting for this amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

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

Mr. PACKARD. Mr. Chairman, the claim that this amendment intrudes on our civil rights is a bogus argument. We see people in the grocery lines, at the cash register, and we never hear them complain about having to have calls made to verify their checks before they can take their groceries home. We cannot tighten up the enforcement of employer sanctions, which we are requiring and asking to be done, and then not give the employers a chance to be assured that they are hiring legally.

Most of my employers, which really employ a good deal of the alien labor pool, both legal and illegal, are begging for a chance to verify their legality. They want to be legal. It would be a shame not to allow them a system that would give them the verification that they are hiring appropriately and legally. I strongly urge a ''yes'' vote on the Gallegly amendment.

I rise in support of the Gallegly-Bilbray-Seastrand-Stenholm amendment which would make the employer verification pilot program mandatory.

Since I first became a Member of Congress, I have worked to put an end to the illegal immigration problem that has plagued my district, my State of California and now the Nation. Quite frankly, I have found that there are two compelling reasons that pull illegal immigrants to our country. One is the wide range of Federal benefits our country has to offer. This is being taken care of by this bill.

The second is the lure of jobs. Requiring all employers in a pilot project State to make a simple call to verify the eligibility of a new hire will put an end to the lure of jobs for illegals. A voluntary system is simply inadequate. A voluntary system allows likely illegal immigrants to believe that a job waits for them on the other side of the border. Perhaps their employer will not check. We send illegal immigrants a far stronger message if they know all employers will be checking their status. No job waits for you on the other side.

Our current system of determining whether a person applying for work is legal or illegal is lacking. In fact, it is so unbelievably easy to obtain false documentation in California, that employers are at a high risk of hiring illegals without even knowing it. A mandatory employer verification system will protect innocent employers from hiring illegals with false documentation.

Mr. Chairman, this amendment will protect employers and destroy the job magnet that brings illegal immigrants into our country. It is a pilot project that will be tested for only 3 years. If it does not work, Congress will have the ability to revamp it or cancel it completely. However, only by making it mandatory, will we be able to ensure that the employer verification pilot program will work as it is intended.

I urge my colleagues to vote for this amendment.

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

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

Mr. HORN. Mr. Chairman, the American people need to support this amendment. We need to support it. It is shameful that we would bend to the special interests and not vote for the Gallegly amendment. I fully support it.

Mr. Chairman, the American people elected a Republican majority in 1994 to end politics as usual and accomplish real reform. Without the Gallegly mandatory verification amendment, this bill is another example of do-nothing, special-interest business as usual in Washington.

Illegal immigrants come here for jobs. If we are serious about stopping illegal immigration, we need to make it impossible for illegal aliens to get jobs. Only a mandatory system in States most affected by illegal immigration would achieve that. Not enough employers would verify their employees' eligibility without one.

Stand up to the special interests. Vote for the Gallegly mandatory verification amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

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

Mr. FOLEY. Mr. Chairman, I strongly support the Gallegly-Bilbray amendment to create a mandatory pilot program. We need a driver's license to board an airplane. We need identification with a credit card or a check.

This is not big brother. This is enforcing laws. Some of our own legal residents have found there are errors in their Social Security numbers. They have found payments being made to other people's accounts after 5 years.

This system will not only deter illegal immigration but will help perfect our own domestic work force. It is not onerous. It is not burdensome. Employers universally will call past employers to find out about backgrounds, past landlords to find out about the worthiness of the employee. We are asking a simple step.

How many people in this audience use the 1–800 number to find out about their check balances, the last five checks cashed, the last five deposits? It takes 15 to 20 seconds. It is not a difficult process. Anyone can do it. It is not complicated. It will ensure that we are not hiring illegal employees.

Mr. GALLEGLY. Mr. Chairman, I yield myself the balance of my time.

In closing, I would like to say that I have spent the overwhelming majority of my adult life as a small business person. This is the reason right here that we need a verification system. This is a counterfeit document that will meet the employer sanction requirements that a person can pick up on almost any street corner in any major city for about $30.

Let us bring some sanity to this debate. Let us stop the flow of illegal immigrants coming into this country for easy access to jobs, protect American workers, and protect this country from more illegal immigration. I would ask the strong support of the Gallegly amendment for mandatory verification.

Mr. RADANOVICH. Mr. Chairman, my vote for the Gallegly-Bilbray-Seastrand amendment will be cast for three reasons:

First, it should not be the employer's burden to decide whether work permission documents are real or phony.

Second, the guest worker program for agriculture, which I shall support when it is brought up later in this debate, will work better with 800 number verification.

Third, finally—and most importantly—I am committed to immigration reform, especially putting a stop to illegal immigration.

U.S. borders are breached by those looking for work here.

American employers should be able to pick up the phone and quickly and accurately determine whether an applicant is legally entitled to work. Those who aren't won't be hired. They'll have little reason to stay, and there'll be reduced incentive for others to follow the same wrong route.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. GALLEGLY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes, 331, not voting 14, as follows:

[Roll No. 77]

AYES—86

Baker (CA)
Barton
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bono
Borski
Bryant (TX)
Burton
Calvert
Campbell
Canady
Cardin
Castle
Condit
Cunningham
Deal
DeFazio
DeLauro
Dreier
Duncan
Eshoo
Farr
Foglietta
Foley
Frank (MA)
Furse
Gallegly
Gejdenson
Geren
Gilchrest
Goodlatte
Goss
Holden
Horn
Hunter
Jacobs
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Kim
LaFalce
Leach
Levin
Lewis (CA)
Lowey
Manton
Markey
Martinez
McCollum
McKeon
McKinney
Meehan
Metcalf
Meyers
Miller (CA)
Moorhead
Neal
Obey
Packard
Pallone
Payne (VA)
Rohrabacher
Roth
Roukema
Royce
Sabo
Schumer
Seastrand
Shays
Smith (NJ)
Smith (TX)
Stenholm
Torricelli
Traficant
Vento
Visclosky
Vucanovich
Waxman
Wilson
Wynn
Young (AK)
Young (FL)

NOES—331

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Camp
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McNulty
Meek
Menendez
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Yates
Zeliff
Zimmer

NOT VOTING—14

Collins (IL)
Hayes
Hostettler
Johnson (CT)
Johnston
Moakley
Nadler
Radanovich
Rose
Stark
Stokes
Studds
Tate
Waters

□ 1847

Messrs. BISHOP, PORTER, HOBSON, GRAHAM, SAXTON, MCDERMOTT, EMERSON, and RIGGS changed their vote from ''aye'' to ''no.''

Mr. SABO, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. 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. GUTIERREZ: Amend section 505 to read as follows (and conform the table of contents accordingly):

SEC. 505. REQUIRING CONGRESSIONAL REVIEW 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 OF WORLDWIDE LEVELS.—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.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. GUTIERREZ], and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

Mr. SMITH of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

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

Mr. Chairman, the Brownback-Gutierrez amendment deletes the new Immigration and Nationality Act sections 201(g)(2) and 201(g)(3).

This is a rather simple amendment that would preserve a very simple idea. America's immigration policy should continue to allow families to be reunited with their loved ones.

At first glance, the section of the bill we seek to delete might appear to do nothing more than require a periodic congressional review of the numerical limits placed on immigration. Unfortunately, this is not the case. The bill actually requires specific legislation reauthorization as early as the year 2004 for our Nation to continue to allow any family-based and employment-based immigration.

Let me be clear. This Congress will have to pass a specific legislative reauthorization in the year 2004 if our Nation is to allow any family-based or employment-based immigration.

Reuniting with family members accounts for 60 percent of all legal immigration to the United States, and this bill puts that type of critical legal immigration in danger.

The bill says that without congressional action, brothers and sisters, parents and children, husbands and wives will be prevented from reuniting in the United States. In effect, this bill creates a sunset provision on the most important and positive reason people come to the United States. It creates a sunset provision on our basic and fundamental commitment to any immigration policy at all.

Well, I do not want this Congress to allow the Sun to set on our Nation's desire to offer opportunity to newcomers from throughout the world. I do not want the Sun to set on our Nation's commitment to serving as a source of hope and for those who desire to work and contribute to make America a better, stronger nation. I do not want the Sun to set on America's commitment to one of the most basic family values, allowing immigrants to reunite with the people they love.

Yet, this is precisely what the proponents of this bill are suggesting. Passage of this bill with this provision would be a huge victory for extremists whose only interest in immigration is ending it forever.

But do not take my word for it. The Wall Street Journal wrote on their editorial page last week that the sunset clause would ''stop all job-based legal immigration and provide a powerful lever to immigration restrictionists after the turn of the century.''

The bipartisan Brownback-Gutierrez amendment is our opportunity to take away that powerful lever from those who would like to completely abandon our Nation's commitment to legal immigration. I urge my colleagues not to be swayed by the argument that reauthorizing this bill is just a formality, that it is really no big deal. The history of the U.S. Congress clearly shows that immigration legislation is never a formality. It is always a big deal.

Mr. Chairman, the author of this legislation has said over and over again that this represents only the third time this century that Congress has dealt with an immigration bill of this magnitude. I believe the gentleman from Texas [Mr. SMITH] recognized the facts and he does not oppose this amendment, which I appreciate very much.

So we should all realize that reauthorization, which will decide whether mothers are reunited with sons, will not come easily unless we correct this potential problem today.

The sunset provision is a silver bullet that is aimed at every heart of our commitment to immigrants. By passing this amendment, we can unload that silver bullet.

To use the language that so many of my friends on the other side of the aisle are using, we can truly take a stand for family values. We send a clear signal that we value keeping family members united and together, that we value a policy of fairness for every person who wants to come to our country legally, to be with family they love and care about, that we value the history and character of our Nation and that the United States values inclusion and understanding and opportunity, rather than exclusion, blame, and fear.

If my colleagues value these ideas, I urge them to join us in supporting this amendment today.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me. I want to commend the gentleman from Illinois, [Mr. GUTIERREZ] and the gentleman from Kansas [Mr. BROWNBACK] for being so diligent and looking at the specifics of this bill and determining that this egregious provision had been retained that would sunset the quotas and all of the priorities that were set for the family reunification principle.

The families that are being permitted to enter under these various privileges are extremely limited already. The siblings are not going to be permitted to come in, and adult children are not going to be able to come in. In many cases, parents are not going to be able to come in. But under the limitations which this bill provides, what has happened under the legislation is that, after a certain period of time, the provisions will sunset.

Now, if we have any questions as to the interpretation of this section, I would like to call our attention to the Congressional Research Service opinion dated February 28 in which it says under the sunset provisions of section 504, categories of aliens who are subject to worldwide levels of admission under section 201 of the Immigration Act could be admitted after fiscal year 2005 only to the extent set by future law.

That is the difficulty. What if the Congress did not pass a law? As the gentleman from Illinois [Mr. GUTIERREZ] said, what if there was a filibuster in the Senate that prevented this legislation from being authorized? What would happen is that our families that were waiting for these loved ones to come in would not be permitted. It would have the effect of a moratorium on immigration.

So I commend my colleague for offering this amendment and urge that this House adopt it. I understand that the majority will accept this amendment.

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

I would like to respond to the concerns of my colleagues that have been expressed about the provision of the bill that has the legal immigration provisions sunsetting in the year 2006 and explain to my colleagues the reason for having this provision in the bill. It was put in there at the recommendation of the Subcommittee on Immigration and Claims simply because we wanted to force Congress to address the very complex subject of immigration on a regular basis.

There was no nefarious plot here involved in trying to sunset the legal immigration numbers. In fact, I am on record numerous times as being opposed to a moratorium. So I hope my friend will realize that, although he suggested I was endorsing a moratorium, I have never done such, nor is that the purpose of this provision of the bill. Once again, the motive is very good, and I have agreed to this amendment to try to avoid any misinterpretation or misconstruction of the original provision.

Mr. Chairman, the motive again was to force Congress to do something that it has never really done before, and that is take a look at our immigration policy on a regular basis. We have found so often in the past that by not forcing Congress to address this subject, our immigration policies oftentimes have developed in ways unexpected. And we certainly hope that will not be the case here.

I might say also I hope we will not come to regret that this amendment passes and 7 or 10 years down the road want to address immigration but not have any mandate to do so.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FOLEY].

□ 1900

Mr. FOLEY. Mr. Chairman, I appreciate the chairman of the subcommittee yielding me this time for a colloquy.

Mr. Chairman, this bill authorizes an increase in Border Patrol agents by 1,000 agents each year from 1996 through the year 2000. Yet, the report language requires the deployment of these new agents at sectors along the borders of the United States in proportion to the number of illegal border crossings. Therefore, I am concerned that some States which are not officially designated as border States, such as Florida, will be overlooked when the INS distributes the new agents.

Earlier this year, the INS temporarily deployed eight Border Patrol agents from Florida to the Southwest border. Border Patrol agents in Florida have gradually diminished from 85 agents a few years ago to just 41 agents today. In my home district, the Palm Beach Border Patrol office has just three agents and one supervisor who are responsible for covering eight counties and 120 miles of coastline. These are not enough resources to effectively protect our shores from illegal immigration. Florida experienced an estimated 52-percent increase in Border Patrol apprehensions from 1994 to 1995. One in nine of our Nation's illegal immigrants now reside in Florida and could be as high as 450,000.

These alarming statistics clearly demonstrate the critical need for a strong Border Patrol force in Florida. While I support a strong Border Patrol force for the entire Nation, it seems that the unique illegal immigration problems facing Florida has not been fairly recognized by the INS. Therefore, I would seek the support of the gentleman from Texas [Mr. SMITH] on this issue during conference and the appropriations process to ensure that in the distribution of the new agents, States such as Florida will receive their fair share.

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Florida for expressing these concerns. It is clearly not the intent of this bill to preclude new Border Patrol agents from serving in coastal States with a high incidence of illegal entry into the United States. I recognize the serious nature of the illegal immigration problems facing Florida and the importance of maintaining a strong Border Patrol presence in that State. I can assure the gentleman that I will be supportive of his efforts to prevent a further degradation of Florida's Border Patrol.

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

Mr. GUTIERREZ. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR], chairman of the Hispanic Congressional Caucus.

Mr. PASTOR. Mr. Chairman, I also want to congratulate the gentleman from Illinois [Mr. GUTIERREZ] for giving us this amendment. Even though

we heard that the motive is very simplistic and does not mean to cause any problems, the so-called sunset provision is still troubling. We heard the chairman, and the majority will contend that this provision merely amends section 201 of the Immigration and Nationality Act to require periodic congressional review of the numerical limits placed on immigration. In reality, according to the Congressional Research Service, this so-called sunset provision will end all family and business preference immigration, all diversity immigration and all humanitarian visas into the United States after the fiscal year 2004, the year the bill designates as the first period of review.

This provision is nothing more than a backdoor attempt to have a moratorium on immigration, and, therefore, I ask that my colleagues support the Gutierrez amendment.

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

I simply want to end by saying I want to thank the chairman, the gentleman from Texas, Mr. LAMAR SMITH, for his support of this amendment, and I want to apologize for any inference that I might have made with the probably bungling of the reading of my statement, because that is the only way I can come to that conclusion that I might have stated in any way, shape or form that it was his intent to have a moratorium. I do not believe that, and so I probably just misread something into the RECORD.

But, fortunately, we sent a copy up there that I am sure will clarify what I really meant to say, and I apologize to the gentleman and thank him for his support on what I think is a very important amendment.

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

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

I have to tell my colleagues how much I appreciate the gentleman from Illinois' generous comments, and I certainly understand what he was saying, and, as he just suggested, the intent here was never to end legal immigration. It was just to force Congress to do its job and regularly review our immigration numbers. And I do appreciate the gentleman from Illinois making his statement clear and appreciate his being so open and honest about the whole subject.

Mr. Chairman, let me also commend the gentleman for his amendment and for rectifying the situation that none of us anticipated, but at least we are doing the right thing.

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

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the Chrysler-Berman-Brownback amendment to H.R. 2202.

In its current form, H.R. 2202 dramatically reduces family-related immigration. About three-fourths of the bill's reductions in the number of legal immigrants come in the family-related category. It eliminates the current preference category for brothers and sisters of U.S. citizens. The bill limits the number of adult children immigrants admitted to include only those who are financially dependent upon their parents, unmarried, and between the ages of 21 and 25. It also allows parents of citizens to be admitted only if the health insurance is prepaid by the sponsor.

What practical effect will these provisions have on law-abiding Americans who want to reunite with members of their immediate nuclear family? According to this legislation, virtually no American would be able to sponsor their parents, adult children, or brothers and sisters for immigration. If your only son or daughter turns 21 then he or she ceases to be a part of your ''nuclear'' family and would never be able to immigrate once he or she turns 26. If you have a brother or sister, they're not part of your nuclear family either. And if you cannot afford the type of health and nursing home care required in the bill then your mother and father are not part of your nuclear family either.

While the Chrysler-Berman-Brownback amendment would strike these provisions, I would point out that there is one area which it does not cover. Unfortunately, this amendment does not deal with the so-called 200-percent rule. Another title of the bill requires that an individual sponsoring an immigrant must earn more than 200 percent of the poverty line. This provision effectively means that about 46 percent of all Americans cannot sponsor a relative to enter the United States. The message this sends to all Americans is that in the future we will continue to be a nation of immigrants, but only rich immigrants.

On Guam, we put a high premium on the role of families, which includes mothers, fathers, sons, daughters, and brothers. In our community, supporting families means helping them stay together. That's what we consider family values.

If this bill becomes law, it will have a definite practical effect on may families, particularly those of Filipino descent, on Guam. It will prevent many of them from reuniting with their brothers or sisters, even though in some cases they have waited for upwards of 10 to 15 years. Furthermore, it will shut out all future family reunification, even in categories that were not eliminated, for many immigrants on Guam because they do not earn over 200 percent of the poverty line or cannot afford to pay for their parents' health insurance.

In each of the cases of sponsoring families, you are talking about people who have played by the rules. They have worked through the system and petitioned to be reunited with their nuclear family. They have waited patiently. Now we will turn our backs on them.

These proposed restrictions and eliminations of entire categories is unwarranted and unnecessary. The Chrysler-Berman-Brownback amendment would strike the restrictions and restore the current system which supports family-based reunification.

I urge my colleagues to vote in favor of the Chrysler-Berman-Brownback amendment to restore the family categories and reject these arcane provisions. While I regret that it does not cover the 200-percent rule, I believe that its passage will make the bill better than what we have in the current bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GUTIERREZ].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. KIM

Mr. KIM. 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. KIM: In section 512(a), in the matter proposed to be inserted—

(1) in paragraph (1), strike ''and (3)'' and insert ''through (4)'',

(2) in paragraph (3), strike the closing quotation marks and period that follows at the end of subparagraph (D)(iv), and

(3) add at the end the following:

''(4) OTHER SONS AND DAUGHTERS OF CITIZENS.—Immigrants who are the sons or daughters (other than qualifying adult sons or daughters described in paragraph (3)(C)) of citizens of the United States, who had classification petitions filed on their behalf under section 203(a) as a son or daughter of a citizen before March 13, 1996, and who at any time was not unlawfully present in the United States shall be allocated visas in a number not to exceed the number of visas not required for the classes specified in paragraphs (1) through (3), plus a number equal to the number by which the maximum number of visas that may be made available for the fiscal year under subsection (b) exceeds the number of visas that will be allotted under such subsection for such year.

''(5) BROTHERS AND SISTERS OF CITIZENS.—Immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, who had classification petitions filed on their behalf under section 203(a) as a brother or sister of such a citizen before March 13, 1996, and who at any time was not unlawfully present in the United States shall be allocated visas in a number not to exceed the number of visas not required for the classes specified in paragraphs (1) through (4), plus a number equal to—

''(A) the number by which the maximum number of visas that may be made available for the fiscal year under subsection (b) exceeds the number of visas that will be allotted under such subsection for such year, reduced by

''(B) any portion of such excess that was used for visas under paragraph (4) for the fiscal year.

Amend section 519(b)(1)(A) to read as follows:

(A) in subsection (a)(1)(A)(i), by striking ''paragraph (1), (3), or (4)'' and inserting ''paragraph (2), (3), (4), or (5)'';

Strike section 555 (and conform the table of contents accordingly).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. KIM] and a Member opposed will each be recognized for 5 minutes.

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

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

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

As a legal immigrant myself, I believe it is important to recognize the difference between legal and illegal immigration. My compliance with the law and subsequent naturalization has instilled in me a sense of pride and responsibility. I am sure that these same

feelings are shared by all legal immigrants who come to the United States in search of American dreams and a better life for their families.

The close ties between family members provide a sense of family responsibility and unity, something many in this country appear to have forgotten. This is why I strongly support this bill's basic principle of family reunification. However, I believe it is unfortunate that, in the rush to reform our immigration system, we have overlooked a key part of that basic premise.

As currently written, the bill eliminates immigration by adult sons and daughters and brothers and sisters. I am concerned by the arbitrary determinations being made about which family member is more important than the other member. They are based on age alone.

According to the bill, someone's 20-year-old son is considered their son, but once he turn 21, he is no longer their son unless he is unmarried. Then he is their son, all right, but until, only until, he turns 26. Let me try this again. It is no longer their son when he is over 21. He is no longer their son if he is married and over 21, but under 26. Does it make sense to anyone? I do not think so.

Why are we punishing marriage? Is that not the core of family values? This really arbitrarily makes absolutely no sense, and I simply do not understand why the age or relationship between family members makes any differences as to their importance to the family. As far as I know, families last a lifetime.

My amendment is a compromise effort to fix this oversight. The amendment makes sons and daughters and siblings who have filed the petitions before March 13, 1996, qualified. It is a grandfather amendment giving those legal immigrants currently in the line a chance to be reunited with their families. How? They would be eligible to use any unused family- or employment-based visas on an annual basis.

It does not raise immigration numbers. It simply allows sons and daughters and siblings the chance to immigrate on the space-available basis using any leftover quotas.

Let me repeat again: It does not raise immigration numbers. It does not jeopardize the overall bill or any priorities. These individuals have followed our immigration laws impatiently waiting for many, many years.

These honest immigrants deserve a chance to be with their families. Some have already made financial and personal arrangements by putting their homes on the market and preparing for resettling in America. Otherwise, we slam the door in the face of this law-abiding immigrant. This retroactive denial is unfair, downright un-American.

My amendment is a responsible way to fix this injustice. Remember, it only applies on a space-available basis, using any leftover quotas.

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

Mrs. MINK of Hawaii. Mr. Chairman, I claim the 5-minutes allocated under the rule.

The CHAIRMAN. Is the gentlewoman opposed to the amendment?

Mrs. MINK of Hawaii. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK] for 5 minutes.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to make my comments at this point. I want to commend the gentleman from California [Mr. KIM] for his amendment, for being able to present it, and to have been accorded the opportunity to offer the amendment is a point of great distinction.

What his amendment does is to recognize that H.R. 2202 contains provisions which totally categorically eliminate family preferences for adult children and siblings, and that is a very, very unthinking, and cruel amendment repealing the opportunities of family reunification which have been part of the law for the last 30 years.

It is not enough to say children under the age of 21 may come in accompanied with parents or the spouses may come in or parents under certain circumstances. The family context is the wider family which includes all children. The fact that they are over 21 or married or have other kinds of circumstances does not indicate that they are no longer part of the family.

If we are going to preserve the idea of family reunification, which the bill attempts to do, the sacrifice of adult children and siblings, is a very, very cruel elimination from this bill.

So what our colleague from California, Mr. KIM, has done is to grandfather all applications which have been filed over the years, because as he indicated, there are some people that have been waiting over 10 years to fit into the categorical limitations for adult children, unmarried or married, or the sibling category. Some of them have waited in my district well over 15 years, and now they are panicking, and calling, and writing letters and saying they have read in the newspapers that we are about to eliminate this category, and they have been waiting patiently for their numbers to be called. Some of them probably will have their numbers called as early as next year, and yet, if this bill passes, they will have completely lost that opportunity to be reunited with their families in America. I think that that is a very, very cruel blow.

What the gentleman from California [Mr. KIM] has done is to indicate that we should grandfather these categories of people who have applied by March of 1996 and use space-available vacancies that may come along on an annual basis and allow these family members to come in.

The cruelty of this provision however, I need to point out, is that the likelihood of any vacancies and space becoming available are unlikely for maybe another decade or two. There will not be any excess numbers that can be allocated to this category.

So, while the concept and the compassion that is contained in the Kim amendment is worthwhile, I am taking the floor to say that it does not correct the basic exclusions that have been made to this legislation.

I do not believe that we can stand on the floor of the Congress and comment about family reunification, and now important the family is, and how allowing the people who become new Americans to bring their families into the United States is an important step integrating and moving them forward toward their full responsibilities as Americans. To deny them the opportunity to reunify their family puts us back to the period when many Asians were not even permitted to come into this country because of the 1924 Exclusion Act, which was only repealed in 1965. Until 1965 Persons from the Asia Pacific perimeter were refused entry and again under this bill will not be able to bring their families. They have been waiting for so many years to bring their families in, and this Congress is going to exclude them again.

The rule did not permit us to offer specific amendments to this issue. This is the only opportunity to address these very, very important and egregious actions which have been taken in H.R. 2202. I cannot support H.R. 2202 because of what it does to families.

□ 1915

Mr. KIM. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have always supported strengthening families and fair treatment for legal immigrants. Many people have waited for years to be reunited with their families,while others have blatantly disregarded U.S. policy and flooded our Nation with illegal immigrants.

We must not place more restrictions on those who await reunification with their families. We must not go back on our promise to reunite the families of these law-abiding United States citizens with their parents, their children, brothers, and sisters who have waited for this day.

Mr. Chairman, in support of the integrity of our Nation, of controlling illegal immigration, and encouraging the use of correct procedures for legal immigration, I strongly strongly support the Kim amendment, and hope that my colleagues will do so as well.

Mr. KIM. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have a question. In his amendment, there is also a line at

the very end of his amendment which strikes a provision that we have put in in committee and I have fought for to make sure people who can no longer sponsor an immigrant get reimbursed the fee they paid. If they cannot get the service, they should be reimbursed the fee they paid. That is now taken out of the bill in the amendment.

I was wondering if the gentleman knew that.

The CHAIRMAN. All time has expired.

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in part 2 of the House Report 104–483.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. 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. CANADY of Florida: Amend subsection (c) of section 514 to read as follows:

(c) ESTABLISHING JOB OFFER AND ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS.—Paragraph (2) of section 203(c) (8 U.S.C. 1153(c)) is amended to read as follows:

''(2) REQUIREMENTS OF JOB OFFER AND EDUCATION OR SKILLED WORKER AND ENGLISH LANGUAGE PROFICIENCY.—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;

''(C) has at least 2 years of work experience in an occupation which requires at least 2 years of training; and

''(D) demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

Redesignate section 519 as section 520 and insert after section 518 the following new section (and conform the table of contents, and cross-references to section 519, accordingly):

SEC. 519. STANDARDS FOR ENGLISH LANGUAGE PROFICIENCY FOR MOST IMMIGRANTS.

Section 203 (8 U.S.C. 1153), as amended by section 524(a), is amended by adding at the end the following new subsection:

''(i) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—(1) For purposes of this section, the levels of English language speaking and reading ability specified in this subsection are as follows:

''(A) The ability to speak English at a level required, without a dictionary, to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, such as current events, work, family, and personal history, and to have a basic understanding of most conversations on nontechnical subjects, as shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States.

''(B) The ability to read English at a level required to understand simple prose in a form equivalent to typescript or printing on subjects familiar to most general readers, and, with a dictionary, the general sense of routine business letters, and articles in newspapers and magazines directed to the general reader.

''(2) The levels of ability described in paragraph (1) shall be shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States. Determinations of the tests required and the computing of the appropriate score on each such test are within the sole discretion of the Secretary of Education, and are not subject to further administrative or judicial review.

''(3) The level of English language speaking and reading ability specified under this subsection shall not apply to family members accompanying, or following to join, an immigrant under subsection (e).''.

Amend paragraph (3) of section 513(a) to read as follows:

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

''(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.

''(9) ENGLISH LANGUAGE PROFICIENCY REQUIREMENT.—An alien is not eligible for an immigrant visa number under this subsection unless the alien demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

In section 553(b)—

(1) in paragraph (1), strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)'', and

(2) redesignate paragraph (3) and paragraph (4), and

(3) insert after paragraph (2) the following new paragraph:

(3) In determining the order of issuance of visa numbers under this section, if an immigrant demonstrates the ability to speak and to read the English language at appropriate levels specified under section 203(i) of the Immigration and Nationality Act (as added by section 519), the immigrant's priority date shall be advanced to 180 days before the priority date otherwise established.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and a Member opposed each will control 15 minutes.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would establish an English language proficiency requirement for immigrants arriving in the United States under the Diversity Immigrant Program and the Employment-Based Classification. Under the amendment, proficiency in English would be determined by a standardized test established by the Secretary of Education.

The amendment would also establish a preference for backlogged spouses and children of lawful permanent resident aliens who demonstrate English language proficiency. Such immigrants would have their priority date advanced by 180 days.

This amendment would be an important addition to the underlying legislation. It is our common language that brings us together as a nation. As de Toqueville said, ''The tie of language is perhaps the strongest and most durable that can unite mankind.''

There is a substantial body of empirical evidence to support the proposition that there is a direct correlation between an individual's ability to speak English in America and that person's economic fortunes.

The 1990 census found that nearly 14 million Americans did not have a high level of proficiency in the English language, more than two-thirds of them immigrants.

A study conducted by Richard Vedder and Lowell Gallaway of Ohio University concludes that if immigrant knowledge of English were raised to that of the native born population, their income levels would have increased by over $63 billion a year.

In April of 1994, the Texas Office of Immigration and Refugee Affairs published a study of Southeast Asian refugees in Texas which demonstrated that among that population, individuals proficient in English earned over 20 times the annual income of those who did not speak English.

Another study which focused on Hispanic men concluded that those men who did not have English proficiency suffered up to a 20 percent loss of earnings compared with those who were English proficient.

In addition, Mr. Chairman, there are substantial costs incurred by government at all levels in providing services in languages other than English. For example, the Office of Legislative Research of the Connecticut General Assembly was able to identify over $3 million of State funds spent on providing services in a language other than English—and this amount does not include expenditures for bilingual instruction in schools.

My amendment is targeted at bringing in legal immigrants to our society who will arrive with the most important skill necessary to succeed in America—command of the English language. By focusing on the Diversity Immigrant Program and Employment-Based Classification visas, the amendment would require that immigrants fully capable of becoming proficient in English do so before coming to the United States.

The amendment also will provide an incentive to those backlogged spouses and children of lawful permanent resident aliens who demonstrate English language proficiency. We should encourage all immigrants who come to America to speak English. With my amendment, we will provide a tangible benefit to potential immigrants who can speak English—and who sometimes wait up to 10 years to enter this country—by modestly advancing them on the waiting list.

Support for an amendment of this kind cuts across the ideological spectrum of the immigration debate. Ben J. Wattenberg, a Democrat and a distinguished demographer and commentor, has written and spoke extensively in support of increasing the levels of legal immigration to the United States. In a February 1, 1993 article in National

Review, Mr. Wattenberg wrote that, ''We would do well to add English language proficiency * * *'' to our immigration laws.

Similarly, Peter Brimelow, author of the well-known book on U.S. immigration policy Alien Nation and a strong proponent of decreasing legal immigration, makes the point that an English language requirement for potential immigrants would make Americanization easier.

I suggest that when Ben Wattenberg and Peter Brimelow agree on anything having to do with immigration policy, we should pay attention. My amendment takes the important contributions to the immigration debate of these two experts and incorporates them into a fair and workable provision that will enhance our immigration laws.

Critics of requiring English language proficiency for certain immigrants or giving any advantage for English language skills argue that we might pass over the best and the brightest the world has to offer simply because they lack English skills.

In my view, it does little good for a person to be the best and the brightest if it is impossible for that person to impart knowledge in our society because of inability to communicate in our society. It is virtually impossible to think of a situation where a highly skilled immigrant, for which the employment-based classification is designed, would not have English skills or be capable of acquiring them before coming to the United States.

Mr. Chairman, we all know intuitively that to succeed in the United States, one must have a command of the English language. Our immigration policy should support this goal. Unfortunately, current immigration laws do not take this into account.

By establishing an English language proficiency requirement for immigrants who are fully capable of learning the language and providing an incentive to learn English for people waiting to be admitted, we will help ensure that immigrants are better equipped to succeed in America.

Mr. Chairman, although this amendment does not address this problem across-the-board, I believe that the amendment makes a big step in moving us in the right direction.

Mr. Chairman, I know we all share the goal of speeding the success of immigrants in our society. My amendment is an important contribution to that goal, and I urge Members to support the amendment.

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

Mr. BECERRA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 15 minutes.

Mr. BECERRA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is an important issue. It really is connected to a debate that we have been having in various other committees having to do with the establishment of English as the official language. I think this amendment probably is an attendant idea connected to that proposition.

The amendment to add an English-speaking requirement to the existing requirements for the diversity immigrant program and the employment-based program I believe is diametrically opposite to the original intent of these programs. It serves no real purpose except to pander to this wave of antiimmigrant foreigners coming to the United States, and one of the criteria that this amendment is seeking to attach to this kind of notion is if the person is not fluent in the English language.

Mr. Chairman, let me tell the Members that the specific intent of the diversity immigrant program is to expand the ability of people in underrepresented countries of origin to have the opportunity to come to the United States, not only English-speaking people but everyone throughout the world. Those that are not represented in sufficient categories coming to the United States have special opportunities through this lottery system to apply and to have the opportunity to qualify for admission.

Mr. Chairman, each year 55,000 of these persons are selected through the lottery system. They have to meet educational criteria in order to qualify. When they come in, they may also be accompanied by spouse and minor children. Mr. Chairman, the intent is to diversify the people that are coming into this country, both under the work employment classification category and also in the diversity category.

When we impose upon this idea of opening up opportunities to people of other countries than those that have applications and visas, to increase the diversity of our visa admittees to other places in Asia, other places in Latin America and Africa and so forth. When we impose this English-speaking requirement, we are eliminating wide sectors of individuals who would otherwise qualify, and render a nullity the basic concepts of diversity.

Diversity by definition means that you do not set exclusionary criteria. You want a diverse group of people coming to the United States that are sufficiently educated so they can come in, find jobs, and be well integrated, but no necessarily fluent in English as indicated in this amendment.

Mr. Chairman, to the same extent that the English-speaking requirement will impinge upon the diversity program, it also will have a very detrimental effect on the employment-based classification, extremely counterproductive to what was intended: to bring in people who are uniquely qualified in the medical, scientific, technological categories.

There are people that have come and testified and sent letters to us suggesting that this is a terrible amendment, because the kinds of people who have particular technological skills or have special competencies, may not meet the English-speaking requirement.

Mr. Chairman, I would hope that Members think seriously about the rationale of adding this kind of burdensome requirement to this special category of diversity and employment based admissions and I hope that we will defeat this amendment.

If the concern is the ability of these people to become readily integrated and become a major part of the communities, we have all sorts of ways in which this highly educated group of people can become competent once they get here, learn English, and participate as citizens in our society. Therefore, Mr. Chairman, I would hope that under all of these considerations, that this amendment will be defeated.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this amendment that would establish an English-language proficiency requirement for immigrants arriving in the United States under the diversity immigrant program and under the employment-based classification.

These are people who are coming here with the stated purpose of working here, living here, being permanent residents here, and hopefully, eventually becoming citizens of the United States of America. There are a whole host of other immigration programs in which people come in on a different basis and which this amendment would not involve at all, but these are people who live here permanently.

Mr. Chairman, I believe that it is our common language, English, that unites us and brings us together as a nation. Proficiency in English is the civic responsibility of all U.S. citizens, as well as those individuals residing in this country while seeking citizenship. Being proficient in English is an indispensable part of educational, social, and professional assimilation into our society and into our culture.

□ 1930

It is clear that we have an increasing number of immigrants entering our country, entering our society, who are not proficient in the English language. In my district in northwest Arkansas, in one school district, the Rogers school district, in the last 4 years the English as a second language program has increased from 80 students in the 1991–92 school year to 760 students this year. That is a ninefold increase in 4 years. That is just one evidence, and I think that story can be repeated over and over again across our country and throughout our society, that we have this great increase of those coming

into our country not proficient in the English language.

The Canady amendment does not solve all of those problems, but it is a start. It is narrow, it is targeted, it is modest, but it is a step, and it addresses the issue of speeding the success of immigrants in our society, a goal, I believe, that we all share.

By requiring immigrants arriving in the United States under certain programs to demonstrate a firm command of the English language, we recognize English, our common language, as part of the glue, as a component of the bond that brings us together as a people, as a society, and as a culture.

I believe that anyone who truly desires that we have immigrants in our society who are better equipped to assimilate and thrive in America, those Members of this body who want to speed the success of those coming into our society, making contributions to it, will support the Canady amendment.

Mr. BECERRA. Mr. Chairman, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Canady amendment, which would give preference to those immigrants who have proficiency in English, in effect the English-only immigrant. There is no disguising the fact that this is connected to a number of issues relating to language and language policy in this country.

I was particularly struck in that context by the remarks of the previous speaker that this amendment is circumscribed in its application and that it is a start. That is the dangerous part. If we are going to start having this kind of a policy for a very limited group, but we frame it in the discussion of language policy for the country and we talk about it as just being the start, well, one wonders what is remaining.

This amendment is a prime example of all the contradictions in this immigration reform bill. Earlier we were told that this bill would make it easier for spouses and children to be reunited even though the number of visas are going to be slashed by 240,000. Then in the Kim amendment we are told that adult children and siblings of legal immigrants may be eligible for unused visas in other categories, such as employment-based visas, even though very few could qualify under the strict employment-based criteria. It was an amendment meant to go nowhere.

Now we are told that every child, or even if a child or sibling could do all that, we find in the Canady amendment a new hurdle, one that is weighted clearly in favor of European immigrants at the expense of Latin American countries, Asian countries, African countries, where there are other vibrant and equally intelligent languages at work. We all know what the practical effect of this amendment will be on the diversity program.

When the last major attempt at immigration reform in the 1920's moved away from ethnically and racially based immigration reform, we were all happy and we all endorsed that. However, this particular amendment is in effect a backdoor attempt that introduces an ethnic element into the discussion of immigration policy.

We all know what the underlying motive is for English requirement proposals, and it clearly is not economic. You want immigrants that sound like you because chances are they are going to look like you, too. If you want to separate families, let us have a straight-up vote on that. If you want to favor certain European countries, let us have a straight-up vote on that. But let us stop claiming to be pro-family and nondiscriminatory in these proposals.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

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

Mr. Chairman, this issue of the English language has become more and more pronounced in our country in the last number of years, but basically it has always been an issue ever since the founding of this country. The wonderful blessing that we have had is that we Americans are people from every corner of the globe, every religious, every ethnic, every linguistic background, but we are one Nation and one people. Why? Because we have had a wonderful commonality, a common glue. What? It is called the English language.

We are losing that today to a large degree. One out of every seven Americans does not speak English. Basically, as I interpret this amendment, what this amendment is saying is this: That we are giving immigrants an incentive to learn the English language. That is not only helping our country keep it one Nation, one people, but it is also helping the immigrants that are coming to our shores.

How can a person climb the ladder of opportunity in America today, in the United States if they do not have a good foundation in the English language? All the want ads, the CONGRESSIONAL RECORD, newspapers, everything is in English.

I think by giving people an incentive to learn English when they come here, it is really helping the immigrant. It is not only helping our Nation as a whole but it is also helping the immigrant.

For 200 years when people came to these shores, they adopted English as the language. Even in our own household, in our own State, people may have spoken one language at home but when they worked with the government, when the youngsters went to schools, it was all done in English. It has been a historical tradition here in America.

Thanks be to God that it has been because we have been able to keep this Nation one country and one people. Take a look all over the world what has happened. Take a look, for example, at Quebec in our neighboring country of Canada.

Mr. Chairman, I have been involved in this because I am concerned about what is happening to America. I think that America is splitting up into groups. I do not want to see that happen. I want to keep this one Nation, one people. Woodrow Wilson in 1918 said that as long as you consider yourself a part of a group, you are not really American, because America is not a nation of groups. America is a nation of individuals.

So we want people, immigrants and others, of course, to assimilate, to become part of this country. The way we do that, one of the wonderful melting ingredients in the melting pot is the English language.

I think that this is a good amendment. It not only helps the individual but also helps our country.

I am sure that everyone in the Chamber has read ''One Nation, One Language?'' recently in U.S. News. It is becoming more and more of an issue. It talks about the people who have not assimilated, who have not adopted English, and the tough time they are having.

I think that the gentleman's amendment is a praiseworthy amendment and one that I hope the Chamber will vote for.

Mr. BECERRA. Mr. Chairman, I yield myself 1½ minutes.

It is unfortunate that more Members of this body were not able to attend or chose not to attend a recent citizenship swearing-in ceremony that was held here in the Capitol. I believe that was the first time in the history of this Nation that we had a citizenship swearing-in ceremony held here in the Capitol of this country. I am surprised to learn that, but I think that is in fact the case.

We had over 100 people from over 40 or 50 countries come to this Capitol and take the oath saying that they are committing themselves as U.S. citizens, they are relinquishing their previous citizenship, and they are binding themselves to this country. I must tell the Members that a number of those people probably still cannot communicate extremely well in English but, by God, I must tell you, you look at the faces of each and every one of those people and not a one of them would have said to you that there was a prouder American in this country at that time.

To believe that there are people in this country who are saying, ''I wish to legally emigrate and become a lawful permanent resident of this country,'' in essence saying, ''I want to permanently reside here,'' and believe that these are folks that are saying they do not wish to learn English I think is myopic. I do not believe that we can really claim that we are interested in what the Statue of Liberty has always stood for if we take that type of position.

Even more to the point, this amendment deals with those immigrants who are coming in based on employment offers from a firm in this country or those who are coming in from countries where we see smaller numbers of people emigrating, so we want to make sure that there is diversity in the pool of people that come into this country. To believe that someone who wishes to get employment and has an offer of employment is not interested in learning English, to me really seems very contradictory to what the initiative of that individual is. The diversity requirement, we want to make sure we get folks from everywhere. This amendment makes it almost impossible.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself 2 minutes.

Let me read some of the language from the bill which makes very clear that this requirement is not an onerous requirement. Here we are talking about demonstrating the ability to speak English at a level required, without a dictionary, to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, and to have a basic understanding of most conversations on nontechnical subjects. Also, the ability to read English at a level required to understand simple prose in a form equivalent to typescript or printing on subjects familiar to most general readers.

This is not an onerous requirement. Also, I think it is important for us to understand that this applies only to those individuals coming in the employment-based classification and under the diversity program who will be permanent residents here. These are people who are coming to live in this country and to stay.

There are a variety of classifications under which nonimmigrant visas can be issued to people for business reasons. We have temporary visitors for business; registered nurses; alien in a special occupation; representatives of foreign information media; intracompany transferees of an international firm; aliens with extraordinary ability in sciences, art, education, business or athletics; artist or entertainer in a reciprocal exchange program; artist or entertainer in a culturally unique program; and a variety of other nonimmigrant visa categories that allow people to come in for a limited period of time for a particular purpose.

We are focusing here on people that are going to be coming to this country to stay. Furthermore, with respect to the employment-based classification, we are talking about people who start a process that in most cases is going to take a couple of years before they are ever going to get the visa to get in. I believe that from the outset of that process, if they are on notice that they need to be proficient in English, they have an opportunity before they come here to develop that skill so they can come here and become part of our society and make a contribution from the very start.

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

Mr. BECERRA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I want to pose a question to the gentleman from Florida.

Is there some report or some evidence or some indication that we have a problem with immigrants in these categories coming over here and refusing to learn to speak English? Because you describe them as people who are coming here to stay. If they are coming here to stay, they better become a citizen and they cannot become a citizen unless they learn to speak English.

So what is the origin of your concern?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The evidence that we have is not broken down by specific categories, but we know that there are 14 million Americans who do not have a high level of proficiency in English.

Mr. BRYANT of Texas. Are these immigrants?

Mr. CANADY of Florida. Two-thirds of those are immigrants. That is based on the 1990 census.

□ 1745

Two-thirds of those without the high level of proficiency in English are immigrants. Not all of them, but two-thirds.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, they presumably are on a track toward citizenship, and you cannot become a citizen unless you learn to speak English. My point is we have historically required of everyone who becomes a citizen English proficiency. This is the first time I have ever heard about a proposal that says you cannot come in the door unless you already speak English in these categories. There is no evidence, nobody has come forward and said this is a problem. We have had no hearings that indicated this is a problem. This is sort of out of the blue.

Mr. CANADY of Florida. If the gentleman will yield further, it is a demonstrated problem. We have 14 million people in the country, two-thirds of which are immigrants, who cannot speak the English language. We have heard evidence of school districts where the number is going up among children who need instruction in English as a second language. There is an increasing problem. Now, I do not suggest this is going to solve the whole problem, but I believe it is a step in the right direction.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, I would just point out of these people, these figures you are using of these people, they are not going to be in this category that your amendment applies to anyway, No. 1.

No. 2, the fact is, we have got no evidence indicating that there is a problem with regard to this category of immigrant. They come into the country and they immediately start trying to learn how to speak English. You probably heard the figures a moment ago, but the Department of Education reports there are 1.8 million people in this country in English as a second language classes. In New York City, 35 community colleges, 14 CBO's, community based organizations, are offering English as a second language, and there is a waiting list of 18 months. It is the same with Los Angeles, and I know it is the same situation in my own city of Dallas. It is not like the people are refusing to learn to speak the language.

I just say to the gentleman that you are just continuing to invent these things, to bring them up, and really I think this is for this purpose of raising an issue everybody is concerned about, and that is English in the country, as opposed to addressing the practical concern, because there is just no evidence that people in these categories are coming here and refusing to speak English.

They are described by the gentleman from Florida [Mr. CANADY] as the category of immigrant that comes here and plans to stay. That is true. You cannot stay unless you learn to speak English. So what is the point in making them learn to speak English before they get here?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will yield further, obviously they can stay without learning to speak English. We have many people who do not become citizens. That is the problem.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, the gentleman described these people himself as people that are going to stay here if they come, because that is the nature of the immigration category. If that is the case, they have to learn to speak English.

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will continue to yield, that is not true, because they do not have to become citizens. We have many people who are coming and staying, not learning English, and not becoming citizens. I do not think that is good for them or good for our country. We should be moving people into citizenship as quickly as possible.

Mr. BECERRA. If the gentleman will yield, we have to remember, we are talking about a category of immigrants, especially those under the employment-based category, that are coming here to secure jobs. These are jobs that have been offered to them by employers here in the United States. What are the chances that these are individuals who wish to never learn English, knowing that they are coming

here because a job has been offered to them? My goodness.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, to address the question my friend from Texas raised, the question I think can be asked, what harm would this amendment cause? The amendment would cause no harm. I think that we do have a problem. We do have a problem today with English. We do have a problem that our country is breaking up into linguistic groups.

I was on a call-in show in Canada, and one of the people called in and said, ''Don't you Americans realize how fortunate you are to have this one language, this commonality? Look what is happening here in Canada, where they are tearing the heart out of our country. Yet in America, you have hundreds of little Quebecs.'' I think that is clear.

Mr. BECERRA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, the gentleman said what harm would the amendment cause? That is not the right standard. The question is, Do we have some reason to indicate we need this?

The harm is simply this. The diversity program, in my opinion, is a bad program anyway, because it is really a scheme to let a lot of white folks into the country, because some folks do not like it if there are a lot of people coming in from Asia and the Hispanic areas of the world.

Now, that is not your amendment, that is not your fault. That was put in the bill in 1991, and the law in this bill carries it forward. This amendment that the gentleman is putting in here is going to guarantee that nobody comes in under that category, except the very nondiverse group, and that is principally folks from Ireland, folks from England, and so forth like that. I suggest to you it does not solve the problem at all. These people are going to learn to speak English as soon as they get here.

Mr. CANADY of Florida. Mr. Chairman, I yield myself 30 seconds.

The points that the gentleman has been making I believe support the position we are taking. The people that are going to be affected by this in the business classification, the employment-based classification, are the very people that will have the easiest time complying with this requirement.

The fact of the matter is, most of these people wait for a couple of years before they enter the country, and all we are saying is they should take advantage of that opportunity during that period of time that they are waiting to become proficient in the English language, to prepare them better for becoming full participants in our society from the day they arrive in this country.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the distinguished Speaker of the House.

Mr. GINGRICH. Mr. Chairman, let me just say to my colleagues, I think the gentleman from Florida [Mr. CANADY] has offered the sort of perfect minimum amendment. Here is what it basically says: It says that there ought to be an incentive to learn English by moving up the priority for people who learn English. It says that English is a language American citizens should know.

Now, I would suggest to you that America is a unique country held together in part by its culture. This is not like France or Germany or Japan. You are not born American in some genetic sense. You are not born American in some racist sense. This is an acquired pattern. English is a key part of this.

I read recently you can now take the citizenship test in a foreign language administered by a private company, so you never actually have to acquire any of the abilities to function in American civilization, and as long as you can memorize just enough to get through the test in your native language, you can then arrive. It seems to me that is exactly wrong.

The fact is we have to begin the process. Look at Quebec. Look at Belgium. Look at the Balkans in Bosnia. We are held together by our common civilization and our common culture. English is a key part of that. This is the narrowest, smallest step of saying to be an American you should at least know enough English to be able to take the test in English to be a citizen.

I would simply say to all of my colleagues, this is the first step in what is going to be a very, very important debate over the next few months. I would urge every one of my colleagues to look at the Canady amendment with the greatest of favor, because it takes the right first step and says we want you to be legal citizens. We are eager for you to come to America. We are eager for you to have your citizenship. But learn English so you can get a job and you can function in American society, and you can truly be part of the American way of life.

Mr. Chairman, I just commend the gentleman for having the courage to take this and offer it. I urge all of my colleagues to vote ''yes'' on the Canady amendment.

Mr. BECERRA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 1 minute.

Mr. BECERRA. Mr. Chairman, if I can just say to the Members who are here and to the Speaker, who just finished with his remarks, all you have to do is go to the community colleges, the night schools for adults, the community-based organizations that are doing this at their own cost, and you will see that every night the rooms are filled with people trying to learn English. They are turning people away. There are 18-month wait lists. There are 50,000 people being told you will have to come back at a later time, because they are trying to learn English.

It so happens that this Congress chose to cut funds for English as a second language for those who are trying to learn English. Make sense out of that.

What we see is that for the first time in this Nation since 1924, we have an amendment on immigration that would give a preference to a certain group of people, and what we are doing is we are limiting, we are crunching, we are narrowing those who can come into this country. With this amendment what we are saying is we really only want those who sound like us, who can speak like us, and it is unfortunate, because for the longest time and through this diversity program that is being attacked, we are trying to make sure that we give folks from every part of the world a chance.

Unfortunately, this amendment will make it difficult. This amendment will deny the employers an opportunity to hire somebody they definitely need because of the high skill level that person brings with them, and it is unfortunate. What we see is we are turning this all around. People are starving, yearning to learn English, and here we see a Congress saying ''Yeah, you may be, but we don't believe you. We are going to stop you from ever coming into these doors to prove it.''

That I think is the wrong message to send those yearning to come to this country to provide us with their skills, their benefits, and make this a better country. That is not the history of this country. We should reject this amendment for that reason.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the Canady amendment to require English proficiency for immigrants arriving under the diversity immigrant program and under the employment-based classification. Never before has English proficiency been required of immigrants, and it is not necessary now. Immigrants who come to this country are strongly motivated to learn English, because they know that their economic livelihood depends upon it. Immigrant parents instill in their children a pride in their native culture but they also encourage their children to learn English because as parents they know too well that their children's educational and employment opportunities will hinge on their ability to master the English language.

We have seen that there is an enormous demand for English classes. Nationwide, English-as-a-second-language classes serve 1.8 million people each year. In fact, immigrants are very motivated to learn English as they even wait on waiting lists for ESL classes.

I worry that this amendment will have a discriminatory effect as a back-door way of excluding certain groups of immigrants such as those from Spanish-speaking countries, as well as from Africa and Asian countries where the native language is not English. In 1990, Congress rejected a similar proposal that would have given preference to English-speaking immigrants in the diversity lottery because of concerns that the amendment was

designed to favor immigrants from certain parts of the world over others.

Furthermore, I believe that this amendment is not favorable to the interests of business in this country. Employment-based immigration is designed to allow businesses to bring in limited numbers of highly skilled workers. If the employer believes that a future employee has the skills to do the job, the Government should not impose additional requirements.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Canady amendment, which would require English proficiency for certain immigrants.

Americans all share a common set of ideas and values. It is the common belief that common goals rather than a common language bond us together.

To insist that a common language be a prerequisite for entry into our country is unnecessary. Immigrants realize that learning English is imperative and are not reluctant to do so. In Los Angeles, the demand for English as a second language class is so great that some schools run 24 hours a day. Current generations of immigrants are learning English more quickly than those of previous generations.

This amendment sets up a system to exclude certain groups of immigrants. It contributes to an atmosphere of intolerance for diversity. I urge my colleagues to oppose the Canady amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. CANADY].

The question was taken; and the Chairman announced that they ayes appeared to have it.

Mr. BECERRA. 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. CANADY] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 17 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. 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 New Jersey: In section 521 (relating to changes in refugee annual admissions), strike subsection (a), and in subsection (c) strike ''subsections (a) and (b)'' and insert ''this section.''

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and a Member opposed will each control 15 minutes of debate time.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many of us are supporting numerous sections of the bill before us because it is time to crack down on illegal immigration. It is therefore ironic and I believe very unfortunate that the very deepest cuts imposed by the bill as presently written is not on illegal immigrants, it is not even on legal immigrants, but it is on refugees.

Refugees would be cut from an authorized level of 110,000 last year to 50,000 in 1998 and succeeding years, a reduction of 55 percent, compared to less than 25 percent for other legal immigrants.

Mr. Chairman, the refugee cap would be a dramatic departure from U.S. human rights policy. As chairman of the Subcommittee on International Operations and Human Rights, the committee that has prime jurisdiction over our refugee policy, and also over the budget from the authorizing level perspective, and also over human rights in general around the world, I would submit that it would be a tragedy and just plain wrong to slash refugee admissions to the United States and to depart from what is now the current law adopted back in 1980 of an annual consultation between the Congress and the executive branch to prescribe the correct number of admissions for that year.

Our first refugee laws were enacted just after World War II, when it became clear that we had effectively sentenced hundreds of Jewish refugees to death by forcing them back to Europe. The most dramatic instance was the voyage of the St. Louis, many of whose 1,000 passengers died in concentration camps after being excluded from the United States in 1939.

Let us be very clear about what we are talking about. The four largest groups of refugees admitted to the United States are all people who are in deep trouble because they share our common values about human rights and freedom: First, Jews and evangelical Christians and Ukrainian Catholics from the former Soviet Union. There has been a lot of talk about how these people are not really refugees. But my subcommittee and also the Commission on Security and Cooperation in Europe, which I also chair, has held several hearings on the resurgence of repression aimed at people of faith and people who, just because they are Jews or Christians or evangelicals, find themselves at the wrong end of their government.

Mr. Chairman, those hearings made it crystal clear that it is not the time now to stop worrying about resurgent anti-Semitism and ultra-nationalism. The communists may be back in power. We heard from Mr. Kovalev, Yeltsin's human rights leader, but sacked because of his criticisms in Chechnya. Just a couple of weeks ago, he came to our commission, he is still a member of the Duma, and he said within 6 months democracy could be lost in Russia. Recently the President of Belarus stated that modern governments had a lot to learn from Adolf Hitler.

□ 2000

Second, Mr. Chairman, are old soldiers and religious refugees from places like Vietnam. These are the people who served years in reeducation camps for their pro-American and pro-democracy activities. There are many thousands of them still in the pipeline, but the proposed refugee cap would effectively require that the Vietnamese refugee program be shut down.

I have been to the camps in Southeast Asia and looked into the eyes of these people who fought with us in Vietnam. Yet, they are on line to be forcibly repatriated, minimally the cap keeps open that possibility of bringing them here or to some other country of asylum. These people are our friends and they are our former allies. They risked their lives for freedom, and Americans do not abandon those who risk their lives for freedom.

Mr. Chairman, the next largest refugee groups are victims of ethnic cleansing, in Bosnia, in the few thousand refugees again, mostly political prisoners, and persecuted Christians who we managed to get out of Cuba every year. The refugee camp would almost certainly require cuts in these groups as well.

Opponents of this amendment complain that refugees cost money. Well, everything costs some money. But again we are talking about a humanitarian pro-human rights policy that helps those who are fleeing tyranny, who have a well-founded fear of persecution. We ought not remove the welcome mat to these very important people.

Mr. Chairman, finally, this amendment is backed by a whole large number of individuals and organizations, like the United States Catholic Conference, the Council of Jewish Federations, the Lutheran Immigration and Refugee Services, the Hebrew Immigrant Aid Society, Church World Services, the U.S. Committee for Refugees, Americans for Tax Reform, the Family Research Council, and the list goes on and on. I urge support for this amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] is recognized for 15 minutes.

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

Mr. Chairman, let me say to my colleagues that I actually rise in reluctant opposition to this amendment, and my opposition is reluctant for two reasons. First of all, I know that the proponents of the amendment are well intentioned. Second, I know that we share the same goals, and that is a generous level of admission for refugees. But still, in my judgment, Congress should set the level of refugee admissions. The bill ensures that Congress, not the White House, sets refugee admission levels that are responsive to humanitarian needs and that serve the national interest.

To me this amendment in many ways is the equivalent of Congress saying

that we do not trust ourselves with the responsibility of setting those refugee admission levels and that only an administration, regardless of whether it is a Republican or Democratic administration, could handle the responsibility.

The bill also gives the President acting in consultation with Congress, though, sufficient flexibility to meet emergency humanitarian situations by admitting additional refugees. The bill sets refugee admissions at a target level of 75,000 in fiscal year 1997 and 50,000 per year thereafter. Under current law, refugee admissions are set by the President with minimal impact from Congress.

Under the bill, the target level may be exceeded either if Congress approves a higher level or if the President declares a refugee emergency. Based on administration projections of future refugee resettlement needs, the bill will not result in a reduction of refugee admissions. The administration projects that refugee admissions will be 90,000 this year, 70,000 in fiscal year 1997, and 50,000 in fiscal year 1998, which is almost exactly in line with what the bill has as its targets.

In fact, in one of those years the bill actually has 5,000 refugees more than the administration recommends. The refugee provisions in H.R. 2202 also follow recommendations of the bipartisan commission on immigration reform chaired by the late Barbara Jordan. Given the positions of the State Department and the Jordan commission, the bill reflects a consensus on the need for permanent resettlement of refugees into the United States.

Mr. Chairman, current refugee admissions consist primarily of refugees admitted through special programs operating in the former Soviet Union and in Indochina. Of the 90,000 refugees who will be admitted this year, 70,000 will come from just those two resettlement programs. Since these programs are due to phase out soon in the next couple of years, the targets contained in the bill will ensure that refugee admissions do not drop below historically generous levels.

H.R. 2202 creates a new category in immigration law that allows 10,000 visas to be granted every year to those who do not qualify for refugee status but whose admission is of a humanitarian interest to the United States. Congress should get back into the business of setting refugee admission levels. We simply cannot afford to continue to give any President unfettered discretion in determining refugee policy.

Let me conclude, Mr. Chairman, by emphasizing two points. The first is that we are not really talking about any difference in numbers. Both the bill, the commission on immigration reform, and the administration through its State Department, have all recommended the exact same levels concluding 2 years from now in a level of about 50,000. So numbers are not the issue. We all know what the numbers are going to be.

The second point is that the real question is who gets to decide. Should it be the President alone? Or should Congress have a role in determining our refugee policy? Historically, Congress has always had a role in setting immigration policy. Quite frankly, under the Refugee Act of 1980, Congress is supposed to have an equal role with the President, with the administration, in establishing refugee policy. We know that is not the case, that consultation procedures that we now go through have in effect become a situation where the administration dictates to Congress what the refugee levels will be.

So the whole point of this amendment again is to guarantee that we have generous levels of refugee admissions. In fact the commission on immigration reform said in testimony before the Subcommittee on Immigration and Claims that the reason they recommended the target of 50,000 is because they were afraid that if we did not have a target of 50,000, the levels would drop below that 50,000. For example, as I have already explained, 70 of the 80,000 refugees expected this year are in two categories that are soon to expire.

So the motive behind the bill again was to continue a generous level of refugees in accordance with the projects by the State Department and the recommendations of the Commission on Immigration Reform.

Again, the second point is that I think that Congress does have a role to play when it comes to setting refugee policy, and that is why I have to say that I reluctantly oppose this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF]. He is one of the cosponsors of this amendment.

Mr. SCHIFF. Mr. Chairman, I appreciate working with the gentleman from New Jersey in putting together this amendment.

Mr. Chairman, I want to say first that even though I am offering an amendment to this bill, I want to express my personal appreciation to the gentleman from Texas [Mr. SMITH] who is the sponsor of the bill. This is the first attempt to look at our immigration laws in 10 years, and I think that it is something that is obligated to be done by the Congress.

Mr. Chairman, it is obviously something that is not easy to do. All of the Members of the House and all of the public watching us know what difficult issues and questions we have to review and resolve here in this issue, and we are here because of the leadership of the gentleman from Texas [Mr. SMITH] on this bill. I want to add also that although there is always room for legislation, there is always room to consider new laws, I have become convinced that in the area of immigration, along with numerous other areas, the real solution ultimately is enforcing the laws that are already on our books.

Mr. Chairman, I am informed that a significant percentage of those people in the country illegally at this time entered legally. They entered on student visas or tourist visas or some other legal way of entering the United States and simply would not leave when their time expired. We have such a poor system of keeping track of these individuals that basically they stay with impunity and ignore our laws, just as much as people who enter illegally in the first place. A portion of this bill would try to improve our system in terms of keeping track of these individuals. But I think that if we simply are able to more efficiently enforce laws we have, we will go a long way toward solving the immigration problems that have been identified.

Mr. Chairman, I want to speak in favor of this amendment. This amendment would eliminate the new refugee process that is placed in the bill. Currently, the refugee limits every year are set in a consultation process between the President and the Congress. The bill would change that to making the figure whatever it is set in statute, so that it could only be changed by law. Congress must pass a bill, the President must sign the bill. Otherwise, there can be no change in the figure, upward or downward, for refugees regardless of the world situation. We would have a fixed figure virtually forever.

The reason the provision is in the bill to change the refugee system is that the bill argues that the consultation process could be abused. In other words, the administration, Republican, Democrat, or Independent, could say these are the figures and we will just pretend to have consultation about it, but we are not going to change. Therefore, that is the justification for changing the process to a statute.

Mr. Chairman, there is no serious allegation that the consultation process has been abused. There is no allegation that the refugee figures set over the last number of years and then distributed among various countries was not the proper setting of the refugee figures and the allocation among the different countries which have refugee problems at this time. In other words, we are changing the law because of a hypothetical problem that could exist in the future but no one has demonstrated it has existed yet.

Mr. Chairman, in my judgment, I hope we never reach such a problem. If we do, if the consultation process is ever abused, then I would have to say we should, at that time, consider the provision in the bill. At the present time, what we are doing is stratifying the system. We are taking the refugee number, we are setting it in granite. We cannot raise it. We cannot lower it unless we actually have literally an act

of Congress, and signed by the President. I think that is too much rigidity that is unnecessary at this time and, therefore, that is why I am supporting this amendment to keep the consultation process, because I think it has worked as it is supposed to have worked in the years past.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Smith-Schiff amendment. Not too long ago, the Congress of the United States established a U.S. Commission On Immigration Reform, or CIR. It was a very distinguished panel. They have made their recommendations to the Congress. Among the more active members of that Commission was our late distinguished colleague from Texas, Ms. Barbara Jordan. I think that we should pay attention to what they recommended.

Mr. Chairman, here are the most important recommendations, and they are consistent with the legislation coming from the committee. The United States should allocate 75,000 refugee admission numbers in 1997 and 50,000 admission numbers each year thereafter to the entry of refugees from overseas not including asylum adjustments. Second, they said other than in an emergency situation, refugee admissions could exceed the 50,000 admissions level only with the direct and affirmative participation by Congress. That should occur instead of the current, and I think very ineffective, consultation process that actually works today, or does not work.

Third, in the case of the emergency, the President may authorize the admission of additional refugees upon certification on the emergency circumstances necessitating such action. The Congress may override the emergency admissions only with the two-House veto of the Presidential action. That is what the Commission has recommended. The legislation before us, if we do not amend it, implements those kind of recommendations.

Mr. Chairman, some time ago, there was a story about a very high official of the United States visiting with a very high official, the highest, of the People's Republic of China, and they were talking about Jackson-Vanik. Jackson-Vanik relates to immigration issues. The story goes that we were querying the Chinese about whether immigration was possible from their country, and they said, how many would you like? Would you like 5 million, 10 million, or 15 million Chinese a year? No problem.

Mr. Chairman, now we have a very interesting kind of process underway today where some people are trying to suggest that refugee status should follow what is alleged to be, by a person, coercive abortion practices. Now, if that happens, I want to ask my colleagues, how many refugees do you think we will have in this country from China alone or from any place else that allegedly has these kind of activities, or which has them in some parts of their society? Do we expect to have 2 million, 3 million, 4 million? What is going to be the limit of the refugees we have coming in under that kind of situation?

Mr. Chairman, I want to remind my colleagues about three very important points here. First, the provisions of this act that is before us today are consistent with the recommendations of the congressionally mandated U.S. Commission on Immigration Reform.

Second, they place Congress in control of determining U.S. refugee policy. Currently, the administration, I will say, unilaterally sets the numbers with very minimal congressional input.

Third, the legislation before us provides sufficient flexibility in the legislation to allow the administration to increase admission numbers in an emergency, which is defined, or for Congress to take action to increase the numbers in any single year.

□ 2015

That is what is in the bill now. That is what the Smith-Schiff amendment eliminates.

My colleagues, I am urging that we stick with the Commission. It was a legitimate effort. It was conducted by very distinguished Americans. They made their best recommendations, and in this area I think the burden of proof should lie on those that want to reject the amendments of the Commission.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER], one of the cosponsors of the amendment.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the arguments have been made quite well. Let us make no mistake about this. First of all, let us distinguish between refugees and asylees. There has been a good deal of abuse in the asylum process. We have tried to fix that in this bill. In fact, it has been fixed almost too far, from my judgment, and that is one of my regrets about this bill.

But refugees are the people not only who have been persecuted, but who have waited on line. They have not tried to come hear illegally. They cannot claim refugee status here. They wait and wait and wait, oftentimes risking political persecution, torture and everything else until the time is for them to come hear.

So these, if there was ever a meaning to the Statute of Liberty, it is in the refugee allotment. The refugees who come are those who have a well-founded fear of persecution, are those who have waited in line a long time and are those that make the fact that we accept them, makes America the beacon that it is to citizens who cannot point to us on map, who do not know English, but around the world it brings us an aura of goodness, an aura of doing the right thing, an aura of being the hope and the last great hope of the world, as a poet said, more than anything else.

The benefits to America are beyond the benefits that so many refugees have contributed in terms of science and the arts. The benefits are that around the world we are looked up to as the best country. That is a benefit we should not throw out lightly to reduce a number by 30,000 or 40,000.

I dare say, talk to business people, and diplomats and people like that. They will say the benefits come back economically because we are so well thought of for this small amount of people that we take in.

So, while I certainly agree that immigration must be reformed, cutting back on refugees beyond what is in the present law goes way too far, and I would urge respectfully that my colleagues support the amendment that Mr. SMITH, the gentleman from New Mexico, Mr. SCHIFF, myself, and the gentleman from New York, Mr. GILMAN, have sponsored.

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

I just want to respond briefly to my friend from New York and repeat what I said awhile ago, that the bill, as it stands right now, does not cut or is not expected to cut the levels of refugees. The State Department, the Commission on Immigration Reform, and the bill all have projected levels that have virtually the same; that is, 50,000 in 2 years.

So the intent was not to cut any refugees, and in fact the Commission on Immigration Reform recommended that we have a level of 50,000 in there so that we would not go below 50,000 when the two resettlement programs now in operation expire.

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

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise today as a cosponsor of this worthy amendment to the Immigration in the National Interest Act. I am distressed by H.R. 2202's treatment of section 521, which would limit annual refugee admissions to 50,000 by the fiscal year 1998.

Most of my colleagues will recall that the gentleman from New Jersey [Mr. SMITH] recently held a hearing on the persecution of Jews worldwide. That testimony vividly demonstrated that anti-Semitism is still rampant in the former Soviet Union. It is expected to get much worse with the rise of reactionary forces throughout the republics. Attacks on synagogues and grave sites are on the rise again. Men and women have been beaten by gangs and skinheads.

In just as ominous a sign is the Russian Duma voting overwhelmingly to condemn the 1991 decision to break up the Soviet Union.

We all know the public policy cannot be altered quickly enough to meet the challenges in the suddenly changing world. What would opponents of this amendment suggest if a new regime in Moscow sanctions discrimination against its minorities, that we ask Russia's new leaders to wait until we repeal our refugee ceiling before they persecute Jews or evangelical Christians or other minorities.

Mr. Chairman, if we had a refugee policy that was engineered to meet the needs of persecuted peoples in 1939, there would not have been the tragic ending of the voyage of the *St. Louis*, where hundreds of Jewish passengers died in concentration camps after they were excluded from entering the United States.

Refugee policy is not any social or economic concern. It is a question of morality.

Accordingly, Mr. Chairman, I urge my colleagues to support the Smith-Schiff-Gilman-Schumer-Boucher-Fox amendment to H.R. 2202.

Mr. SMITH of Texas. Mr. Chairman, I yield 1¼ minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in support of the Smith amendment.

History has shown us what happens when the United States closes its doors to the refugees of the world.

In 1939 930 Jews fled Nazi Germany for Cuba on the ship the St. Louis. Although the refugees had valid visas, the Cuban Government refused to let the St. Louis dock when it arrived in Havana. From Havana the St. Louis sailed to the United States. Sailing close to the Florida shore, the passengers could see the lights of Miami. But the United States Government refused to let the refugees land—because we had a refugee cap. U.S. Coast Guard ships even patrolled the waters to ensure that no one on the St. Louis swam to safety.

So the passengers of the St. Louis were forced to return to Europe—where they were sent to the Nazi death camps and murdered.

This incident is a blight on our Nation's history—and it must never happen again.

Mr. Chairman, innocent people die when the United States closes its doors to refugees. The United States must always be a safe haven for persecuted victims.

I urge you to strike the refugee cap that is contained in this bill. Support the Smith amendment. Lives depend on it.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, as one of the three Democrats who voted for H.R. 2202 in the Judiciary Committee, I rise in strong support of this bipartisan amendment which would eliminate the cap on refugee admissions to the United States. The United States has historically played an important role in addressing the needs of persons from other countries with a well-founded fear of persecution and I believe the United States should remain sensitive to levels of international refugee migration. This is not to say that this policy should be open-ended. The current process for setting refugee admissions, determined annually by the President in consultation with the Congress, is restrictive yet flexible. It allows for the President and Congress to adjust to international conditions that are continuously changing.

The United States has been a leader in humanitarian and foreign policy, and legislating a cap on refugee admissions would send the wrong message to nations that share the responsibility for the world's refugees. I believe the current process in which the Congress has an opportunity to participate is the most responsible and I urge my colleagues to vote in favor of this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia [Mr. WOLF] a tenacious fighter for human rights who has been to the Sudan, People's Republic of China, Romania. He has been in prison camps. No one has fought harder on behalf of persecuted Christians, Jews, and others.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in very strong support of the Smith amendment. I want to thank the gentleman from Texas [Mr. SMITH], and his cosponors. The adoption of this amendment will help so many people who do not even know today that they are going to be in need of this amendment. So I take my hat off to the gentleman from Texas [Mr. SMITH].

There is tremendous presecution still going on. Anti-Semitism is alive and well all over the world, in the Middle East and in Russia. In fact, as it has been said, in Russia they are not privatizing anti-Semitism in Russia. The persecution of Christians in the Middle East, the persecution of Christians around the world, the persecution of Christians in China, the persecution of Christians in Vietnam, in fact, is the issue that this Congress will have to deal with in the next Congress. It is the persecution of Christians that is going on around the world; and this administration and this Congress, but for tonight, has been silent on this issue.

As the gentleman from New York [Mr. SCHUMER] said, this is what America is about, is a fundamental major moral issue, and quite frankly, in many respects the world is more dangerous today and more turbulent with more wars and more persecution going on than almost any other time, and perhaps this is needed more now than it was even back in the 1980's or any other time.

So I want to commend the sponsor of the amendment. I hope and pray that this thing passes overwhelmingly because the number of people unfortunately, unfortunately that will need this amendment, will be more than we will ever realize, and I strongly urge, hopefully, almost a unanimous vote for the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] has 3 minutes remaining.

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

Ms. PELOSI. Mr. Chairman, I rise in support of the Smith-Schiff amendment, striking the provision which cuts refugee admissions.

The 50,000 refugee cap is a drastic, arbitrary reduction that will cut annual refugee admissions in half. This extreme cap represents less than half of our country's current admissions.

This is an unfair and unnecessary provision. The cap would severely limit the flexibility of the U.S. refugee system to respond to unpredictable humanitarian crises. For example, the administration set aside 2,000 refugee admission slots for Bosnians, many of which were filled by women who had been systematically raped by Serb forces. There are atrocities occurring throughout our world that cannot be factored accurately into a fixed number of refugee admissions.

Women and children constitute 80 percent of the world's refugees. This cap would have a tremendous negative effect on these people fleeing from danger and persecution.

If this provision is passed, the United States will be sending a clear signal to the international community that it is backpedaling from its commitment to refugee protection.

I urge my colleagues to exercise their compassion for the world's refugee population and vote for the Smith-Schiff amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. 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. DREIER: After section 810, insert the following:

SEC. 811. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Resettlement in a manner that ensures that each qualifying county shall receive the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not more than 60 months prior to such fiscal year.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DREIER] and a Member opposed, the gentlewoman from Florida [Mrs. MEEK], will each be recognized for 5 minutes.

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

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

We are about to embark upon 10 minutes of action-packed debate on a very important issue. The amendment I offer today seeks to provide for fair distribution of targeted refugee assistance. The Targeted Refugee Assistance Program [TRAP] provides aid to counties with high concentrations of refugees that suffer from high welfare dependency rates. This Federal assistance is needed to help those refugees achieve economic independence.

Congress appropriates nearly $50 million annually for this program. However, currently over 40 percent of this aid goes to just one county with only about 7 percent of all those eligible refugees. This concentration of resources means that every other participating county nationwide must pick up the added cost of training refugees to get them into the work force or providing them social services.

Mr. Chairman, the existing earmark dates back over a decade and was intended to ease the resettlement of refugees who arrived in 1980. Advocates of the current distribution may argue that certain areas of the country are dealing with communities that remain especially difficult to make self sufficient. But the parameters of the TRAP program set this as a requirement for every county that participates.

The regulations governing the award of assistance state that the services funded are required to focus primarily on those refugees who, and I quote, ''because of their protracted use of public assistance or difficulty in securing employment continue to need services beyond the initial years of resettlement.''

□ 2030

Mr. Chairman, no qualifying county, regardless of the community served, can claim to be more deserving of this aid than any other county in the Nation.

My amendment would maintain the existing 10 percent discretionary set-aside for counties that are heavily impacted by refugees but do not otherwise qualify for formula TRAP assistance. Apart for this, aid would have to be distributed on an equal per-refugee basis. Let me say that again. Under this amendment, aid would have to be distributed on a per-refugee basis.

This amendment requires the Federal Government to pay for its refugee policy. It recognizes that all counties with significant refugee populations deserved equal assistance in helping them become self-sufficient. Failure to enact a fair formula for distribution of TRAP aid is tantamount to another unfunded mandate on State and local governments. I am going to urge my colleagues to support this, Mr. Chairman. It is a very fair and balanced amendment. I believe it will address the concerns of the entire country.

Mr. Chairman, I included for the RECORD the following letter.

THE CITY OF NEW YORK,
WASHINGTON OFFICE,
Washington, DC, March 20, 1996.

Re refugee assistance amendment H.R. 2202, Immigration in the National Interest Act of 1995.

To: Members of the New York Delegation
From: Alice Tetelman, Director

I am contacting you to inform you of the City's support for an amendment on the Refugee Targeted Assistance Program that will be offered by Rep. David Dreier (R–CA) during consideration of H.R. 2202, the Immigration in the National Interest Act of 1995.

The Refugee Targeted Assistance Program, which is administered by the Office of Refugee Resettlement in the Department of Health and Human Services, provides grants (through states) to counties and local entities that are heavily impacted by high concentrations of refugees and high welfare dependency rates. This funding is intended to facilitate refugee self-employment and achievement of self-sufficiency. This includes training, job skills, language and acclimating to the American workplace.

Under the current Targeted Assistance Program, New York City's refugee population, which is the largest in the nation, does not receive their fair share of assistance because the House and Senate Appropriations Committees have traditionally earmarked a disproportionate share of these funds for Cuban and Haitian entrants. For example, of the $50 million allocated for targeted assistance nationally in FY 1995, the state of Florida received $18 million, with a per capita rate as high as $497 in some areas. In contrast, New York State received only $4.1 million of the FY 1995 funding, with only $30 available for each refugee residing in New York. The national average is $35 per refugee among non-Florida recipients.

The Dreier amendment would ensure that all qualifying counties would receive the same amount of targeted assistance per refugee. Thus, all refugees who have been in the U.S. under five years would receive the same level of assistance as others under this program. Enactment of the Dreier amendment will restore fairness and equity to a very worthy program and the City urges you to support its passage.

Please do not hesitate to contact Tom Cowan (624–5909) in the City's Washington office if you or your staff should have any questions or need additional information on this amendment. Thank you for your consideration of this request.

STATE CAPITOL,
Sacramento, CA, March 20, 1996.

Hon. DAVID DREIER,
House of Representatives,
Washington, DC.

DEAR DAVID: I am writing in support of your amendment to the pending immigration reform legislation regarding the equitable distribution of refugee targeted assistance funds.

As you know, roughly one-third of the refugees in the United States reside in California, yet California receives less than 23 percent of these funds. In FY95, Congress appropriated a little over $49 million for the Refugee Targeted Assistance Program to assist communities highly impacted by refugees. Of this amount, approximately $19 million, or nearly 40 percent was set aside for one state. This disproportionate allocation comes only at the expense of other participating counties in California and around the nation.

Your amendment will eliminate this set aside and give California its fair share by providing that qualified counties receive refugees targeted assistance per refugee, thereby ensuring an equitable allocation. Further, California counties, which are highly impacted by high concentrations of refugees and welfare dependency, would receive approximately $7.5 million in additional targeted assistance funds. These additional funds could be used to facilitate training in job skills and language, as well as assisting refugees in adapting to the American workplace.

Again, I endorse your amendment and commend you for your leadership in this area.

Sincerely,

PETE WILSON,
Governor.

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

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand in strong opposition to this amendment. First of all, Mr. Chairman, and my dear friend, the gentleman from California [Mr. DREIER], who is my hallmate, in this amendment I do not think there is anyone in this House that would oppose Cuban and Haitian children who are already in this country, and already here; they are not coming. There will be about 20,000 more of them coming because of the policies that this Federal Government has already agreed upon.

My good friend, the gentleman from California [Mr. DREIER], speaks about equality in distributing targeted assistance funds, but we are talking more about fairness in terms of the guidelines of targeted assistance.

No. 1, the money is targeted for counties that have a large number of Cuban and Haitian immigrants. What the gentleman from California wants to do, he wants to take away the target from the Cuban and Haitian immigrants and wants to waive it, so other people who are not Cubans and Haitians, he lets it remain. He lets it remain for the Hmongs, the Laotian, Cambodians, and the Soviet Pentacostals. I am saying that that is not fair in that we already have Cubans and Haitians in this country, but his amendment would take it away from us and distribute it to all the other counties.

I want to tell our colleagues why south Florida needs most of this money. Mr. Chairman, the amendment of the gentleman from California [Mr. DREIER] is well-intended, but it is not fair. It is the Federal Government's immigration policy, not ours. If Members hate Fidel Castro, and they have already demonstrated that, they supported the Libertad bill, just as I did, that we passed, and if they oppose dictatorships in Haiti and El Salvador and Nicaragua and Guatemala, they should vote against this amendment. They should be with me, against this amendment, because the people who are fleeing these dictatorships come to Miami

and to Florida. The Dreier amendment would cut them out.

If Members think that this targeted assistance earmark is a gain to the United States taxpayers, they are wrong. I will mention, we chose this as a Federal Government. Now we want to come back and seek to take the funds away from Dade County and south Florida. The funds are already there, Mr. Chairman.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding me this minute.

Mr. Chairman, I want to compliment her for her statement. Mr. Chairman, this is money that has already been earmarked. South Florida has been pelted with the burden of caring for so many of these people that are coming onto our shores. Even as we speak tonight, more and more people are being awarded visas with the deal that the Clinton administration made with the Castro people in order to try to stop the flow of refugees into this country. They come into Florida and they stay in Florida. We all know well about the exodus that we have had from Haiti.

Regardless of where Members come down on this particular issue, we know that they remain in south Florida, and they become the burden of the taxpayers in south Florida. This money was earmarked. It should stay earmarked. I think we, in the Congress, are really starting a dangerous precedent if we start looking around the country and find out where certain moneys have been, and then start getting into raiding these particular funds.

Believe me, Florida is not coming out on this deal at all. It is costing us much more in health care, social services, than we are getting from the Federal Government. I urge a ''no'' vote on the Dreier amendment.

Mr. DREIER. Mr. Chairman, I am privileged to yield 1 minute to the gentleman from New York [Mr. GILMAN], distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this amendment is not aimed at Florida or any other State. The refugee targeted assistance program is designed specifically to provide assistance to counties that are heavily impacted by refugees and who have had a hard time moving them into the work force. No county, in Florida or elsewhere, has a greater claim to this assistance than any other.

The Dreier amendment maintains a 10-percent discretionary set-aside for counties that do not qualify for formula assistance but are nevertheless impacted by refugees. Counties that do participate in this program currently bear an unfunded mandate, either providing additional money to move refugees into the work force, or paying for social services where they cannot find work.

The city of New York's mayor's office sent us the following note: ''Enactment of the Dreier amendment will restore fairness and equity to a very worthy program. New York City urges support for its passage.''

Accordingly, Mr. Chairman, I urge my colleagues to support the Dreier amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Miami, FL [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the Dreier amendment is dressed in a cloak of fairness, but it is not fair. The Dreier amendment talks about standardizing this targeted assistance for refugees, and yet it excepts, there is an exception for the aid that California gets for Laotian and Cambodian refugees, which by the way, I think should remain.

We are not trying, and I do not think we should try to except out that aid; so why, then, except out the aid that south Florida gets for the refugees from the Caribbean? It is not fair, and it is really an artificial cloak. Let us defeat it.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, Snohomish County in my district is a recipient of TRAP funding. This vital program provides essential training for refugees. However, currently Snohomish County receives less than 7 percent of the funding per refugee that some other counties receive. For example, Snohomish County gets $31 per refugee. Another county in this country gets $497 per refugee; $31, $497. This is not right. TRAP funding is intended to benefit all refugees in this Nation, no special population. I support the amendment of the gentleman from California, to bring fairness and equity to this program.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Florida Mr. PORTER GOSS.

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

Mr. GOSS. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, it is not often that I rise in opposition to the position taken by my colleague from California. But I am opposed to the Dreier amendment, which would alter the current allocation of targeted refugee assistance. The issues here are insufficient Federal funds and geography—and the proper response of the Federal Government to the disruption that has been caused by the failure of Federal immigration policies. Mr. DREIER proposed dividing up 90 percent of the funds for refugees assistance among all impacted counties.

On its face, that might seem reasonable. But the problem is that the Dreier amendment instead of seeking additional justified funding—robs areas that are already hurting badly from lack of funds.

The amendment ignores today's reality, as well as the recent past, attempting to treat all regions of the country as if they were starting at the same place when it comes to refugee policy. The fact is that certain regions of the country have suffered a systemic disproportionate and cataclysmic impact from Federal refugee programs. That's why we have in place currently the practice of targeting portions of the refugee assistance funds to deal with specific refugee crises, such as those in recent years that have substantially affected Florida.

Although the program as it stands was set up to deal with the massive refugee flows of the Mariel boatlift, the last few years of United States policy in Cuba and Haiti have meant that Florida's need for special refugee assistance has not subsided. Florida counties have done their part through the ups and downs of successive administrations' policies in the Caribbean by welcoming refugee influxes from places like Cuba and Haiti. We have willingly done so, and at a very great cost to our State. However, Floridians have consistently argued that the Federal Government must be made to facilitate the resettlement of those refugees in our State. We are, after all, talking about the direct result of Federal immigration and foreign policies. As such, we support the current program because it recognizes the importance of distributing funding to areas with the greatest need. The Dreier amendment would reverse this policy. Mr. DREIER has argued that this is a matter of principle—a question of equality on its face. If that is the case, I am somewhat surprised to find that my colleague's amendment leaves in place a 10 percent discretionary program for counties impacted by Laotian Hmong, Cambodians, and Soviet Pentecostal refugees entering the United States after 1979. If equality is the issue, I would think that Mr. DREIER would argue that all 100 percent of the available funds should be on the table. Otherwise, if we are going to have targeted assistance, doesn't it make sense to lay out a formula that truly addresses the need? I oppose this amendment and hope my colleagues will join me in doing the same. The idea is to put the money where the need really is—not rely on some Washington one-size-fits-all response.

Mr. DREIER. Mr. Chairman, do I have the right to close debate as the author of the amendment?

The CHAIRMAN. The gentleman from California [Mr. DREIER] does have the right to close debate.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Chairman, originally this impact aid or targeted assistance program was designed exclusively for the Cuban and the Haitian refugees in Florida. It was $19 million.

It has been continued at that level ever since because that is what is needed there. It is great that we have added the pot up to $50 million, but there is absolutely no justification for reducing the $19 million that was originally there that we have each year allocated to south Florida to the Cuban-Haitian impact area. We need to keep it there. If we want to expand it more, fine, but what is going to happen is south Florida is going to get next to nothing when you start spreading this around.

In California, the gentleman's State is going to get almost all of the $50 million. Very little is going to go anywhere else. Let us leave the law alone as it is. If we need to add money for California, let us do it, but south Florida cannot survive the impact if we take the $19 million away.

Mr. Chairman, I rise today in strong opposition to the amendment offered by my colleague from California, Mr. DREIER. My colleague's amendment would alter the distribution of funds made available under the targeted assistance program, which offsets the costs associated with absorbing refugee populations. As you know, Florida has been adversely impacted by incoming refugees from Cuba and Haiti.

Florida's proximity to Cuba and Haiti has made it the natural destination for those fleeing these two countries. However, there is nothing in Florida that makes it naturally equipped to deal with sudden and large influxes of refugees.

Realizing this, Congress wisely established the targeted assistance fund—then called impact aid—to deal with the Mariel boatlift. This fund has subsequently subdivided. In subdividing these funds, appropriators have traditionally considered the original impact aid intent of service to Cuban- and Haitian-impacted counties. In fiscal year 1995, appropriators had three separate funds: First, the set aside reminiscent of impact aid totaling $19 million for communities affected by the massive influx of Cubans and Haitians; second, a 10 percent discretionary fund for grants to localities heavily impacted by the influx of refugees such as Loatian Hmong, Cambodians, and Soviet Pentacostals; and third, the generic county impact pot that divided the remaining funds according to a formula regardless of specific refugee nationality.

My colleague's amendment would delete the impact aid set-aside, returning the funds to the general pot. If this were to become law, Dade County would face a larger financial crunch than they already do in trying to cope with the large numbers of Cuban and Haitian refugees.

I understand my colleague's call to be fair in distributing refugee assistance funds. However, at some point the sheer number of refugees requires special attention and additional funds. This is the case in Dade County. Furthermore, if the issue is one of fairness, I must wonder why my colleague preserves the 10 percent discretionary set-aside, which primarily benefits his State of California. If it is an issue of fairness, all set-asides should be deleted.

Mr. Chairman, in the end, neither of the set-asides should be deleted as both serve specific purposes. I would hope my colleagues take the situation in Dade County into account before supporting Mr. DREIER's amendment. A reasonable look at the situation would reveal the need for the status quo arrangement. I would urge my colleagues to oppose the Dreier amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 15 seconds to my colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I join my colleagues in allowing that, among other things, if we had a fair formula in Florida and if we received the taxpayers' fair share, we would not need this exceptional refugee funding. One size does not fit all in this country.

We have a unique problem in Florida that demands a unique solution. This influx causes a severe impact on our social, economic, and health services.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that the Dreier amendment is grossly unfair in that it wants to cut out monies that are already going to Florida. We need it. Our people are there. They need health services and they need educational services. If we take away that now, we are intervening in a process which has worked very well in the past. I would like to say, if we need more money, fund it, but please do not cut Florida out of its funding.

Mr. DREIER. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Texas [Mr. SMITH], the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, to close debate on the fair, balanced, and equitable, even for Florida, Dreier amendment.

Mr. SMITH of Texas. Mr. Chairman, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Chairman, I rise in support of the Dreier amendment, which brings equity back to the process of allocating refugee assistance funds. Each year for the last decade, one State has received more than 10 times the amount of Federal refugee assistance per refugee than the national average. The Dreier amendment will allow all qualifying countries to receive the same amount of targeted assistance per refugee. I urge my colleagues to support this amendment, which again, brings equity back to the process of allocating refugee assistance funds.

The CHAIRMAN. All time has expired.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DREIER. 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. DREIER] will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 16 offered by the gentleman from Florida [Mr. CANADY], and amendment No. 18 offered by the gentleman from California [Mr. DREIER].

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. CANADY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 210, noes 207, not voting 15, as follows:

[Roll No 78]

AYES—210

Allard	Emerson	Leach
Archer	English	Lewis (CA)
Armey	Everett	Lewis (KY)
Bachus	Ewing	Lightfoot
Baker (CA)	Fawell	Lincoln
Baker (LA)	Fields (TX)	Linder
Ballenger	Foley	Livingston
Barr	Forbes	Lucas
Barrett (NE)	Fowler	Luther
Bartlett	Franks (CT)	Manzullo
Barton	Franks (NJ)	McCollum
Bass	Frelinghuysen	McCrery
Bateman	Frisa	McHugh
Bereuter	Funderburk	McIntosh
Bevill	Gallegly	McKeon
Bilbray	Ganske	Metcalf
Boehner	Gekas	Meyers
Bono	Gilchrest	Mica
Browder	Gillmor	Miller (FL)
Bryant (TN)	Gingrich	Minge
Bunning	Goodlatte	Molinari
Burr	Gordon	Montgomery
Burton	Goss	Moorhead
Buyer	Graham	Moran
Callahan	Gutknecht	Myers
Calvert	Hall (TX)	Myrick
Camp	Hamilton	Nethercutt
Campbell	Hancock	Neumann
Canady	Hansen	Ney
Chabot	Harman	Norwood
Chambliss	Hastert	Nussle
Chenoweth	Hastings (WA)	Oxley
Christensen	Hayes	Packard
Clement	Hayworth	Parker
Clinger	Hefley	Paxon
Coble	Heineman	Payne (VA)
Coburn	Herger	Peterson (MN)
Collins (GA)	Hilleary	Pickett
Combest	Hobson	Pombo
Condit	Hoekstra	Porter
Cooley	Horn	Quillen
Cox	Hunter	Rahall
Cramer	Hutchinson	Regula
Crane	Hyde	Riggs
Crapo	Inglis	Roberts
Cremeans	Istook	Roemer
Cubin	Johnson, Sam	Rogers
Cunningham	Jones	Rohrabacher
Danner	Kasich	Roth
Deal	Kelly	Roukema
DeFazio	Kim	Royce
DeLay	Kingston	Saxton
Dickey	Knollenberg	Schaefer
Doolittle	LaHood	Seastrand
Dornan	Largent	Sensenbrenner
Dreier	Latham	Shadegg
Duncan	LaTourette	Shays
Ehrlich	Laughlin	Shuster

Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—207

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Pomeroy
Portman
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Skaggs
Slaughter
Smith (MI)
Spratt
Stupak
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Waldholtz
Walsh
Ward
Watt (NC)
Watts (OK)
Waxman
White
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—15

Bliley
Brewster
Chrysler
Collins (IL)
Ford
Hostettler
Johnston
Moakley
Obey
Radanovich
Stark
Stokes
Studds
Waters
Wilson

□ 2102

Messrs. PORTMAN, DAVIS, McDADE, and JOHNSON of South Dakota, and Ms. DUNN of Washington changed their vote for ''aye'' to ''no.''

Mr. BASS and Mr. PORTER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Chairman, earlier today I was unavoidably away from the Chamber and missed a number of recorded votes. On rollcall No. 73, the Bryant of Tennessee amendment, I would have voted ''no''; on rollcall No. 74, the Velázquez amendment, I would have voted ''yes''; on rollcall No. 75, the Gallegly amendment, I would have voted ''no''; on rollcall No. 76, the Chabot amendment, I would have voted ''yes''; and on rollcall No. 77, the Gallegly amendment, I would have voted ''no''.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the second amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 18 OFFERED BY MR. DREIER.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. DREIER] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 59, not voting 13, as follows:

[Roll No. 79]

AYES—359

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Yates
Young (AK)
Zeliff
Zimmer

NOES—59

Andrews
Beilenson
Bilirakis
Bonior
Brown (FL)
Canady
Clay
Clayton
Clyburn
Collins (MI)
Conyers
Dellums
Deutsch
Diaz-Balart
Fields (LA)
Foglietta
Foley
Fowler
Gephardt
Gibbons
Goss
Hall (OH)
Hastings (FL)
Hefner

Hilliard	Pastor	Skelton
Jackson (IL)	Payne (NJ)	Spratt
Jefferson	Peterson (FL)	Stearns
Kennedy (RI)	Peterson (MN)	Thompson
Lewis (GA)	Quillen	Thurman
Martinez	Rangel	Torricelli
McCollum	Ros-Lehtinen	Watt (NC)
McDermott	Rose	Williams
Meek	Rush	Wise
Mica	Scarborough	Wynn
Miller (FL)	Shaw	Young (FL)
Owens	Sisisky	

NOT VOTING—13

Bishop	Livingston	Studds
Brewster	Moakley	Waters
Collins (IL)	Radanovich	Wilson
Hostettler	Stark	
Johnston	Stokes	

□ 2111

Mr. RUSH changed his vote from ''aye'' to ''no.''

Mr. BROWN of California and Mr. ENGEL changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. OWENS. Mr. Chairman, I rise in opposition to the Immigration in the National Interest Act, H.R. 2202. This bill is a misnomer, for it denounces a historical tradition of the United States—to welcome different cultures that add to the richness of this diverse land. On the contrary, H.R. 2202 is not in the national interest of the United States. It further reinforces the modern conservative tactic for solving the Nation's current economic and social woes: Blame the poor, our children, African-Americans, women, and immigrants.

H.R. 2202 is an underhanded assault on the foreign-born, in general. This bill would punish those who illegally exploit America's generosity, along with those who legitimately seek an opportunity in America. By unifying the illegal and legal immigration problem, H.R. 2202 makes the mistake of lumping everyone together, whether they commit a crime or not. The bill reflects a number of misconceptions that have infiltrated the policy debate on immigration.

Unconscionably, H.R. 2202 would reduce the number of legal immigrants by 30 percent. This reduction unreasonably implies that the United States is plagued by an illegal and legal immigration invasion. The number of foreign-born that enters this country each year is 1 million. Of that number, 700,000 are legal immigrants. Currently, the foreign-born represent only 8 percent of the total population as opposed to the period between 1870 and 1920 when nearly 15 percent, or 1 out of every 7 individuals was foreign born.

H.R. 2202 would limit the immigration of people under the Immigration and Naturalization Service's [INS] family sponsored category. This bill would restrict entry for parents, adult children, and siblings. In effect, this new policy would impose America's definition of a family onto the culture of immigrants. Excluding more than 100,000 children, parents, and brothers and sisters from reuniting with family members in this country is not a pro-family policy.

It is distressing that the term immigrant has been smeared to connote a terrible meaning. My Republican colleagues have resorted to ignoring the contributions that immigrants have made to this country.

Immigrants do not come to America just to hop on the public dole. In fact, according to the Urban Institute, immigrants generate an estimated $25 billion in surplus revenues over what they receive in social services.

Furthermore, immigrants create more jobs than they fill by starting new businesses and buying U.S. goods and services. No conclusive data have proven that even illegal immigrants have an adverse effect on job opportunities for native workers. Ironically, the person most likely to be displaced in a job by an illegal immigrant is another illegal immigrant who has resided in this country for some time.

Clearly, the United States must address the dangers of illegal immigration; but, in the interim, legal immigrants should not have to defend their rights, integrity, and culture. In light of the imminent rollback on affirmative action, possible abolishment of the welfare and Medicaid entitlement, and this current unfair immigration reform proposal, I challenge my colleagues to stop this Congress from going down in history as the most vicious and regressive Congress since reconstruction.

We must not forget the 1987 Hudson Institute's pioneer study, Workforce 2000; in the next century, America's workforce will be more female and more ethnically diverse with native-born white males comprising only 15 percent of the new labor market. It is time to accept this fact and addresses the real problem. I urge a ''no'' vote on H.R. 2202.

Mrs. MINK of Hawaii. Mr. Chairman, the immigration bill, H.R. 2202, that we are debating this week in the U.S. House of Representatives exploits the deep hostilities felt across this land, that the problem of illegal immigrants has grown out of control needing drastic measures to curb, and seizes upon this issue to justify other changes in current law which drastically change the family reunification principle which has governed how we decide to grant visas for new entrants.

This merger of the issue of illegal immigration with changes in the family preference categories currently allowed is unwarranted. These two matters should be separated. H.R. 220 should be confined to a debate on how to deal effectively with the problems of illegal immigration. There is no disagreement that this is a matter of concern which must be dealt with on the national level.

But to be asked to vote for changes in family preference categories because you support proposals to curb illegal immigration is unfair to families who have waited for years for their numbers to be called up so that they could call for their adult children to join them in America.

H.R. 2202 repeals family preferences which currently allow reunification of family members including adult children, and siblings. For a Nation concerned about family, it is unjustifiably cruel to cut off this long-awaited hope that the family could be reunited. Legal immigrants deserve to be treated better.

Even more punitive is the provision in H.R. 2202 which although allowing parents to be included in the definition of family allowed entry, requires that before they are issued visas they must have prepaid health care insurance.

H.R. 2202 reduces the number of immigrants allowed in next year under the family preference category from the current 500,000 to 330,000. This number would be reduced each year until it reached only 110,000.

H.R. 2202 limits the number of adult children admitted to those who are financially dependent on their parents, are not married and are between the ages of 21 and 25 years. An exception is provided for adult children who are permanently physically or mentally impaired.

Employment-based visas will be issued each year to 135,000 immigrants. Refugee visas will be limited to 50,000 per year.

These measures dealing with changes to legal immigration should be separated out and dealt with under a separate bill. There is no justification for repealing the family categories and denying adult children and brothers and sisters from ever being reunited.

All sections of the bill that deal with legal immigrants should be eliminated from H.R. 2202.

The 1990 Immigration Act established a worldwide annual immigration limit of 675,000, not including refugees and other categories. Within this limit, 480,000 are family-related immigrants, with 226,000 set aside for: unmarried adult sons and daughters of U.S. citizens—23,400; spouses and children of permanent resident aliens—114,200; married sons and daughters of U.S. citizens—23,400; and brothers and sisters of adult U.S. citizens—65,000.

The 1986 amnesty provisions of the immigration law increased the number admitted to a high which occurred in 1991 of 1,827,167. But this was due to amnesty and not because of the family reunification policy.

There are currently 1.1 million spouses and minor children of lawful permanent legal residents on the waiting list.

The backlog should be cured by allowing all spouses and minor children to be admitted irrespective of country limits.

The committee bill argues that the need to allocate numbers to other family members prevents spouses and minor children from being admitted. This is the reason they state that they are repealing the other preference categories.

The family unit for most Asian families includes all children. It does not arbitrarily exclude adult children. It does not arbitrarily exclude siblings. Any family reunification policy must allow for these members of the family unit to be admitted. No matter how long the wait, these family members deserve the hope and expectation that U.S. immigration policy does not cut them off without any hope of reunification.

The Committee Report states that the State Department records indicate the following wait listings: First, unmarried adult sons and daughters of U.S. citizens: 63,409—annual admissions allowed is 23,400; second, unmarried adult sons and daughters of permanent resident aliens: 450,579—annual admissions allowed is 36,266; third, married adult sons and daughters of U.S. citizens: 257,110—23,400 annual allowed admissions; and fourth, brothers and sisters of U.S. citizens: 1,643,463—65,000 annual admissions allowed.

Because of this backlog of 2.4 million persons eligible for admission but denied due to category or country limits, the Committee report concludes that this large backlog undermines the integrity of the immigration policy and therefore repeals them.

To rescind these categories undermines our national integrity. These persons, heretofore found eligible for admission being forever barred is a cruelty beyond description. Destroying their hope they have clung to 10 or 15 years that someday they would be reunited with their families is without justification.

I urge the separation of all provisions dealing with immigration policy from this bill. Let's today deal with the issue of illegal immigrants, and leave to another time the matter of what changes are needed regarding the family preference system.

I urge this House to support the Chrysler-Berman-Brownback amendment which deletes title V from this bill.

Mr. RADANOVICH. Mr. Chairman, earlier in this debate I signaled my support for the guest worker program involving American agriculture.

This can be a potent solution to two pressing needs: assuring an adequate labor supply for the farm fields of our country and delivering a body blow to illegal immigration.

We of California's San Joaquin Valley recognize the critical requirement for farm labor during certain seasons. Allowing those from abroad to fill the gap from shortages of American workers makes good sense—economically, agriculturally, and socially.

Noteworthy, I believe, is the strong stance of the Nisei Farmers League. Its president, Manuel Cunha, has told me, ''this is the ideal program to meet the seasonal employment needs of agriculture.''

This amendment is good on all sides. It has safeguards that protect domestic employees, that provide payment of prevailing wages, and to see workers return when the work is over. I support it and urge my colleagues to join me.

Mr. CRANE. Mr. Chairman, I commend Chairman SMITH for his hard work on the illegal immigration provisions in H.R. 2202, the Immigration in the National Interest Act of 1995. I would like to draw attention to the role played by the U.S. Customs Service on our borders in the processing and interdiction of illegal passengers, conveyances, and cargo. While H.R. 2202 calls for additional Immigration and Naturalization Service [INS] inspectors and certain infrastructural improvements along borders, it should not be forgotten that primary responsibility for policing our borders falls on the Customs Service. Customs inspectors and agents protect American citizens from the entry or importation of illegal goods. In fact, the Customs Service seizes more illegal drugs than all other Federal agencies combined. A lesser known fact is that in addition to their own obligations along the southwest border, Customs has a cross-designated responsibility with the INS to identify and detain illegal immigrants. Customs holds the line on our borders, and INS plays it role, too.

In considering H.R. 2202, I ask my colleagues to remember these facts. First, unlike the INS, Customs deploys its personnel along the border according to changing threats, not the absolute numbers of passengers in any given period. Customs has targeted inspections based on intelligence from its agents, some of whom operate beyond our borders to protect vital national interests. Second, decisions by the INS to build commuter lanes, open new ports, or establish additional preinspection facilities must be made in consultation with the Secretary of Treasury and the Commissioner of Customs. Third, INS infrastructural needs at the border are much smaller than those of Customs, which must process people, vehicles, and cargo. Appropriations for the INS for changes in infrastructure or personnel at our borders must take into account any new demands placed on Customs by these changes. I am confident that the Attorney General and the Secretary of the Treasury will consult with each other to ensure the continued coordination of interdiction efforts along our borders.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to H.R. 2202, the Immigration in the National Interest Act of 1995. This bill is badly flawed in numerous ways.

H.R. 2202, for the first time, would combine two entirely different issues in one bill. Combining efforts to secure our borders with reforms to our system of legal immigration serves only to confuse the debate. It plays on the public's understandable concern over illegal immigration but twists that concern into the misguided notion that all immigration is harmful and all immigrants are undocumented, sneaking into our country by night. Neither notion, of course, is true, but dealing with both illegal and legal immigration in one bill serve to fuel hostility and even prejudice toward all immigrants.

The sponsors of this legislation appear to hope that the always-popular issue of fighting illegal immigration will be a strong enough engine to pull unnecessary and unwise changes in our process of admitting legal immigrants to the United States through the legislative process.

I would not argue against reasonable improvements in enforcing our national borders; indeed, border enforcement is one of the principal obligations of a sovereign nation. But I cannot support such micromanagement as mandating a particular type of fence—and one that the Border Patrol considers dangerous for its officers.

Nor can I support that bill's system to enable employers to confirm that newly hired workers are eligible to work in the United States. Voluntary or mandatory, such a system ultimately can't work without databases that are far more accurate than those we have, as well as a national ID card to tie a person to the name and number he or she present to a potential employer.

Moreover, such a system is likely to lead to discrimination, especially now that the tester program has been taken out. After all, if I'm an employer, and I've gone through the entire hiring process—interviews, testing, reference checks, and all—and I've hired my top candidate only to learn that he or she is not authorized to work and that I must begin the process all over again, why should I include anyone who might turn out to be inelligle in my next candidate pool? Why should I risk wasting time considering anyone with an accent, or a foreign-sounding surname? No, I will support the chabot amendment to strike this system.

Another major national obligation is to screen would-be immigrants and admit those whose relationships to American citizens or legal permanent residents the Nation wants to foster or whose skills the Nation needs to prosper, as well as refugees fleeing their homelands for valid reasons. Immigrants, despite faulty statistics that have been used during this debate, are a net plus for this country, working, creating jobs, paying taxes, becoming Americans. H.R. 2202 turns its back on this tradition by sharply reducing the numbers—and even the kinds—of legal immigrants permitted to enter the United States each year.

Particularly with family-based immigration, when did children and siblings cease to be parts of the nuclear family? Why should we deny American citizens and legal permanent residents the opportunity to bring these close relatives together? H.R. 2202 would also increase the income a family must have to bring a family member into a level that would deny 40 percent of Americans the change to reunite with loved ones.

H.R. 2202 would also cut the number of refugees admitted each year by almost one-half from the 1995 level and change our system of determining eligibility for asylum that would make it impossible for most bona fide refugees to qualify. This is both in conflict with international law and immoral.

H.R. 2202 would also unfairly deny public assistance to legal immigrants—in some cases, legal immigrants would be denied assistance that undocumented immigrants would remain eligible for, because Congress has recognized the benefits to the public health and safety when everyone living here is served.

Mr. Chairman, in closing, I must assert that this bill is most definitely not in the national interest. The list of its defects goes on and on, and, worst of all, the Rules Committee and the Republican leadership have denied this House the opportunity even to debate changes in important areas of the bill—especially the public assistance provisions of title VI.

I urge my colleagues, at a minimum, to vote to remove the provisions reducing the number and categories of legal immigrants and to the employment eligibility verification system. But the better response is simply to reject this misguided bill. Vote no in the national interest.

Ms. PELOSI. Mr. Chairman, I rise today in strong opposition to this immigration reform bill, H.R. 2202.

I agree with my colleagues that we have a legitimate national interest in ensuring that people come to our country through legal means. There is ample need for a reasoned and balanced debate about reform of our immigration system. However, the provision in this legislation fall far short of achieving the goal of effective immigration reform in a responsible, fair, and humane manner.

I have many areas of concern in this bill. H.R. 2202 goes too far in placing extreme restrictions on legal immigration, decreasing by 30 percent total annual number of the legal immigrants admitted into this country.

Legal immigration has been of central importance to our development as a nation. We began as a nation of immigrants, and our country continues to reap untold benefits from the energy, ideas, talents, and contributions of those who arrive in this country seeking the opportunity to prove themselves and to contribute to the greatest Nation on Earth.

H.R. 2202 sanctions discrimination against the families of legal U.S. residents who have paid their taxes, served in the Armed Forces, and contributed to the growth of the Nation's economy and to the cultural diversity of our society.

In a Congress which heralds family values as its prevailing theme, this bill is extreme antifamily legislation. Restrictions to family reunification in this bill ensure that American families may be forever separated from their loved ones. Under this legislation, virtually no Americans would be able to sponsor their parents, adult children, or siblings for immigration. Not all Americans subscribe to the restrictive definition of family imposed in the bill—nor should they.

The bill will cut annual refugee admissions in half. Can we be so cold as to tell these victims of persecution to go away, our doors are

shut, our country is full? This extreme cap would severely limit the flexibility of the U.S. refugee system to respond to unpredictable humanitarian crises.

The proposal for summary exclusion included in the bill would eliminate many of the procedural protections to ensure that legitimate asylum seekers receive full consideration of their asylum claims. Nervous, frightened, exhausted victims are charged with one chance to prove their claims of persecution. If an error is made, they face immediate deportation. A victim of rape, torture, or gender persecution may have difficulty effectively discussing his or her case under restrictive procedures.

The severe restriction of benefits to immigrants is yet another point of great concern in this legislation. Only 3.9 percent of immigrants who come to the United States to join their families or to work, rely on public assistance, compared to 4.2 percent of native-born citizens. Yet, the myth persists that welfare benefits are the primary purpose for immigration to the United States.

This bill does not achieve the goals of real and rational immigration reform. It hurts families, it hurts children, it hurts hard-working Americans. For the reasons just mentioned and for many more, this legislation is not good for our country. I urge my colleagues to oppose this harmful legislation.

Mr. PACKARD. Mr. Chairman, illegal immigration hits my district harder than just about any other in the country. It is estimated that more than 43 percent of all illegal immigrants reside in California—and there may be many more.

Today we face a major crisis. California public hospitals must deal with an overwhelming number of births to illegal aliens—almost 40 percent of their deliveries. Incredibly, illegal immigrants cross our borders at a rate which could populate a city the size of San Francisco in less than 3 years. Half of the 5 million illegal aliens in the United States use fraudulent documents to obtain jobs and welfare benefits.

We have finally found the resolve to make the much-needed overhaul of the Nation's immigration laws. Chairman SMITH and I have worked very hard to ensure the bill contains provisions crucial in securing our borders. The first of these provisions increases the border patrol to 10,000 agents. The second initiative cuts off all Federal benefits—except emergency medical care—to illegal aliens. By eliminating benefits to illegal aliens, we eliminate the incentive for them to cross our borders.

Mr. Chairman, my Republican colleagues and I have worked with unprecedented resolve to clamp down on illegal immigration. I urge all of my colleagues to do what is right for California and the Nation—support H.R. 2202.

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of the Lipinski amendment to H.R. 2202, the Immigration in the National Interest Act, and commend Congressman LIPINSKI for his leadership on this issue. This amendment will rectify a problem that should have been resolved long ago. In late 1989, some 800 or so Polish and Hungarian citizens were paroled into the United States by our Attorney General. They have been stuck in this status, which gives them the right to reside here indefinitely, ever since.

As parolees this small group of people cannot obtain citizenship or even obtain permanent residency status. These people have lived in this country for over 6 years, established homes, and become productive members of American society. Yet without action by Congress these Polish and Hungarian parolees can never obtain legal immigration status.

These 800 or so parolees did not come here illegally. Our Attorney General saw fit to grant them parolee status and they have been here ever since.

Although these people have the right to live here for as long as they like, it is time for this group of people to have the ability to obtain residency status. The Lipinski amendment does that, it provides residency status for these Polish and Hungarian parolees.

There is precedent for such action. In 1990 Congress changed the status of Indochinese and Soviet parolees. This amendment will allow us do the same for these Polish and Hungarian parolees who have been in a state of limbo since their arrival in the United States. It is not fair to these individuals to have to continue living their lives in our country not knowing if they will ever have the opportunity to become legal permanent residents of a country they dearly love, the United States of America.

I urge my colleagues to support the Lipinski amendment to provide legal residency status for this small group of Polish and Hungarian parolees.

Mr. PACKARD. Mr. Chairman, I rise in support of H.R. 2202, the Immigration in the National Interest Act of 1996. This act is one of the most important pieces of legislation this Congress will consider this year.

Illegal immigration impacts my State of California more than any other State in the union. In fact, it is estimated that 1.7 million or 43 percent of all illegal immigrants reside in California. That is why the voters of California overwhelmingly supported proposition 187 which denies State-funded benefits to illegal immigrants.

I have been involved in combating the illegal immigration problem since I first became a Member of Congress. On the opening day of the 104th Congress, I introduced a legislative package aimed at solving the illegal immigration crisis. I am pleased that Chairman SMITH has chosen to incorporate some of my ideas into this legislation.

First, this bill before us will increase the size of the border patrol to 10,000 agents. I wholeheartedly support this effort to effectively control our borders. For too long, the Immigration and Naturalization Service has been unable to stop illegal immigration at our borders. By increasing the resources at the border, by increasing the number of border patrol agents who must patrol our borders every day, we can begin to stem the rising tide of illegal immigrants who cross our vast border unchecked.

Second, this bill will help put an end to one of the greatest lures our country provides to immigrants who would attempt to cross illegally—and this is our Federal social safety net. It is no secret that in California, illegal immigrants pose a serious burden on both State and Federal benefits programs. Immigrants as a whole account for over 20 percent of all households in California but they account for 40 percent of all benefit dollars distributed.

By ending this incentive and allowing Federal agencies to take reasonable steps to determine the alien status of those seeking benefits, we will be making great strides toward stopping illegal immigration. No longer will American taxpayers have to support people who are in this country illegally.

Again, I want to thank Chairman SMITH and his capable staff for their dedication and hard work in crafting such a fine bill. In addition, I want to mention ELTON GALLEGLY and the Immigration Task Force which provided another avenue for Members to present ideas to help solve the illegal immigration problem. Let there be no mistake, Illegal immigration is a national problem. This is landmark legislation will go a long way toward ending it. I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. I rise in strong support of the Tate-Hastings-Roukema amendment—an amendment which will finally bring force to our Nation's immigration laws. The United States has always been a beacon of hope for millions of people worldwide. And although immigration laws may not be popular, they are nevertheless vital to America's efforts to control our Nation's borders and protect our national interest for all citizens. Unfortunately, every year, millions of illegal aliens intentionally break these laws.

According to the U.S. Border Patrol, the estimated number of illegal aliens in our State of Washington has jumped from 40,000 to 100,000 in the past decade, and many of these illegal immigrants have settled in my agricultural district. In addition, many aliens not only enter the United States illegally, they thumb their nose at the system by forging documents and falsifying Social Security numbers to obtain employment and social welfare benefits. Yet, even when these individuals are apprehended and returned to their native country, many return again and again without additional penalty.

As a result, additional burdens are placed on our local law enforcement officials, jails, and local and State governments. Illegal immigrants cost taxpayers more than $13.4 billion in 1992—draining the budgets of State and local governments. What's more, illegal immigrants make up more than 25 percent of the Federal prison population, and over 450,000 aliens are criminals on probation or parole. Breaking the law also undermines the incentive of all immigrants to enter the United States legally.

This amendment is fair, and is simply common sense. Our immigration policies were enacted for a reason, and must be enforced. If individuals want to risk breaking our immigration laws, then they ought to face the consequences if they are caught. It is no longer enough to give illegal aliens a free trip back to their homeland with the hope that they will not return. We must also send potential illegal aliens a clear warning: ''one strike, and you're out.'' In other words, if you break the law, you forfeit the privilege that millions of Americans have struggled to achieve.

I strongly urge the passage of this important, commonsense amendment.

Mr. INGLIS of South Carolina. 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. SMITH of Michigan) 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.

□ 2115

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 165, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996, AND WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–489) on the resolution (H. Res. 386) providing for consideration of the joint resolution (H.J. Res. 165) making further continuing appropriations for the fiscal year 1996, and for other purposes, and waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

NATIONAL AGRICULTURE WEEK

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

Mr. BEREUTER. Mr. Speaker, this Member rises to recognize the millions of men and women who comprise the agriculture community. I will remind my colleagues that this week we celebrate National Agriculture Week, and thus it is certainly appropriate to take some time to recognize the importance of U.S. agriculture and agribusiness. This year's theme of ''Growing Better Everyday, Generation to Generation,'' truly captures the forward-looking spirit of agriculture today.

This Nation's farmers and food processors have continued to make tremendous strides in recent decades in producing and distributing food in an efficient manner. This efficiency is reflected by the fact that today 1 American farmer produces enough food for 129 people.

In addition to providing for the needs of today, farmers also have the responsibility of serving as stewards of our land and water resources for future generations and most are excellent stewards. Clearly, the American agriculture community is producing what the world needs to survive while preserving and enhancing our natural resources for the future. This Member commends the many individuals in the agricultural community for their hard work, perseverance, vision, and dedication.

The following is an excellent editorial from the Norfork (Nebraska) Daily News relevant to these remarks.

AGRICULTURAL LINKS PAST AND FUTURE

ENTREPRENEURIAL SPIRIT CONTINUES TO BE A GUIDING FORCE FOR FARMERS AND RANCHERS

As one drives through the countryside in Northeast and North Central Nebraska, the sight of those familiar farms may seem to be unchanged from years and decades past.

But appearances can be deceiving. Farming is anything but a static enterprise.

Changes in technology and mechanization have profoundly changed family farming operations. In 1900, for example, the average farm size was 147 acres. Today, the average farm has almost 500 acres. Technology is helping farmers to track weather conditions through satellites and gain access to information and research through the Internet computer network. Computers are also helping farmers to maintain detailed records, thereby boosting efficiency and profitability.

The Agriculture Council of America also points out that farming is also changing in response to consumer demands. Farmers and ranchers are producing meat lower in fat and cholesterol to fit with today's health-conscious consumers.

Today's hog, for example, is bred to be 50 percent leaner than those produced 20 years ago. That results in retail cuts at the grocery store that are 15 percent leaner. Leaner beef cuts are also being produced. Meat with 27 percent less fat reaches the retail case than in 1985. Farmers have also met consumer demand for ethnic foods, such as corn chips and tortillas, by increasing production of food-grade corn. And through biotechnology, consumers can now enjoy a fresh tomato that is tasty—even when out of season.

This week marks National Agriculture Week—a yearly occurrence that, for some, prompts memories of how it used to be in agriculture. We're all for that. The history of farming and ranching in this nation and elsewhere is an integral part of where we are today.

But National Agriculture Week is also an opportunity to realize just how much farming and ranching is changing—thanks to the foresight, flexibility and entrepreneurial spirit of those involved in production agriculture.

This year's theme for the week is ''Growing Better Everyday, Generation to Generation.'' It's so appropriate because it links the past with the future, which is what agriculture is all about.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SMITH of Michigan). 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 gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE of Texas 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 Pennsylvania [Mr. GOODLING] is recognized for 5 minutes.

[Mr. GOODLING 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 Ohio [Ms. KAPTUR] is recognized for 60 minutes.

[Ms. KAPTUR 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 Nebraska [Mr. CHRISTENSEN] is recognized for 60 minutes.

[Mr. CHRISTENSEN 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 Connecticut [Mr. SHAYS] is recognized for 5 minutes.

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

CUTS IN ENVIRONMENTAL PROGRAMS

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

Mr. PALLONE. Mr. Speaker, this evening I would like to talk about the environment and my concern over cuts that the Republican leadership has made in environmental programs and in the various agencies of the Federal Government that are involved in environmental protection.

I should point out that just a couple weeks ago, our environmental task force, within the Democratic Caucus, issued a report on the impact of Republican budget cuts on the environment. What this report points out very vividly is that the House Republican leadership so far in this Congress, with particular attention to 1995, basically from a budget point of view and in terms of authorization bills and various amendments that came to the floor, was involved in a systematic effort to turn back the clock on the last 25 years of environmental protection.

This is affecting every State and the various Government shutdowns and the level of funding cuts for continuing resolutions that fund the Environmental Protection Agency, the Interior Department, and other departments and

agencies that are involved in environmental protection have had a cumulative effect on the environment so that in effect right now, even though we have many laws on the books that seemingly protect the environment, we do not have the investigators, the enforcers and the people that will go out and, if you will, nab the polluters so that our environmental laws are effectively enforced. Our report points out that this process continues.

As many of you know, just a week or two ago this House passed a continuing resolution that would take us in terms of our spending until the end of this fiscal year. And once again the funding levels that were in that continuing resolution for the environment are essentially 22 percent for the EPA below the President's fiscal 1996 request. The bill, the continuing resolution, also includes a number of antienvironment riders that affect both the Environmental Protection Agency and the Department of the Interior.

Mr. Speaker, we know that if this process continues, either through this long-term continuing resolution or through the stopgap measures that we are seeing now pass every week—last week we had a continuing resolution for 1 week. My understanding is that by the end of this week, this Friday when funding runs out again, we may pass or the Republican leadership may bring to the floor another continuing resolution for another week. The level of funds in those continuing resolutions, those stopgap measures, continue to provide the EPA, the Interior Department and other agencies that protect the environment with such woefully low amounts of funding that they simply cannot do their job.

I wanted to go through some of the points more specifically that our report on the environment, that our task force on the environment makes. We had a hearing a few weeks ago, and testimony at that hearing provided incontrovertible evidence of the impact of policies promoted by the Republican leadership and supported by an overwhelming majority of Republican legislators. We found first that Republicans have targeted environmental programs for particularly deep budget cuts.

Just as an example, the Republican-passed interior appropriations bill vetoed earlier this year by President Clinton funded overall operations of the Department of the Interior 12 percent below the President's fiscal 1996 request. Funding for the Endangered Species Act was set at 38 percent below the President's request. Land acquisition for parks and other public uses was funded at 42 percent below the President's request.

In the VA-HUD appropriations bill passed with a slim Republican majority and also vetoed by President Clinton, EPA's overall funding was cut by 21 percent but pollution enforcement functions received a 25 percent cut. Again, it is very nice to have environmental laws on the books, but if you do not have the people, the environmental cops on the beat, so to speak, to go out there and find the polluters, then you might as well not have the environmental protection laws.

In addition, what our report concludes is that antienvironment legislative riders have caused appropriations gridlock. Republicans have delayed the timely completion of the appropriations process by almost 6 months by including on funding bills a host of highly controversial legislative riders having little to do with cutting spending. The policy changes rendered by these riders are normally handled by the authorizing committees, not the appropriation committees. But the riders were included in the appropriations bill and typically are barred from amendment on the House floor in an effort to exhort the President to accept antienvironmental policies that could not survive in legislative debate on their merit.

For example, on the Department of the Interior appropriations, the Republican riders would accelerate logging of the old-growth rain forest by 40 percent in the Tongass National Forest in Alaska, remove funding for the National Park Service operation of the Mojave desert national preserve, terminate the Columbia basin ecosystem's management project and continue an irresponsible moratorium on the listing of endangered and threatened species under the Endangered Species Act.

Numerous legislative riders affecting EPA include provisions to bar oversight of wetlands policy and limit EPA's authority to list new hazardous waste sites for cleanup under the superfund law.

Now, one of the points that we have been trying to make in our report on the environment, our task force report, is that these Republican cuts in environmental enforcement do not save money, and I repeat, do not save money. The EPA Administrator, Carol Browner, stated at our hearing that the environmental cop is absolutely not on the beat. Because of funding cuts in the continuing resolutions and the two Government shutdowns in late 1995, EPA was unable to perform 40 percent of planned health and safety inspections of industrial facilities in the first quarter of fiscal year 1996.

In addition, the Department of Justice's environmental division had its budget cut down to $83 million, 12 percent less than requested by the President and nearly 10 percent less than the fiscal 1995 budget. Now, again, cutting funds for enforcement makes no fiscal sense. Assistant Attorney General Lois Schiffer stated or testified that since civil enforcement litigation in fiscal 1995 resulted in fines and costs recoveries totalling over $300 million. But in a sense what we are seeing here in that the amount of money coming back to the Treasury for fines because polluters are violating the law decreased because we can not go out and find the polluters.

I would like to continue to talk about our report, but I know that I have some other Members here tonight who wanted to join with me in talking about these environmental cuts and what they mean. If we would like to at this time, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to congratulate the gentleman, and I think that the Members of this body know, and if they do not know, they should know, the tremendous work that you have done on this issue. I think you have certainly been our leader on this side of the aisle in talking about the short-sightedness approach that is being used by the Republicans in their attacks on the environment this session.

I rise tonight because I, as you do, oppose the Republican's Party's attack on our Nation's environmental laws. I find it somewhat ironic and sad when you think President Teddy Roosevelt as being the leader of the environmental movement basically in this century that his party now is ending the century by trying to undo a lot of the progress that he made when he first became a leader in this area.

Mr. Speaker, I think it is instructive for us to talk a little bit about how this has come about. We do not hear much on this floor anymore about the Contract with America, but I think the Contract With America is a good starting point to discuss why we have this attack on the environment. As we have heard over the last several months, the Contract With America was put together in large part on the basis of focus groups, of going out to the American people and trying to use sort of a slick procedure to find out what was on the American people's mind and what was their highest priority, what issues were their highest priorities.

It is no accident, I think, that the word environment does not even appear in the Contract With America. The environment is not a priority for those people who put together the Contract With America. The reason it is not a high priority is I think frankly, that they had some very flawed polling and flawed approach to their focus groups in deciding that the environment was not an issue that the American people care about. I think the American people care very much about the environment. But in putting together their focus groups and trying to decide whether this was an issue, they probably—and I do not know, I do not have access to their data—but they probably asked the American people to list what they thought were their highest priorities. I would imagine that there were a lot of people who said increased environmental protection was one of their higher priorities.

Now that might strike you as a surprise, but the reason I do not think most Americans prior to January of 1995 thought the environmental laws were a high priority is because the environmental laws were working. In the

past 25 years, this Congress and the Presidents, under both parties, I think have done a pretty credible job in cleaning up our Nation's rivers, in cleaning up our Nation's lakes, in cleaning up our air.

□ 2130

As a result of that, the American people think that this is an area that the Government actually was acting responsibly to make sure that you did not have polluters that were making it more difficult for people to have a clean environment.

So, just as if you asked any ordinary American whether the roof on their house was a high priority, nobody would say yes, unless, of course, the roof was leaking, and now you have a situation where the roof is leaking in terms of environmental policy because the American people recognize that all the progress that we have made in the last generation on cleaning up our lakes and rivers and air is under attack under the current leadership in Congress. It is almost as though the Speaker and his followers have said, ''Yes, those environmental laws have worked for many, many years, so let's repeal them, let's move backward.'' And that is not the message that the American people want, and that is not the message that I have heard.

I will tell you that one of the interesting things for me and one of the surprises that I first started seeing early last year was the increased number of pieces of mail and calls that I got from people in my district who raised environmental concerns as an issue, and this was happening far before any of these polls that we now see many leaders on the other side talking about where they are saying, ''Oh-oh, the American people think that the Republican Party has gone too far in dismantling the environmental laws.'' Now I think that the people in the Republican Party recognize that they have gone too far in trying to dismantle the environment laws.

Mr. Speaker, they have tried to do it in a number of ways. Obviously, they tried to do it in the Clean Water Act here in the House of Representatives, and that bill was so bad the U.S. Senate would not even take it up. They said, ''We're not going to consider that; that's too extreme.'' So they said, ''Well, let's try to dismantle these agencies piecemeal, and let's do it through the appropriations process.''

And that is why you saw attempt after attempt after attempt to attach riders, to attach lower levels of funding, to go after a lot of these agencies to make sure that they could not get their job done.

The Republican budget has cut funding, as you indicated, for pollution enforcement by the EPA and the Department of Justice by 25 percent so it is going to make it easier for companies that want to go out and pollute to do it. It lowers the cost of polluting in our country. Is that the direction the American people want us to go? Absolutely not.

It funds the Endangered Species Act at a level 38 percent below what the President requested. Is that where the American people want us to go? Absolutely not; that is not where we should be going.

In my State of Wisconsin we also have seen some of the ramifications of this. The Wisconsin Department of Natural Resources relies on EPA funds authorized under the Clean Water Act for its surface water and groundwater protection programs. Any reduction in these funds will result in a proportional reduction in staff responsible for water quality monitoring, inspection, and enforcement. It will make it more difficult for my home State, which cherishes its fishing, which cherishes its clean lakes, to make sure that you have that for tourism, for people who want to fish, for the people who live in our State.

The EPA has also joined forces with the State in an effort to reduce the discharge of mercury into the surface waters of Wisconsin. Mercury contamination is a serious problem in Wisconsin, where 246 rivers and lakes are so contaminated that fishing is restricted. The EPA provides both the State and private sector with experience necessary to measure mercury levels, but reduced budgets again will threaten the agency's ability to help.

I think the sum product of what we are seeing here again is an attack on the progress that we have made over the last generation, and it is not an attack that I think the American people deserve, it is not an attack that the American people support.

So again I just wanted to stop by tonight to applaud you on the fine work that you have done because I truly think you have been a leader on this, and I want to encourage you to continue your fine work.

Mr. PALLONE. I appreciate that, and I particularly wanted to mention how you highlighted clean water, and I think that is a very good example of what the Republican leadership has done in this Congress.

My district in New Jersey, a large part of it is on the water, either on the Raritan River, the Raritan Bay or the Atlantic Ocean, and we were the part of the State that was most severely impacted in the late 1980's when the medical waste and other debris washed up on our shores and basically put an end to our tourism season in the summer. The beaches were closed. The people did not come down. It took about, I would say, 4 or 5 years before the Jersey shore recovered and people were back in full force and the water was clean. And basically that was because of the efforts in this Congress and on a bipartisan basis then, Democrats and Republicans, to try to pass some very strong laws that forbade ocean dumping that put medical waste tracking systems in place and essentially made it more difficult for polluters to drop; you know, to discharge items into the rivers, harbors and bays that would eventually come down to the Jersey shore.

I would hate to see, and I know that my constituents would hate to see, a situation where, because of the relaxation of these laws or the improper enforcement of these laws, that we went back to the beach closings that we had in some cases now 7, 8 years ago.

In addition, I would point out that you could take really any State in the country and see the impact of these budget cuts. I have some information just about my own State of New Jersey, for example, and what the Republican budget cuts have meant in New Jersey. Just as an example, to cite some of the areas that are impacted under the Superfund program, the Federal program to clean up hazardous waste sites, which is particularly important to New Jersey because we have more sites than any other State, 12 sites slated for significant new construction would be shut down by these budget cuts and 30 other sites in New Jersey with ongoing work will also experience shutdowns or slowdowns as a result of the Republican budget cuts with various impacts.

Projected impacts are severe also on leaking underground storage tanks. There is a program to basically fix those which is impacted.

The safe drinking water program, which is very important to New Jersey; the EPA estimates that more than 6 million residents of New Jersey are served by drinking water systems that have violated public health standards last year. But Republican budget cuts would reduce the funding available to these communities to improve their drinking water systems by about $5 million.

With regard to the Clean Water Act, which Mr. BARRETT mentioned, according to the EPA, about 85 percent of New Jersey's rivers and streams are too polluted for basic uses like swimming. And under the fiscal year 1996 conference report, again the Republican Conference report, New Jersey stands to lose $52 million in clean water funding that would help stop pollution from getting into the State's rivers, lakes and streams as well as the Atlantic Ocean. This is basically a 53 percent cut from the fiscal year 1995 enacted funding level.

Also huge cuts in New York's wastewater treatment loans and other clean water funding would threaten New Jersey's beaches through washups of untreated sewage and wastewater, again repeating the unfortunate situation that we had along the Jersey shore in the late 1980's.

As far as enforcement is concerned, in New Jersey the environmental cop will be off the beat as inspections and enforcement efforts will be severely curtailed under the Republican budget proposal, which represents a cut of 25 percent, as we mentioned, below the President's budget request.

Decreased inspections due to cuts create public health threats that would have to be addressed by a staff made smaller by the budget cuts. Essentially in Region II, which is the EPA region that New Jersey is part of, because of these ongoing Republican budget problems there is a growing backlog of permits which they have been unable to process.

So, as I said, I can cite New Jersey, which is my home State, but we could get into almost really every State in the Nation to highlight what these Republican budget cuts mean for environmental protection.

I was very happy that in order to highlight some of these concerns in my home State of New Jersey President Clinton came to the State, was in Bergen County just about a week or so ago, and he, of course, was there to highlight the problems with the Superfund program and the cuts in the Superfund program and what those would mean to the State of New Jersey if these Republican budget cuts in the Superfund program were allowed to continue.

Now again, I wanted to go back, if I could, to the report that our Democratic task force put together that shows the impact of Republican budget cuts on the environment and stress again that these cuts in enforcement do not save money. In a sense, what these cuts do for both the EPA and the Department of the Interior is they undercut the Department of Justice's ability to recover funds, prosecute criminal violations, and prevent the degradation of the environment.

It is, I guess, obvious, I would think, from anyone who thinks about it from a preventive point of view, that it is much less costly to the taxpayers to prevent problems from occurring than it is to fix environmental disasters after they occur. Slashing the budget and essentially preventing or making it impossible to do the preventive measures that the EPA and Department of Interior have been doing all along in the long run is only going to make it most costly when the Federal Government or the taxpayers have to pay the bill for the pollution that occurs.

The other thing that the Republican leaders have been trying to get across, and I think is again a false premise, is that somehow the States can do all this on their own; in other words, that statements were made on the floor that in the past 10 years or the past 20 years, ''Yeah, we have passed some good environmental laws, but now each State has its own department of environmental protection, or something like that, and they do a good enough job, and so we don't need the Federal EPA to intervene and do a lot of the things that the Federal EPA has been doing.''

In reality, the reality is just the opposite, and we had testimony at our hearing from Assistant Attorney General Schiffer who explained again that, without the minimum environmental standards set by Federal law and the Federal enforcement actions, the health of our communities, the environment and economy, would be compromised; in other words, that the States rely on the Federal Government both in terms of dollars and in terms of minimum enforcement standards that are set to essentially do a good job with environmental protection at the State level and at the local level. And she gave an example that before the creation of the EPA in Federal statutes, the 6 States in the Chesapeake Bay watershed allowed the waters to become very severely polluted. Without a strong environmental presence, citizens in States like Virginia, which has cut its environmental budget by 26 percent, would have little recourse against pollution originating from other States.

Pollution knows no boundaries. Although States, in many cases, do a good job, it makes sense to the Federal Government to have strong anti-pollution laws and strong enforcement because air, water, and many other things that we talk about when we talk about the environment basically cross State boundaries. So it makes sense to have Federal laws and good Federal enforcement.

The other myth, if you will, that is out there that our report, I think, successfully rebuffs is the notion that enough progress has been made on the environment; in other words, that somehow we have been at this now for 20, 25 years, we have made a lot of progress in terms of environmental protection, and we really do not need to do much more. And again, nothing could be further from the truth. Although there has been significant progress, there still obviously is a lot more to be done.

I could just use the example of the Superfund sites in my home State where progress has been made in cleaning up quite a few of them, but there is still a tremendous amount more that needs to be done, and certainly when we talk about clean water and the ultimate goal of the Clean Water Act of safe and swimmable waters, we still have a long way to go before all the waters, or a significant portion of the waters in the country, are safe and swimmable.

The other thing that we bring out in our report, and I think is very important, is, and again contradicting the notion that somehow protecting the environment or strong regulations against polluters hurts the economy, our report makes the case that a healthy environment contributes to a growing economy and that basically pollution control and proper management in natural resources ultimately results in the creation of more jobs, creates more income.

Obviously, the best example of that, again, if I could use it, is my own district, the Jersey shore. The tourism is now in New Jersey the No. 1 or No. 2 industry in the State in terms of job creations and income coming to the State of New Jersey. During the summer, the summers of 1988 and after that, when the beaches were actually closed in most of the shore area of New Jersey, billions of dollars were lost in tourism, people were laid off, businesses almost had to close.

□ 2145

I think that shows dramatically how there is a direct impact that a healthy environment contributes to a good economy.

Again, Mr. Speaker, we will continue to make the case as we proceed in this Congress how important it is, how important it is for the Democrats to continue to prioritize the environment in terms of the budget, because even though it is true that we have good laws on the books in terms of environmental protection, if we do not have the money to adequately do investigations and enforcement to protect the environment, enforce those laws, the laws might as well not be on the books.

Tomorrow again, I believe, or at the end of this week, we are going to face another one of these stop-gap continuing resolutions that the Republicans are going to bring forward. Again, if that continuing resolution is similar to the one we passed last week, that it means severe cuts, and constant effort on the part of the Republican leadership to cut back on the amount of money for environmental enforcement, we as Democrats will continue to oppose that and make the case that the Republican leadership is continuing this assault and this effort to turn back the clock on 20 or 25 years of progress on environmental enforcement in this Congress.

Mr. DELLUMS. Mr. Speaker, I rise today to urge support of strong environmental legislation and funding for those programs. Our progress to date has been immense in improvements in public health and restoration of clean air and water. Our people and our natural resources must be protected for future generations. Recently in a fervor to reduce the budget, some majority Members have lost sight of our responsibility for the health and welfare of the people of this country. This ill-advised and short-sighted approach hits hardest at the segments of our population which are minorities and poor. The Republican majority of the Congress has lost touch with the needs of the population as a whole. They are concerned only with the interests of the wealthy and large industry. This is reflected in the reductions in environmental programs; thereby, benefitting those who pollute our world the most.

Budget cuts of one-fourth in EPA enforcement programs will leave polluters at liberty to violate communities without the ability to defend themselves. Reductions have further caused the cessation of cleanup in 68 hazardous waste sites and slowed hundreds of others. The health of our children and elderly are endangered by the pollution and further compounded our inability to stop it. In my own state of California, 41 percent of rivers and streams and 52 percent of our lakes are too

polluted for people to use for swimming. Who will be responsible for ensuring that the pollution does not continue? We, the Members of Congress, will be held accountable to the people who have entrusted us with their welfare.

Drinking water quality may not be an issue if you can afford to buy bottled water. However, many cannot afford this luxury; they are struggling just to feed their families. Safe drinking water is a right that the citizens of the United States deserve and demand. The cost of the human damage that may be incurred by drinking contaminated water is not worth near term savings from the EPA budget cuts. The most impacted groups are the most vulnerable segments: the young, elderly, and the poor. Moreover, there is evidence that living areas of the minority populations are subjected more to pollution than other segments of the populace. Unable to battle the air and water pollution or to afford alternatives, they succumb to the worst of the hazards. The cost of human illness and life is too high a stake in this gamble. We must use prevention to curtail any problems with our water sources, such as heavy metals, toxic chemicals, and dangerous microorganisms. The majority party must be able to understand the most cost-effective solution is pollution prevention. We have seen the cost of environmental cleanup and the health care expenses resulting from hazardous exposures and poor quality air and water.

Not only is health of people endangered, but so is the health and diversity of our wildlife and the stability of our forests. We now face a 38-percent cut in funding for the Endangered Species Act. The cuts and the moratorium on placing new species on the endangered species list will not cause the problem to subside. It will only cause a festering of the problem. We have a responsibility to ensure that the environment is examined in its totality. The decrease in species is a result of poor environmental management and will lead to subsequent compounded environmental imbalances.

Additionally, we must preserve our public lands for their environmental role, such as watershed capacity, as well as their scenic and recreational value. Tagging important legislation with amendments which, directly and indirectly, attack these treasured resources is not responsible. We must have comprehensive legislation to address the whole issue, not just a single Member's narrow interest. We must use a logical and scientifically sound approach. And as such, we must keep our research in ecological and environmental topics at a robust level. Recent efforts have stripped the EPA, and specifically Superfund, research by devastating amounts.

Overall, we cannot allow our environmental progress to fade and return to prior conditions. We should not take steps away from environmental improvement, but toward it. I urge support and passage of budgets which will allow Federal agencies to complete this important work without the impediment of restrictive language.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. (Mr. SMITH of Michigan). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my special order.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise this evening, as I have year after year at this time, to honor the heritage of freedom and democracy which reintroduced itself in Greece 175 years ago.

Mr. Speaker, March 25 is Greek Independence Day. On that date in 1821, after more than 400 years of Ottoman Turk domination, Greek freedom fighters returned sovereignty to Greece, and in so doing, reconnected themselves and their Greek brothers and sisters to their heritage.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], who is a wonderful friend and has always been very much interested in the affairs of the Hellenes.

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

Mr. GILMAN. Mr. Speaker, I'm pleased to rise to speak on this occasion which marks a day of tremendous historical significance for Americans and all who revere the blessings which a democratic way of life have afforded us. I thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order, and I want him to know how much we appreciate all his efforts in the House to keep Hellenic issues before us.

On March 25, Greece will celebrate the 175th anniversary of its declaration of independence from foreign domination. We revere and honor the contributions that Greek civilization has made to democratic traditions.

The cause of Greek independence and the adherence of the Greek nation to the path of democracy and true respect for the will of the people to determine their political course has always been dear to the hearts of democrats everywhere. We remember that the great Romantic poet, Lord Byron, gave his life for this cause during the tumultuous revolt of the Greeks against their Ottoman overlords, and the cause of democracy in Greece continues to be a matter of interest for us here today.

In particular, we in America are gratified by Greece's role as a close American ally, and by the contribution that the Greek-American community makes to this country—and we only have to look around this chamber to see our members of Greek heritage with whom I know we are all proud to serve.

Mr. Speaker, we look to Greece to continue to play the strong and responsible role it has played in assuring that the Aegean and eastern Mediterranean remain a region of peace and stability. I trust that our Government will also continue to support a free, prosperous and strong Greece. I urge my colleagues to join in wishing the people and Government of Greece our best wishes and heartfelt hopes for a bright future.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman so very, very much.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to begin by thanking Mr. BILIRAKIS for taking the lead in organizing what has now become an annual event: the celebration of Greek Independence Day here on the floor of the U.S. House of Representatives. I am honored to participate in this year's tribute, which will mark the 175th anniversary of Greek independence and the 10th consecutive year the Congress sends a resolution to the President's desk asking that March 25 be designated as a National day of celebration of Greek and American democracy. Looking around, I am pleased to see that many of the same faces who were here last year have returned to once again commemorate this historic event.

You do not have to be a student of history to know that the United States and Greece will forever be connected to each other. We are all well aware of the fact that throughout history, our countries have turned to each other for advice on how best to shape our respective democracies.

The roots of America's very existence, as Thomas Jefferson once observed, are grounded in the foundation of ancient Greece. ''To the ancient Greeks'' said Jefferson, ''we are all indebted for the light which lead ourselves [American colonists] out of Gothic darkness.''

Conversely, the Greeks have long drawn inspiration from the American commitment to freedom. ''Having formed the resolution to live or die for freedom,'' noted a former Greek Commander in Chief—Petros Mavromichalis—in an 1821 appeal to the citizens of the United States, ''we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers.''

There is no doubt that the substance behind these words has held in full since they were spoken 175 years ago. Time and again Greece has sent its sons and daughters to fight alongside our children in defense of democracy. Over 600,000 Greeks—or a staggering 9 percent of the entire Greek population—died fighting with the allies in World War II. Greece, moreover, is one of only three nations not part of the former British Empire that has been allied with the United States in every major international conflict this century.

Today, through their high levels of education and steadfast commitment to hard work, Americans of Greek descent enrich our culture, better our lives, and strengthen the bond that connects our two countries. From

George Stephanopolous in the White House, to my colleagues of Greek descent here in the Congress, to the world's No. 1 ranked tennis player Pete Sampras, to the millions of Americans of Greek descent who get up and go to work everyday, it is clear that the ties that connect our countries remain vibrant and unique.

And as we are here to pay tribute to Greek Independence Day, it would only be fitting for us in the Congress to reassure Greek-Americans, and Greek nationals, that we are committed to standing with them on those international disputes involving the sovereignty of Greek citizens and territories.

We will continue to insist on Turkish compliance with all U.N. resolutions pertaining to the Cyprus conflict. We will, moreover, stand with Greece against all Turkish attempts to ignore international law and infringe upon Greek sovereignty, such as the incident earlier this year when Turkey laid claim to the Greek islet of Imia—a territory that was ceded to Greece by Italy under the terms of the Paris Peace Accords of 1947.

Mr. Speaker, I am proud that the Congress has established an annual event to celebrate Greek Independence Day. Greek-Americans and citizens of Greece alike have made invaluable contributions to American life and I congratulate them on 175 years of independence.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman, and I particularly thank him for his declarations. I know he means those, and will stand behind them.

As long as I have interrupted my own comments, Mr. Speaker, I will just continue and leave them interrupted, and yield to the gentleman from Cleveland, OH [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida for yielding to me.

Mr. Speaker, I appreciate the gentleman doing this.I had the pleasure of being actually not in Greece, but in an island very close to Greece this summer with the gentleman from Florida, and we had some great adventures. We, I think, presented the Greek Cypriot position quite articulately and persuasively to some of the Turkish Cypriot representatives, and I felt like I learned a great deal by being there, and I also was certainly honored to be there in the presence of the gentleman from Florida and other really committed, passionately committed Greek-Americans.

Mr. Speaker, today is a day that we are celebrating with this special order this resolution where we have named March 25, 1996, as Greek Independence Day, a national day of celebration of Greek and American democracy.

I guess what is really, I think, particularly appropriate and important to talk about is that we took over 200 years ago the example that Greece had set over 2,000 years ago as an example of how, under the rule of law, a disparate people living in far-flung city states at that time could be brought together in a confederation. And James Madison and Alexander Hamilton themselves also wrote in the Federalist Papers:

> Among the confederacies of antiquity, the most considerable was that of the Grecian Republics. From the very best accounts transmitted of this celebrated institution, it bore a very instructive analogy to the present confederation of the American States.

That was written in 1787. That came full circle when in 1821 the Greek intellectuals translated our own Declaration of Independence and used it as their own declaration. What we found is that the freedom-loving people of this country who founded this country, who emulated the freedom-loving people of Greece, and particularly in Greece, their commitment to a form of government which—I live the way Plato describes it in the Republic, he says ''Democracy is a delightful form of government. It is full of variety and disorder, and dispensing a kind of equality to equals and unequals alike.''

If your spend any time at all on the floor of this House, you are immediately struck that we here are full of variety and disorder, and dispense a kind of equality to equals and unequals alike that Plato certainly would have been proud of, he would have recognized. Mr. Speaker, I think it is great that it came full circle, then, and the Greek intellectuals and the Greek freedom fighters of the 1820's used our declaration as their model.

I also want to just recognize some Greek-Americans of national and international note before I close. There are some whose names will be very familiar: George Papanicolaou, who invented the Pap smear for cancer; Dr. George Gotsius, who developed L-dopa, to combat Parkinson's disease; in music, Maria Callas, the fabulous soprano, whose recording of the Rachmaninoff Vocalese is one of my most prized records; Peter Sampras, the No. 1 tennis player in the entire world.

In government we have U.S. Senators PAUL SARBANES and our former colleague here, OLYMPIA SNOWE from Maine, and of course some very distinguished Members who just happen to be on the floor with me tonight; the gentleman from the great State of Pennsylvania, GEORGE GEKAS, and the gentleman from Florida, MICHAEL BILIRAKIS, and President Clinton's senior adviser, George Stephanopolous. I also particularly want to recognize a giant in the world of fashion, James Gallanos, who is a designer, and was the favorite designer of former First Lady Nancy Reagan.

Mr. Speaker, we know there have been many, many Greek-Americans that have added a great deal. We know that the contributions of Greek-Americans to this country have been extraordinary. There is one other thing that I came across as I prepared for this special order that I thought was particularly interesting. It really goes to show what it is that Greek-Americans value in their families.

Greek-Americans became extremely successful in the United States in commerce, in trade, in many different areas. They recognized what my own grandfather recognized, who was not a Greek-American but was a Romanian-American, and that is that education is absolutely critically important to succeed in the United States of America, and education is in fact the great leveler. It is education that allows anybody to get ahead, anybody to achieve, and with education and hard work and a strong back and a will and determination, you can get ahead.

What is remarkable to me, Mr. Speaker, is that according to the United States census data, the first Greeks who became United States citizens ranked only 18th out of 24 nationals in their median educational attainment, but by 1970, their children had leapt to number one among all American ethnic nationals regarding median educational attainment, which shows that, first, Greek-Americans clearly value education, they value the written word, they value the spoken word, they value learning; and second, that learning not only is a value in and of itself, but it propels people to the top, in spite of all obstacles, and certainly we have seen that in this Greek-American community.

□ 2200

I am proud to be here, and I really appreciate the gentleman from Florida [Mr. BILIRAKIS] doing this every single year on Greek Independence Day. I am just glad to be able to be a part of it.

Mr. BILIRAKIS. I thank the gentleman. He has joined us every single year. He mentioned our trip to the island of Cyprus. We were the first Members of Congress, as I understand it, to go into the Turkish-occupied territory, up into the enclave area. We led a number of Cypriot-Americans who were not Members of Congress, just regular grassroots people, on that trip and we learned so very, very much. It was an honor to have done it with the gentleman from Ohio [Mr. HOKE].

I yield to the gentleman from Pennsylvania [Mr. GEKAS] for his remarks.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to make remarks about the theme upon which the gentleman from Ohio struck a note, musician that he is, a rhapsody of history of the American born of Greek descent.

In fourth grade in public schools, in Pennsylvania at least, perhaps throughout the Nation, there began to shine the light on the students of ancient history. We first began to learn about Egypt and Phoenicia, then Greek civilization, Rome, et cetera. We all had images thrust upon us, wonderful images of the Acropolis, the Parthenon, the Aegean Sea, as it were, and

some of the ancient pillars and columns that were all over the Greek countryside in ancient Greece, and which were a part of tourism even then and our own beginnings of knowledge of Greek history.

Almost simultaneously, I must tell you, in the fourth grade, many of us who were born of Greek immigrants were also attending school sponsored by the church, our own Greek Orthodox Church, in which we had an embellishment of that which we learned in public school, almost on the same day. I would go from public school, which would finish at 3:30 or 4, and then go to what we called Greek school in the late afternoon. We were tired in the evening of learning.

At that moment we began to learn about the second phase of the grandeur that was Greece, which was alluded to by the gentleman from Ohio, in the 19th century. It seemed natural to us youngsters who had learned in public schools about ancient Greek democracy and Socrates and Demosthenes to make the transition to the glories of the revolution against the Ottoman Empire, and then to learn about Kolokotronis and Karaiskakis and Marcos Botsaris. So we had a second set of heroes and images and brilliance of achievement on the part of the Greek people inculcated into our young learning even at that time.

What was significant about that was not just the expansion of learning, which is important in the education quotient which the gentleman from Ohio read, as far as achievement on the part of the Greek-Americans concerned. What was significant to me then and what is significant to me now is and was that it is an American experience.

We young Americans of Greek descent became better Americans as a result of that double dose of learning. In the American public schools, in the Greek church schools we became better Americans. We had a better sense of history, of education, of models, of role models and heroes and patriots and the glories of democracy.

One could not think of being an American without glorifying democracy, and it came to us naturally, we Americans of Greek descent. So we were doubly pierced with the arrow of democracy and democratic action and civilized behavior and politics and the search for good government, all from the fourth grade on, all intermeshed with our going to church and learning about the religion and the background of our parents, those lovable immigrants who came here to become great Americans in their own right.

One other note. When I mentioned that this was under the auspices of the church, that, too, was a natural phenomenon, having to do with the revolution of 1821, because it was a cleric, a churchman, who first raised the flag of independence on March 25, 1821. He did it on one of the most sacred holidays of the Greek Orthodox church.

So what we have then is a panoply of events all molding into one, patriotism, revolution, raising the flag of independence, glorifying the sacred holiday that the church held so high on that day, and bringing it all back into the well of the House of Representatives in 1996 where Americans all, Members of Congress, re-reflect the glory that was Greece in those two eras.

Mr. BILIRAKIS. I thank the gentleman from Pennsylvania [Mr. GEKAS]. Very well said.

Mr. Speaker, just before I interrupted myself to have recognized the four gentlemen, I spoke about the Greek freedom fighters having returned sovereignty to Greece and in so doing reconnected themselves and their Greek brothers and sisters to their heritage.

Mr. Speaker, this heritage of which we speak has brought forth our American principles of freedom and democracy that even now continues to spread throughout the world. Indeed, people of Greek heritage, as well as freedom loving people everywhere—can join in celebrating this very special day.

Our American patriot Thomas Paine wrote in his famous pamphlet, ''Common Sense:''

> Tis Dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed, if so celestial an article as freedom should not be highly rated.

How dear freedom is to us all.

Socrates warned and Plato warned and Pericles warned, as did so many other great minds throughout history, that freedom and democracy are won and maintained only at great cost. And with that cost comes an unwavering acceptance of responsibility.

Donald Kagan argues this point in his book about Pericles titled, ''Pericles of Athens and the Birth of Democracy.''

Mr. Kagan writes:

> The story of the Athenians in the time of Pericles suggests that the creation and survival of democracy requires leadership of a high order. When tested, the Athenians behaved with the required devotion, wisdom, and moderation in large part because they had been inspired by the democratic vision and example that Pericles had so effectively communicated to them. It was a vision that exalted the individual within the political community; it limited the scope and power of the state, leaving enough space for individual freedom, privacy, and the human dignity of which they are a crucial part.
>
> It rejected the leveling principle pursued by both ancient Sparta and modern socialism, which requires the suppression of those rights. By rewarding merit, it encouraged the individual achievement and excellence that makes life sweet and raises the quality of life for everyone. Above all, Pericles convinced the Athenians that their private needs, both moral and material, required the kind of community Athens had become. Therefore,—

And I would like to point out, Mr. Speaker, that this is what I mean by responsibility:

> They were willing to run risks in its defense, make sacrifices on its behalf and restrain their passions and desires to preserve it.

Mr. Speaker, I believe that this is as true today as it was in ancient Greece—as much as during the American Revolution and certainly as it was in 1821 when Greece claimed its independence.

The Greek people sought the right to govern themselves and to determine their own destiny. There are few more precious rights than this and it is one highly treasured around the world.

If people are to live freely they must also live responsibly. If people are to govern themselves democratically, then they must also govern themselves responsibly. The same must be said for nations. For if not, it is either anarchy or tyranny that is sure to follow.

I believe that if we are to live in a world of peace, with freedom and democracy as our goal, then this is the message that must guide us.

Even as I speak, tensions still persist between Turkey and Greece over the sovereignty of the islet of Imia—in the Aegean Sea.

Turkey has violated international law by trying to claim territorial ownership of Imia and, in so doing, has failed to act responsibly. Indeed, the European Parliament approved a resolution stating that:

> The Islet of Imia belongs to the Dodecanese group of islands, on the basis of the Lausanne Treaty of 1923, the protocol between Italy and Turkey of 1932, and the Paris Peace Treaty of 1947.

Another issue that demonstrates irresponsible leadership and weighs heavily on the minds of Greek-Americans and Cypriots alike is the recent statement made by Mr. Denktash—the Turkish-Cypriot leader of the self-declared Turkish Republic of Northern Cyprus that the five missing Americans and the 1,614 missing Greek-Cypriots captured in Cyprus during the illegal Turkish invasion of 1974, were turned over to the Turkish militia and then killed.

I have written a letter to President Clinton urging him to do everything possible to determine once and for all the fate of the missing in Cyprus.

I also question Mr. Denktash's statement that all the missing are dead—given the fact that there is much evidence to the contrary.

You don't have to be a Greek-American or a Cypriot-American to feel the pain and outrage felt by Cypriots who have had their land brutally and illegally occupied by Turkish forces for over 21 years.

I think this quote from the British newspaper the Guardian in an article written in 1979 called ''Words Won't Shift Turkey,'' illustrates the impact of the continued occupation:

> They (Turkey) invaded in two separate waves. They camped along the Attila line, holding 36 percent of Cyprus. They have not budged since. Worse, they have relentlessly filled northern Cyprus with mainland immigrants, squeezing all but a handful of Greeks from their territory . . . who can wonder . . . that the Greeks fear not merely permanent division along the Attila line but, at some suitable future moment with some

suitable future excuse, a further Turkish push to swallow all of Cyprus? Will world opinion be any more help then (—) than it is now? . . . ''

Mr. Speaker, last August I traveled to Cyprus, and I have already mentioned this, met the gentleman from Ohio [Mr. HOKE] there, and heard firsthand the life experiences of the Cypriots. I will continue to do all that I can to ensure their freedom along with the help particularly of the gentlewoman from New York [Mrs. MALONEY]; the gentleman from Pennsylvania [Mr. GEKAS]; the gentleman from Ohio [Mr. HOKE]; the gentleman from New York [Mr. GILMAN]; and so many others. I am pleased to have cosponsored legislation to address the freedom and human rights for the enclaved people of Cyprus.

We must seek a peaceful world so that freedom and democracy may flourish. Let us never squander the precious gift of liberty that is known to all our citizens through democracy.

Mr. Speaker, I yield to the gentlewoman from New York City [Mrs. MALONEY], which includes Astoria with a very large Greek population.

Mrs. MALONEY. Mr. Speaker, I first of all want to thank very much the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order to celebrate Greek independence day.

I am very fortunate and very pleased and privileged to represent Astoria, NY, one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Greek American friends that I have come to know are one of its greatest rewards.

March 25, 1996, will mark the 175th anniversary of the beginning of the Greek War of Independence.

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From the fall of Constantinople in 1453, until the Declaration of Independence in 1821, almost 400 years, Greece remained under the heel of the Ottoman Empire. During that time, the people were deprived of all civil rights. Schools and churches were closed down and many were forced to convert to the Moslem religion.

One hundred seventy-five years ago, the Greek people were able to resume their rightful place as an ideal of democracy for the rest of the western world. The Greek ideal inspired our Country's Founding Fathers. Thomas Jefferson called ancient Greece ''The light which led ourselves out of Gothic darkness.''

Yet half a century later, the American Revolution became one of the ideals of the Greeks as they fought for their own independence. Since their independence, Greece has become one of the most trusted partners allied with the United States in every major international conflict in this century.

In light of this special and long standing relationship, some recent actions taken by the administration are particularly troubling. The sale of high-powered missiles to Turkey is a case of point. These are medium-range antipersonnel missiles of great destructive power which have never been sold to another country, ever. Along with Mr. BILIRAKIS and others participating in this special order, we wrote to the President voicing our strong opposition to this sale. It is clearly contrary to the spirit of the 1996 Foreign Operations appropriations bill which cut aid to Turkey.

Likewise, the administration's proposed sale of 10 Super Cobra attack helicopters I believe sends the wrong signal to Turkey, particularly given the tense situation in the Eastern Mediterranean which Mr. BILIRAKIS just mentioned in his comments.

Last week Mr. BILIRAKIS joined me in a special order on that problem in Imia, an island in the Aegean over which there was recently a very heated conflict and confrontation between Greece and Turkey. In the Imia incident, Turkey challenged an established international boundary in an attempt to expand its Aegean border. This never would have happened if Turkey abided by international law.

As we approach the 21st century, the use of violence and the threat of the use of violence are totally unacceptable. This Imia incident is just one of a long list of Turkish violations, including human rights violations of the Kurds, the blockade of Armenia, and the continuing occupation of the northern part of the Republic of Cyprus.

Congress responded to these actions last June by cutting aid to Turkey. I believe that it is time for the administration to reach the same conclusion and end unfortunate weapons sales until certain actions are halted. We need a rational policy that does not encourage aggressive actions and attitudes. There can be no middle or neutral position between those who uphold the rules of law and those who violate it.

One final note to my colleagues that are participating in this special order. The gentleman from Florida and myself have recently established a congressional caucus on the Hellenic issues. For Members of the House who would like to work toward better United States-Greek and United States-Cypriot relations, I would like to personally invite any Member participating here to night to join the caucus.

Once again, I thank the gentleman from Florida, my very dear friend, for organizing this special order.

Mr. BILBRAY. I thank the gentlewoman, and join her in that invitation, obviously. I just cannot tell you how proud I am, CAROLYN, to be working with you, particularly on these issues.

I would at this point yield to another gentleman from Pennsylvania, Mr. RONALD KLINK, who is a fellow Kalimnian, which means that our parents immigrated to this country from the island of Kalimnos in the Aegean Sea, which is actually the group of islands that sort of is the closest to this disputed rock, I say ''disputed,'' it isn't disputed by anybody but Turkey, in the Aegean, this disputed rock called Imia.

I would yield to the gentleman at this time for his remarks.

Mr. CLINGER. I thank my dear friend and Kalimnian for yielding to me. It was amazing, as the gentleman knows, I went back to Kalimnos last August and saw Imia, and, of course, it is uninhabited. A lot of people are making the comment, well, this is a pile of rocks in the middle of the Aegean sea, there are no people who live there, so who should care about this?

The fact of the matter is these are Greek rocks. This is a Greek island. There are parts of southern Texas I would remind people who some would say that are not inhabited. They happen to be on this side of the Rio Grande. But if Mexico came over and planted a flag, there would be a battle, there would be a big fight, because everything on this side of the Rio Grande is American property.

The Greeks feel the same about this. As the gentleman mentioned in the earlier part of his statement, there has been no question about this. We are here to talk about Greek Independence Day and the issues.

The Greek people were never the provocateurs, throughout the entire history. For 400 years they lived under the Ottoman Empire, and they suffered greatly. Now again Turkey is the provocateur, coming into the Aegean and making claims that are completely illegitimate. And at the time the world was focused on this tiny, rocky inlet, most of what live there are sheep and goats, while the world was focusing on this and there was all this maneuvering around by military vehicles, what much of the world missed is the fact that Turkey at that time took 80 American-made tanks into Cyprus in violation of United States law, in violation of international law.

I have spoken with Ambassador Jacovites, the Ambassador from Cyprus, who said yes, this has, in fact, happened. We are making inquiries to the State Department to try to find out what, in fact, is going to happen.

Again, it is one more sign that Turkey is again, as they have been for hundreds of years, the provocateurs in the Aegean. They are risking peace, they are risking harmony in the European union. In fact, the European Parliament has condemned Turkey's action in a resolution that passed 342 to 21, with 11 abstentions. They understand the seriousness of the action that has been taken by Turkey in this and in other actions.

The gentleman also, my friend from Florida, made mention of the 1,619 people who are missing after the 1974 invasion of Cyprus. All of a sudden we have these comments made they were turned over to Turkish Cypriot militia

and they are dead and we should dismiss this after 21 years.

We are dismissing nothing, because it is time to have these questions answered and make sure what were the circumstances of these deaths. Where are these people buried? Five of these people are American citizens. One is a 17-year-old boy from Michigan. I would say to the Speaker pro tem, I know the State of Michigan is important to him. From Michigan, a 17-year-old boy with his American passport in his hand, and 21 years, almost 22 years later, is completely unaccounted for.

I understand the State Department talks about the fact that both Turkey and Greece are important to the United States. I will go back in closing, and then relinquishing the time back to my friend. I would like to just give a couple of quotes.

One quote says:

> Our Constitution is called a democracy because power is in the hands not of a minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which man possesses.

That statement could be made by anyone on the floor of the House, any President of the United States, but it was made by Pericles in an address made in Greece 2,000 years ago. Our Nation is founded on that democracy.

Likewie, the comment that ''Democracy is a charming form of government. It is full of variety and disorder and dispensing a kind of equality to equals and unequals alike.'' It was not made on the floor of this House during our debates with one another and our differences among parties or regions. It was made by Plato in ''The Republic'' in the year 370 B.C.

From Thomas Jefferson, whom we all revere, he said ''To the ancient Greeks we are all indebted for the light which led ourselves,'' speaking of the American colonists, ''out of Gothic darkness.''

Thomas Jefferson understood the importance of Greece in formulating this idea of democracy and equality and understood how important the Greek people were to the people of the United States. Thomas Jefferson likewise wrote to the leaders of Greece during their occupation by the Ottoman Empire and encouraged them in their revolution. It took many, many hundreds of years after that for his dream for the Greeks to come to fruition. But they are still not shed of the inequities and the provocation that Turkey has perpetrated on that part of the Aegean and that part of the world for many hundreds of years.

So I would say that those of us who love freedom, those of us who have a sense that the birthplace of democracy should itself be free and not have to live under the thumb of the Turks, have a lot of work cut out for us.

I thank the gentleman, my friend from Kalimnos, and now from Florida, for yielding to me, and I thank him for his leadership on these issues and many other issues in this U.S. Congress. It is my pleasure and my distinct honor to serve with him. I thank him for taking this time.

Mr. BILIRAKIS. I thank the gentleman. Certainly the same applies from my side of the aisle.

So you can see, Mr. Speaker, as we celebrate this Greek Independence Day, we, all of us, must remember the price that has been paid to attain freedom here in the United States and everywhere, as the gentleman from Pennsylvania just reminded us. We owe a great debt of gratitude to the ancient Greeks, who forged the very notion of democracy. The American philosopher Will Durant said it best, ''Greece is the bright morning star of that western civilization which is our nourishment and life.''

We must remember our responsibility to those who sacrificed their lives to secure our freedom by preserving it for generations to come. So let us never forget or ignore that liberty demands responsibility, for on this Greek Independence Day, let us reflect on how dear freedom is to us all, and let us remember those Greek patriots who, as they valiantly fought off foreign oppression 175 years ago, shouted for all of us to hear ''Eleftheria i thanatos,'' ''Liberty or death.''

Mr. Speaker, I thank you, and I particularly thank the staffs of the Cloakroom and the staffs of the people here for their indulgence at this very late hour. I know we are very tired, but we very much appreciate your allowing us to do this special order.

Ms. PELOSI. Mr. Speaker, I join today with my colleagues in commemorating Greek Independence Day. I thank my colleague from Florida, Mr. BILIRAKIS, for his leadership on issues of importance to the Greek-American community and for organizing this special order tonight.

On March 25, we will celebrate the 175th anniversary of the revolution which released Greece from the tyranny of the Ottoman Empire. This date is a very important one, yet it represents only one facet of Greece's longstanding inspiration to the world as the home of democracy.

The people of Greece and the people of the United States share a special and strong bond which goes back to the founding of our great Nation and which echoes through the ages. Greece's philosophical tradition inspired our Founding Fathers in their struggle for freedom and democracy. Their struggle, in turn, inspired the Greek patriots whose courageous fight for independence in the 1820's we acknowledge and commemorate today.

Greece's intellectual, philosophical, cultural, and artistic contributions to the history of Western civilization are an important underpinning of the world in which we live. Today, here in the House of Representatives, we pause to acknowledge those contributions, Without Greek democratic thought, we might not have the democracy we practice here on a daily basis, one which is too often taken for granted.

Greece's contributions to life in the United States are not just those based on lofty ideals. In communities across the country, Greek-Americans contribute in untold ways. The contribution of the Greek-American community to my district of San Francisco is a great one. This special community is a vital, historic, and vibrant component of San Francisco's world-renowned diversity.

I am proud to join my colleagues in the House of Representatives and my friends in the Greek-American community in celebrating Greek Independence Day.

Mr. FROST. Mr. Speaker, democracy and democratic governing is a style that is quickly being embraced by governments all over the world and it is an amazing spectacle. While the United States can take much credit for being the model of modern democracy, America is not its birthplace. Athens is the home of democracy.

Greek sages like Aristotle were the architects of those democratic principles which set the foundations of our government and for many others around the world. It was the Greeks who began the battles to preserve the concept of ruling by the people, a concept for which we also fight.

On March 25, 1996, Greece will celebrate its 175th anniversary, its dodrasquicentenial, of independence from the Ottoman Empire. It is in this celebration that those democratic principles will be reaffirmed. Because our nations are so ideologically intertwined, we also have reason to celebrate.

Mr. MANTON. Mr. Speaker, I am proud to rise today to join my colleague, Mr. BILIRAKIS, in celebrating Greek Independence Day. Today we celebrate the lasting tradition of Greek and American friendship and democracy.

Mr. Speaker, March 25, 1996, will mark the 175th Anniversary of the revolution which freed the people of Greece from nearly 400 years of the oppressive and suffocating rule of the Ottoman Empire. We as Americans, as well as each of the new and older democracies of the world, owe much to the country of Greece because of their important role in fostering the freedom and democracy we know today. Edith Hamilton said it best, ''The Greeks were the first Westerners; the spirit of the West, the modern spirit, is a Greek discovery and the place of the Greeks is in the modern world.''

The relationship between Greece and the United States is one based on mutual respect and admiration. The democratic principles used by our Founding Fathers to frame our Constitution were born in ancient Greece. In turn, our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their modern fight for independence in the 1820's. The Greeks translated the United States Declaration of Independence into their own language so they, too, could share the same freedoms of the United States.

Mr. Speaker, in modern times, the relationship between the Greeks and the United States has only grown stronger. Greece is one of only three nations in the world that has allied with the United States in every major international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis Powers in World War II. After World War II, the Greek soldiers returned to their homefront to again defend their democratic foundation from the threat of Communist rebels. Fortunately, democracy prevailed and

Greece emerged the strong and victorious nation it is today.

Mr. Speaker, on this occasion commemorating the strong relationship between the United States and Greece, I would like to urge my colleagues to join me as a member the Congressional Caucus on Hellenic Issues. Becoming a member of this caucus will enable Members of Congress to work together on issues that affect the Greek and Greek-American community.

I look forward to working with my colleagues and with the Clinton administration to unravel the Cyprus problem, and promote a solid, cooperative relationship between Greece and Macedonia. In addition, I will continue to see that the countries of Turkey and Albania no longer infringe on human rights or violate international law.

Mr. Speaker, in honor of Greek Independence Day, I celebrate the strong and lasting bond between the people of the United States and Greece. I urge my colleagues to join me on this special day in paying tribute to the wisdom of the Ancient Greeks, the friendship of modern Greece, and the important contributions Greek-Americans have made in the United States and throughout the world.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague from Florida for once again taking the leadership to organize this special order which provides us the opportunity to celebrate a great day in the history of Greece, our close ally.

I also want to commend the gentleman from Florida and the gentlewoman from New York for organizing the Congressional Caucus on Hellenic Issues. Those of us who are concerned about our friends in Greece and Cyprus have worked together informally over the years, and I am pleased to now be part of a more organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and to our constituents of Hellenic descent.

It is very fitting for us to take time here to celebrate the beginning of Greece's struggle for independence from the cruel oppression of the Ottoman Empire. With our own war for independence as an example, the people of Greece began their struggle for freedom on March 25, 1821. How fitting that we could offer an example to Greece in the struggle against oppression, for the example of Athenian democracy was an inspiration to our revolutionary heroes.

The bonds between our two nations are deep and long-standing. On this occasion, we set aside time to honor those ties, but in fact each day that we meet is a celebration of the debt America owes to Greece. Greece was the birthplace of democracy, and we pay homage to this every day when we meet and debate and vote and freely share ideas.

When we begin each day affirming our commitment to liberty and justice for all we are, in fact, honoring the gifts of Greece to America. When citizens meet in a town hall, or attend a town meeting, or go to the polls on election day—they continue traditions begun in Greece.

This building in which we meet every day, and the Supreme Court across the street, are physical reminders that the roots of democracy were planted in Athens. It is no accident that the laboratory of democracy looks back to Greece for guidance on building the halls of democracy.

Ideas are not the only contribution made by Greece to America. As my own State of Rhode Island can attest, the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities.

Starting in the 1890's, Greek immigrants moved into Providence, Pawtucket, and Newport, RI. There they built business, neighborhoods, churches, schools, and raised families. Today, the grandchildren of those immigrants are leaders in our State, and Rhode Island is richer because of all they have given.

Tonight we do so much more than just salute the valiant bravery of Greece in 1821—for the brave acts of that revolution were just one more firing of the torch of liberty that was lit with the birth of democracy in Athens.

I join my colleagues in honoring Greece for all it has given the United States and share their optimism for all we will do together in the years ahead. I thank my colleagues for all of their hard work in making this special order possible and for their leadership on Hellenic issues.

Mr. DOYLE. Mr. Speaker, I rise today in recognition of the 175th anniversary of the independence of the nation of Greece.

The significance of the Greek War of Independence goes well beyond the scope of Greece and its history, and beyond even the history of the entire region encompassing the Balkan peninsula and the eastern Mediterranean. The struggle of the Greek people was the first major war of liberation following the American Revolution; it was the first successful war for independence from the Ottoman Empire; and it was the first explicitly nationalist revolution.

It is generally recognized that the Greek War of Independence began in earnest on March 25, 1821, when Bishop Germanos of Patra raised the standard of rebellion at the monastery of Aghia Lavra in the northern Peloponnese. This incident represented the joining together of lay and secular forces in outright rebellion to Ottoman domination.

As evidence of the commitment to democracy as an underpinning of this struggle, the first National Assembly was convened at Epidaurus by the end of 1821. By taking action to develop a representative legislature at the earliest stages of revolution, well before victory was achieved in 1832, the broad coalition of forces striving for Greek independence recognized that a modern political state must be based on a framework which seeks to include those from all walks of life.

In looking at Greece today, one can see how the character of the Greek War of Independence has added to the success of the modern state of Greece. Throughout the twentieth century, Greece has stood strong, first in the face of imperialism during World War I, then against the fascist incursion of the Axis powers during World War II, and finally in facing down the Communist threat during the cold war.

Today, Greece stands firm as a bulwark of stability in an otherwise volatile region. The shared victory of western democracies in defeating communism would not have been possible without the dedicated participation of Greece. Also, as Americans, we must continue to recognize the pivotal role played by Greece in meeting our goal of maintaining and enhancing the economic and politically stability of Europe and the Mediterranean.

Again, I congratulate the people of Greece on 175 years of independence and salute their ongoing positive contribution to peace and democracy throughout the world.

Mr. ACKERMAN. Mr. Speaker, I rise with my colleagues today to commemorate the 175th anniversary of the declaration of Greek independence from the Ottoman Empire, on March 25, 1821. I would also like to very much associate myself with the remarks of the distinguished gentleman from Florida, Mr. BILIRAKIS, and commend him for arranging this special order. His leadership on issues of concern to Greek-Americans has been unmatched in Congress, and I'm proud to work with him on this and other important matters.

Mr. Speaker, the world has changed greatly since 1821, but at least one common theme seems to link these two eras—the fight for democracy and freedom as a precious way of life for all people. It was a long and hard-fought battle in 1821 for Greece, and it continues to be one in 1996, in countries all over the world, from Asia, to Africa to Latin America. Greece, as the founder of democracy as we know it, however, has a special place in the hearts of all those who cherish democracy and freedom. In that respect, Greece and the United States have always shared a close relationship, which continues up to the present time, in the form of NATO, and other such alliances and ties. And it doesn't stop there. The contribution of Greece and Greek society to American society is immeasurable. Aside from the neo-classical architectural gems that grace our Capital City, Greek immigrants have been providing contributions to all facets of our society, from medicine to law to education and sports, just to name a few. In fact, one of the greatest contributions that Greece has made to the international community will be commemorated and celebrated this summer in Atlanta: the 100th anniversary of the modern Olympics.

This of course is only a small token of expression of support for Greece and Greek-Americans, but it is something upon which I, and many Americans across this country and across all political spectrums, fervently hold forth. Simply put, without the democratic ideals that originated in ancient Greece, we would not have had an American Revolution. And without the contributions of Greek immigrants over the last 200 plus years, we simply would not have the America that we have today.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order commemorating Greek Independence Day.

One hundred and seventy five years ago, most of Greece was part of the Ottoman Empire. At that time, Greece had been under Ottoman rule for over 400 years. Greeks held high positions in the Ottoman Government and Greek merchants dominated trade within the empire, but the Greek people were unwilling subjects of the Ottomans. Taxes and restrictions on landholding were onerous, Greek Orthodox Christians were a religious minority, and Ottoman Government was becoming increasingly characterized by corruption and violence.

In the late 1700's and early 1800's, the Greek people developed a strong national consciousness. Many Greeks began to come into greater contact with West Europeans, and through these contacts they gained exposure to the ideas of liberty and self-government that had been developed in ancient Greece and revived in modern times by the French and

American Revolutions. The development of a vision of an independent Greek nation at that time was due in no small part to the interaction of these radical ideas with the increasing depredations of the Ottomans and their minions.

In March 1821, Greek patriots rose up against their Ottoman overlords in a revolution that lasted for nearly 10 years. They enjoyed initial success, but met with several subsequent reversals. Nevertheless, the Greek people persevered through 8 bloody years of conflict. They experienced adversity and setbacks frequently, but their revolution continued. In 1825, the Ottoman Government, unable to defeat the rebels, brought in foreign mercenaries—much like the Hessian soldiers in the American Revolution—to crush the Greeks. The Greeks fought on.

The Greeks' heroic struggle inspired support from people in Western Europe and the United States. Many people in these countries developed an interest in Greek culture, architecture, and history. Europeans and Americans felt especially sympathetic to the plight of the Greek people given the role of ancient Greece as the cradle of democracy. The writings of early Greek philosophers like Plato and Polybius had helped inspire many of the patriots of the American Revolution, who had been schooled in the classics. A number of private citizens like Lord Byron were so caught up with the Greeks' fight for freedom that they actually traveled to Greece to take part in the revolution. Many of the people of Europe pressured their governments to intervene on the side of the Greeks, and as a result, in 1826 Great Britain and Russia agreed to work to secure Greek independence. France allied itself with these states the following year. Foreign assistance helped turn the tide, and in 1829 the Ottoman Empire signed a treaty recognizing Greece as an autonomous state.

Mr. Speaker, it is only appropriate that we recognize the courage and heroism of these early Greek patriots, who fought and died for the same principles of freedom and self-government that inspired our forefathers to rebel against Great Britain. Greece and the United States can both lay legitimate claim to the title of cradle of democracy. The democracies of ancient Greece inspired our Founding Fathers. Democracy in the United States and the principles laid out in the Declaration of Independence and the Constitution have inspired countless people around the world over the last 220 years.

Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek ancestry. I am pleased to join our country's Greek-American citizens in celebrating this very special day.

Mr. LoBIONDO. Mr. Speaker, I rise as a member of the recently formed Congressional Caucus on Hellenic Issues to recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

The victory of the Greek revolutionaries is particularly important for Members of this body which is one of the greatest institutions of democracy ever created on Earth. The foundation of our country stems directly from the advances in philosophy and law established by the ancient Greeks. Aristotle taught us that:

> [c]learly then a state is not a mere society, having a common place, established for the prevention of crime and for the sake of trade. These are conditions without which a state cannot exist; but all of them together do not constitute a state, which is a community of families and aggregations of families in well-being for the sake of a perfect and self-sufficing life * * *. And the state is a union of families and villages in a perfect and self-sufficing life, by which we mean a happy and honorable life.

This is the tradition that has been given to the people of the United States of America by the people of Greece to whom we shall be forever grateful.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two World Wars as well as in the Persian Gulf war. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. We must continue to nurture the relationship between our two nations. We must lend our support to our Greek allies in their continuing conflicts with Turkey. A resolution to this long standing problem must be a focus of American foreign policy and I would urge President Clinton and others in the administration to work to ensure the protection of Greeks in Turkey and Cyprus.

Mr. Speaker, in closing I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proved so successful.

Mr. FRELINGHUYSEN. Mr. Speaker, for Greek-Americans and those who practice the Greek Orthodox faith, I rise in their honor to join in the commemoration of the very special 175th anniversary of Greek Independence Day. Our mutual respect for freedom and liberty for all mankind dates back to the late 18th century when our Founding Fathers looked to ancient Greece for direction on writing our own Constitution. Benjamin Franklin and Thomas Jefferson persuaded a noted Greek scholar, John Paradise, to come to the United States for consultation on the policital philosophy of democracy. Later, the Greeks adopted the American Declaration of Independence as their own, sealing a bond which has endured between our two nations ever since.

March 25, marks the date when in 1821, the Greek people rose against four centuries of Ottoman rule. Under the leadership of Alexander Ypsilanti, the Greek people fought valiantly in pursuit of freedom and self-rule for 8 years. Finally, in 1827, the Allied powers lent support to the greek effort. In 1829, not only did the united forces defeat the Turks, but the Greek people also gained recognition of their independence by the very power that had oppressed them since the fifteenth century.

The Greek people continued their struggle against the threat of undemocratic regimes into the 20th century. At the height of World War II, when it appeared that Nazi forces would soon overrun Europe, the Greek people fought courageously on behalf of the rest of the world—at a cost of a half a million lives. The Greek people dealt a severe blow to the ability of the Axis forces to control the Mediterranean and seal off the Black Sea which helped to turn the tide of the war. British Prime Minister Winston Churchill declared: ''in ancient days it was said that Greeks fight like heroes, now we must say that heroes fight like Greeks.''

During the Truman administration, the United States finally realized Greece's unwavering commitment to democracy. President Truman recognized this commitment by including Greece in his economic and military assistance program—The Truman doctrine. And, in 1952, Greece joined the North Atlantic Treaty Organization, which was later tested when Russia threatened to crush the Acropolis unless Greece abandon the alliance. Greece stood firm and proved its commitment once again.

Mr. Speaker, March 25 marks Greece's accomplishment as an independent nation. However, more importantly, this day symbolizes the Greek people's continued defense of democracy, an idea given birth by the great philosophers in Athens more than 2,500 years ago.

Unfortunatly, this year's independence celebration is tempered by the loss of one of Greece's greatest poets, Odysseus Elytis, who died 3 days ago. Elytis is most famed for ''Axion Esti'' (''Worthy It Be''), an epic poem described as a ''Bible for the Greek people'' by renowned composer Mikis Theodorakis, who, admiring it so much, set it to music. In 1979, Elytis became the second Greek to win the Nobel Prize for poetry. In his own words he said, ''I am personifying Greece in my poems * * *. All the beautiful and bitter moments beneath the sky of Attica.'' Odysseus Elytis personifies the Greek spirit of love and respect for culture and freedom. Although he will be missed, Elythis left a wonderful legacy for his people.

I am grateful for the opportunity to join in observing this very important celebration. This week I will remember where our own democratic principles were derived, and I will honor the countless, invaluable contributions Greek-Americans have brought to this country. The more than 700,000 Greeks who have come here, benefited us with a stronger, civilized and more cultured heritage. Mr. Speaker, I salute Greek-Americans for their outstanding achievements and their commitment to the ideals of freedom.

Mr. SCHUMER. Mr. Speaker, I rise today to join my colleagues in recognizing Greece on its 175th anniversary of independence. I am glad to participate in this special order and I thank my colleague Mr. BILIRAKIS for his commitment to commemorating Greek independence each March.

The United States has a strong and special relationship with Greece. Our great experiment in democracy drew its primary lessons from the ancient Greeks, and not too many years after our Revolutionary War, the people of Greece succeeded in throwing off the Ottoman Empire. We have in common the struggle to be free, belief in justice and in equality, and a faith in the people's judgment. We often speak today about the rights of the majority and minority in a democracy, about the rule of law and the ideal role of government. When we do that, we are really recalling the Greeks who wrote and argued with vigor and dignity about these fundamental issues. The vision of the Founders is drawn from the work of the ancient Greeks.

Today that creative essence can still be found within our vibrant community of Greek-Americans. My constituents of Greek descent are dynamic, hardworking, and active in the community. I am proud to represent them and I believe all Americans can learn a lesson from the strength of Greek-American families and their generosity of spirit.

We in the United States owe Greece a debt of gratitude, for being our steady partners and friends over many years, for inspiring our thoughts about democracy, and for sending us so many sons and daughters who have made and continue to make a contribution to the work of our Nation. I wish the people of Greece and all Greek-Americans a very happy Greek Independence Day, and I look forward to sharing the celebration in years to come.

Mr. REID. Mr. Speaker, I rise today to commemorate the 175th anniversary of Greek Independence Day, which falls on March 25. On this historic day, the Greek people broke from the Ottoman Empire after more than 400 years of foreign domination, clearly demonstrating their long-standing and continuing love of freedom.

Greece's democratic ideals and institutions continue to inspire people and nations around the world, and they have enabled the United States and Greece to enjoy a strong relationship. The contributions that Greek-Americans have made in our society are especially evident in my home State of Rhode Island, where the oldest Greek settlement dates back to the late 1890's. Many of the early Greek immigrants to the State worked as mill workers, foundrymen, fishermen, or merchant seamen. Today, the descendants of these hard-working people form a proud and prosperous Greek-American community, which continues to enrich Rhode Island and our Nation.

While we are here today to celebrate Greek history and its contributions, it is also important to recognize the continuing struggles of the Greek people. For more than 20 years, military occupation and human rights abuses by Turkey continue to hamper efforts to bring about a resolution to the situation in Cyprus. The time has come to end the strife and violence that have racked Cyprus since the Turkish invasion. I am a cosponsor of House Concurrent Resolution 42 which calls for the demilitarization of Cyprus and I urge my colleagues to join as cosponsors. The United States can and must play a role to help the people of Cyprus and stabilize relations between Greece and Turkey.

The Ecumenical Patriarchate, the spiritual leader for over 250 million Greek Orthodox Christians, is located in Turkey and continues to be the victim of harassment and terrorist attacks. I am also a cosponsor of House Concurrent Resolution 50, which calls for the United States to insist that Turkey protect the Ecumenical Patriarchate and all Orthodox Christians residing in Turkey and I would urge my colleagues to sign onto this important legislation.

The relationship between the United States and Greece continues to be of political, economical, and social importance. It is my hope we will continue to strengthen the bond between the United States and Greece, and to promote peace and stability in this region of the world. I would like to commend my colleagues, Representatives BILIRAKIS and MALONEY, for forming the Congressional Caucus on Hellenic Issue. As a member of this caucus, I look forward to working with them and my other colleagues to heighten awareness of issues of concern to the Greek-American community and to further our mutually beneficial relationship with Greece.

In closing, I am proud to participate in the celebration of Greek Independence Day. I wish to extend my congratulations and best wishes on this day to the millions of Greek-Americans and all the citizens of Greece.

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

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

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

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. OLVER (at the request of Mr. GEPHARDT) for today on account of personal business.

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. NADLER) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, today.

Mr. FIELDS of Louisiana, for 60 minutes, today.

Mr. SANDERS, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, on March 21.

Mr. CHRISTENSEN, for 5 minutes, on March 21.

Mrs. SEASTRAND, for 5 minutes, on March 21.

Mrs. JOHNSON of Connecticut, for 5 minutes, on March 21.

EXTENSION OF REMARKS

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

Mr. DREIER, and to include extraneous matter, on the Dreier amendment to H.R. 2202, in the Committee of the Whole today.

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

Mr. BECERRA.

Mr. NEAL OF MASSACHUSETTS.

Mr. VISCLOSKY.

Mrs. MALONEY in two instances.

Mr. HAMILTON.

Mr. FRANK of Massachusetts.

Mr. ACKERMAN in two instances.

Mr. LANTOS.

Mr. REED.

Mr. GORDON.

Mr. JACOBS.

Mr. BARRETT of Wisconsin.

Mr. CONDIT.

Ms. HARMAN.

Mr. POSHARD in two instances.

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

Mr. SAXTON.

Mr. WALKER.

Mr. KING.

Mr. FLANAGAN.

Mr. DAVIS.

Mr. CRANE.

Mr. WELDON of Pennsylvania.

Mr. BILIRAKIS.

Mr. GOODLING.

Mr. BURTON of Indiana.

Mr. GILMAN in two instances.

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

Mr. ROHRABACHER.

Mr. PORTER.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, March 21, 1996, at 10 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1994 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, Mar. 14, 1996.

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

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, enclosed is the calendar year 1995 report entitled Extraordinary Contractual Actions to Facilitate the National Defense.

Section A, Department of Defense Summary, indicates that 35 contractual actions were approved and that two were disapproved. Those approved include actions for which the Government's liability is contingent and can not be estimated.

Section B, Department Summary, presents those actions which were submitted by affected Military Departments/Agencies with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Defense Logistics Agency, Ballistic Missile Defense Organization, Defense Information Systems Agency, Defense Mapping Agency, and the Defense Nuclear Agency reported no actions, while the Departments of the Army, Navy,

and Air Force provided data regarding actions that were either approved or denied.

Sincerely,

L.W. FREEMAN
(For D.O. Cooke, Director).

Enclosure: As stated.

DEPARTMENT OF DEFENSE

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (PUBLIC LAW 85–804) CALENDAR YEAR 1995

FOREWARD

On October 7, 1992, the Deputy Secretary of Defense (DepSecDef) determined that the national defense will be facilitated by the elimination of the requirement in existing Department of Defense (DoD) contracts for the reporting and recoupment of nonrecurring costs in connection with the sales of military equipment. In accordance with that decision and pursuant to the authority of Public Law 85–804, the DepSecDef directed that DoD contracts heretofore entered into be amended or modified to remove these requirements with respect to sales on or after October 7, 1992, except as expressly required by statute.

In accordance with the DepSecDef's decision, on October 9, 1992, the Under Secretary of Defense for Acquisition and Technology directed the Assistant Secretaries of the Army, Navy, and Air Force, and the Directors of the Defense Agencies, to modify or amend contracts that contain a clause that requires the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, through the addition of the following clause:

The requirement of a clause in this contract for the contractor to report and to pay a nonrecurring cost recoupment charge in connection with a sale of defense articles or technology is deleted with respect to sales or binding agreements to sell that are executed on or after October 7, 1992, except for those sales for which an Act of Congress (see section 21(e) of the Arms Export Control Act) requires the recoupment of nonrecurring costs.

This report reflects no cost with respect to the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, as none have been identified for calendar year 1995.

EXTRAORDINARY CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1995

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE—JANUARY–DECEMBER 1995

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	35	[1]0.00	0.00	2	111,753,769.00
Amendments without consideration	0	0.00	0.00	2	111,753,769.00
Contingent liabilities	35	0.00	0.00	0	0.00
Army total	0	0.00	0.00	1	110,700,000.00
Amendments without consideration	0	0.00	0.00	1	110,700,000.00
Navy, total	33	[1]0.00	0.00	1	1,053,769.00
Amendments without consideration	0	0.00	0.00	1	1,053,769.00
Contingent liabilities	33	0.00	0.00	0	0.00
Air Force, total	2	[1]0.00	0.00	0	0.00
Contingent liabilities	[2]2	0.00	0.00	0	0.00
Defense Logistics Agency, total	0	0.00	0.00	0	0.00
Ballistic Missile Defense Organization, total	0	0.00	0.00	0	0.00
Defense Information Systems Agency, total	0	0.00	0.00	0	0.00
Defense Mapping Agency, total	0	0.00	0.00	0	0.00
Defense Nuclear Agency, total	0	0.00	0.00	0	0.00

[1] The actual or estimated potential cost of the contingent liabilities can not be predicted, but could entail millions of dollars.
[2] One of the indemnifications is for FY 1996 annual airlift contracts and is included in this report. The Air Force has deemed the second indemnification to be ''classified,'' not subject to this report's purview.

SECTION B—DEPARTMENT SUMMARY

DEPARTMENT OF THE ARMY

Contractor: Martin Marietta Corporation.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $110,700,000.

Service and activity: U.S. Army Missile Command.

Description of product or service: The request was made for payment of certain nonrecurring investment costs incurred that were not fully recovered upon the 1992 cancellation of the Forward Area Air Defense Line-of-Site Forward Heavy System (LOS-F-H).

Background: The Martin Marietta Team, consisting of Martin Marietta Technologies Inc., Electronics & Missiles; and two of its subcontractors, Oerlikon Aerospace, Inc., and Williams International, submitted a request for extraordinary contract relief under Public Law 85–804, requesting an amendment without consideration pursuant to Federal Acquisition Regulation (FAR) 50.302–1(b), ''Government action.''

The Team requested a total of $110.7 million for losses sustained when the Army canceled the Forward Area Air Defense Line-of-Site Forward Heavy System (LOS–F–H) in 1992. The request was for payment of certain nonrecurring investment costs incurred by the Team which could not be fully recovered when the program was canceled. The $110.7 million request for relief was further broken down as follows: Martin Marietta Technologies Inc.—$54.9 million; Oerlikon Aerospace, Inc.—$41.1 million; and Williams International—$14.7 million.

Martin Marietta Corporation (MMC) was the prime contractor on the LOS–F–H System,[1] with Oerlikon performing as the principal subcontractor for the fire units and missiles, and Williams serving as the subcontractor integrating two environmental control units into the systems primary power unit.

Statement of facts

In 1986 the Army had a need to provide air defense protection for heavy maneuvering forces deployed forward on the battlefield. Consequently, on January 24, 1986, the U.S. Army Missile Command (MICOM) issued a Request for Information (RFI) for a proposed LOS–F–H Program. Following analysis of several responses to the RFI, MICOM issued a Draft Request for Proposals (RFP) on January 3, 1986. The Draft RFP contained deployment requirements and target quantities and deliveries.

On January 12, 1987, Martin Marietta Corporation (MMC) responded to the draft RFP, advising that significant up-front MMC nonrecurring investment and capital outlay would be required to comply with the RFP requirements. MMC requested that the definitive RFP address indemnification for the expenses identified. MMC was the only contractor that raised indemnification as an issue. On March 16, 1987, MICOM issued a definitive RFP. The RFP contained a six year funding profile for the proposed program along with a statement that if the funding profile was insufficient, offerors should offer an alternative profile which matched their proposed delivery schedule. The funding profile provided was as follows:

Fiscal year:	*Millions*
1988	$43
1989	243
1990	410
1991	404
1992	407
1993	416

On April 3, 1987, the LOS–F–H Project Office completed Acquisition Plan number 2 for the LOS–F–H Program. This plan called for the acquisition of a Non Developmental Item (NDI) as a component of the Forward Area Air Defense System (FAADS) to operate with and provide protection for forward heavy maneuvering Army units. The plan stated that the responses to the RFI had demonstrated that several systems met the criteria for an NDI, but that none of them met the full system requirements defined in the Required Operational Capability (ROC) for the FAADS. The plan called for the immediate procurement of the NDI system that came nearest to meeting the full system requirements, with the capability to grow to meet the requirements of the ROC. This approach was adopted in part based on a determination that several firms had responded to the RFI, offering systems that could ultimately satisfy the Army's full system requirements. The plan also called for fielding of the system to begin in FY 1990 and full deployment to four forward divisions in Europe by the end of the calendar year 1992. It called for award of up to four $2.0 million firm fixed-price contracts for candidate evaluation.

On May 29, 1987, MMC responded to the definitive RFP. In its response, MMC proposed

[1] The Program/Contract was also commonly known as the Air Defense Anti-Tank System (ADATS).

clauses (identified as H–12a and H–12b) which called for indemnification of the funds it had previously identified as necessary for nonrecurring up-front investment and capital outlay. These two clauses were rejected by MICOM. No other competing offeror requested similar indemnification.

On June 12, 1987, MMC was awarded Contract DAAH0187–C–A049, one of four candidate evaluation contracts. This contract contained follow-on production options which were unpriced.

On August 14, 1987, the Army changed the funding profile for fiscal years (FYs) 1988, 1989, and 1990, as follows:

FY 1988—$95 million.

FY 1989—$255 million.

FY 1990—$397 million.

At that time, MMC was advised by the Contracting Officer (CO) that its proposal had to be both affordable and executable in FY 1988–FY 1990.

On November 12, 1987, following extensive negotiations, MMC submitted its Best and Final Offer for the unpriced options. This offer stated that MMC was delaying recovery of its major investments until the production phases of the program (FY 1990 through FY 1993). On November 30, 1987, MMC was announced as the winner of the competition.

On February 10, 1988, modification P00004 to the MMC candidate evaluation contract was executed. This modification priced the unpriced production and interim contractor support options. Option 1 was exercised. This modification did not provide for indemnification for the up-front and capital outlay expenses requested earlier by MMC.

At the time modification P00004 was executed, certain Army officials, including but not limited to the LOS–F–H Project Manager, were aware that, as a result of the budgeting process, the funding profile contained in the definitive RFP had been sharply reduced for FY 1989 and forward, The MICOM contracting organization and others did not know of any finite reductions at that time the modfification was executed. Modification P00004 contained a provision that production Special Tooling/Special Test Equipment (ST/STE) costs would be deferred to succeeding production efforts and that if the contract was terminated for any reason other than default, any unamortized cost would be subject to termination settlement in accordance with the Terminiation provision of the contract. It also stated that in the event of nonexercise of an option or program cancellation for any reason other than default, the contract would be subject to an equitable adjustment to provide for recoupment by the contractor of any unamortized production ST/STE acquisition cost, or adjustment of the amortization schedule, as appropriate.

On February 11, 1988, bilateral modification P00006 to the contract was executed by the CO. This modification exercised Option 2 on an incremental funding basis.

Then on February 25, 1988, just 15 days after contract award, the CO notified MMC by letter that a reduction in the FY 1989 funds allocated to the LOS–F–H Project in the President's FY 1988 Budget necessitated a not-to-exceed (NTE) proposal from MMC for substantially less hardware quantities than set forth in Option 3 of the contract. It was requested that such a proposal be received before March 4, 1988. Prior to the CO's letter of February 25, 1988, there was no indication that any Government official notified MMC of the reduction. MMC contended that while it was aware of budget cut speculation from reading several periodicals in the November and December 1987 time frame, it was not aware of any specific reduction decisions prior to the CO's letter of February 25, 1988.

On March 16, 1988, MMC provided the NTE proposal requested. The proposal contained the long lead time items necessary to support 5 fire units and 60 missiles as opposed to the quantities necessary to support the 15 fire units and 178 missiles called for in the contract at that time for Option 3. While MMC did not mention its up-front and capital investment in its March 16, 1988, proposal, it did make reference to its investment and its intent to recover it as originally planned. This letter accompanied the signed copy of contract modification P00022 MMC sent to the CO. Modification P00022 incorporated the reduced quantity for Option 3 into the contract. It also exercised Option 3 for the reduced quantities at NTE prices to be definitized within 180 days.

On December 9, 1988, MMC provided its proposal for final pricing of the new quantities for Option 3. This proposal was conditioned on MICOM acceptance of a contractor proposed provision (H–28) wherein MICOM would recognize: 1) that MMC had and would continue to make a significant investment in the LOS–F–H program; 2) that recovery of that investment was planned commencing with the FY 1990 program requirement; and 3) the allowability of an reimbursement for the investment in subsequent year production options. However, the parties failed to reach any agreement on provision H–28, and it was not incorporated into the contract. MMC Provision H–28 is attached.

On March 10, 1989, the CO concurred in an MMC suggestion that its December 1988 proposal was outdated and that the new pricing be combined with a planned repricing exercise for Option 4. On April 14, 1989, the CO provided MMC with RFP package D9–109–89, which called for a restructure of the contract. With regard to Option 4, the package called for prices for 5 fire units and 60 missiles, and 4 fire units and 48 missiles. No funding profile was provided. Funding constraints, additional and extensive testing requirements, and other programmatic and administrative delays were identified as contributing factors to the need for the restructure.

On June 27, 1989, MMC provided its response. With regard to Option 4, MMC proposed the following:

Option	Quantities	NTE price
Option IV	5 Fire Units and 60 missiles	$151,292,880
Option IV(a)	4 Fire Units and 48 missiles	131,289,560
Option IV(b)	4 Fire Units and 10 missiles	88,772,880

MMC's proposal stated that its unsolicited Option IV(b) was an alternate that contained suggested hardware and support services which MMC believed would fulfill the Army's near term requirements and meet the Army's perceived budget restraints. The proposal further stated that the proposed prices included additional MMC supplemental funds in the amount of $29 million. At this time MMC again requested indemnification of allocable and allowable advance expenditures. On July 17, 1989, the CO rejected this proposal because it did not contain firm NTE prices. A new proposal was requested.

Several meetings between various representatives of MMC and MICOM followed. One such meeting was held on July 21, 1989, in the office of the Director of the Acquisition Center at MICOM. Following these meetings, amendment 4 to the restructure solicitation was issued. At this time two clauses proposed by MMC (identified as H–36 and H–37) were incorporated into the solicitation. These clauses, which deal with indemnification of and recovery of MMC upfront nonrecurring and capital outlay costs, are also found in contract modification P00063. Clauses H–36 and H–37 are attached.

On October 24, 1989, MMC submitted its combined proposal for definitization of the new Option III and IV quantities. At that time, citing H–36, MMC submitted a proposal for the recovery of capital and nonrecurring investment costs. The proposal was further revised by MMC in November 1989, and completed on March 29, 1990.

On May 7, 1990, MMC wrote the CO, raising the possibility of early transition of the missile production line from Switzerland to the United States. A change in the contract provision dealing with ST/STE was requested. On May 31, 1990, the CO responded that since the program was experiencing perturbations and system technical performance uncertainties, the Government was not willing, at that time, to increase its exposure relative to such requirements.

On June 15, 1990, an independent reliability, availability, and maintainability (RAM) review of the MMC LOS–F–H System was completed by a team appointed by the Deputy Under Secretary of the Army (Operations Research), and the Commanding General of the Operational Test Evaluation Agency. This review established that while the system met or exceeded technical requirements, its long term RAM performance left much to be desired. On July 8, 1990, the CO advised the MMC Contract Manager that no further action would be taken at that time on the earlier indemnification request pursuant to an agreement between the Army's Air Defense Program Executive Office and MMC officials.

On September 13, 1990, the CO wrote to MMC advising that an updated proposal was needed for audit by The Defense Contract Audit Agency (DCAA). On November 16, 1990, MMC forwarded the updated request for information to the CO. On January 24, 1991, a DCAA Audit Report for the request for indemnification was completed.

In the interim, on November 5, 1990, the U.S. Congress enacted Public Law 101–510, which stated that the Secretary of the Army may not obligate any funds after November 5, 1990, for a payment under the ADATS (the MMC LOS–F–H candidate) air defense program for contractor corrections of system reliability deficiencies to meet original program specifications.

On February 15, 1991, the parties finalized contract modification P00116, wherein a Test Program Extension Phase was added to the contract. Negotiation of this agreement began before any action was taken by the U.S. Congress. The parties agreed that MMC would fund a reliability growth program and MICOM would fund a test program extension to verify actual system reliability.

On June 18, 1991, a MICOM Price Analysis Report concerning indemnification was completed. On August 16, 1991, the MICOM Commanding General forwarded the MMC request to the Army Contract Adjustment Board (ACAB) through the Army materiel Command (AMC). The referral stated that MMC's Public Law indemnification request was being forwarded pursuant to a contract requirement that MICOM would make a ''best effort'' to ensure that the special provision was proceeded in a timely fashion. No recommendation was made. The letter requested action by the ACAB on the request and asked that if indemnification was granted, MICOM be provided appropriate guidelines for and an opportunity to negotiate the implementing provision. On December 6, 1991, AMC forwarded the MMC indemnification request to the ACAB. AMC recommended denial of the request as premature.

On January 22, 1992, the Secretary of Defense announced that the Army's LOS–F–H program was canceled. On February 27, 1992, the ACAB notified MMC that since the program had been canceled, indemnification was no longer a suitable form of relief for MMC. MMC was advised to submit a revision of its

request if it desired to maintain its request under Public Law 85–804.

MMC has been paid a total of $363,513,948.04. This represents amounts paid under the basic contract, its options, and under the termination for convenience clause to include $25.8 million under Clause H–37. The team's present request for $110.7 million is in addition to amounts already received.

Applicants contentions

For the following reasons the Team believed that it should be granted relief for losses it sustained as a result of the supplemental funding it provided to the Government and for which it has not been reimbursed:

First, the Government identified the LOS–F–H program as a high-priority program, answering a critical need for air defense for the Army's heavy maneuvering forces, and the Team made a firm commitment to the Program.

Second, the Government defined a program plan that, by any objective assessment, could not be accomplished without contractor concurrent supplemental funding which the Team provided.

Third, throughout the contract, statements, representations, and other actions by the Government encouraged the Team to continue supplemental funding of the program, even as Government funding decreased and technical requirements increased. The Team lists the following ten Government actions in support of this assertion:

1. The Government accepted MMC's original proposal, which clearly identified its plan to provide supplemental funding for the early program phases and then recover that funding during priced production options;

2. By indemnifying ST/STE, the Government clearly demonstrated an intent to carry the program through to production;

3. The Government continued to acknowledge and accept MMC's supplemental funding;

4. The Army, in December 1987, after selecting the Martin Marietta Team, and prior to contract award, reduced FY 1989 funding for the LOS–F–H program. On February 10, 1988, the Army awarded the contract that it knew could not be executed as contracted for by the parties. As a result, MMC became contractually obligated to spend the initial increment of supplemental funding required to perform the contract ($65 million). MMC was notified by the CO 15 days after contract award that significant hardware reductions would be made due to FY 1989 funding reductions. At this time, MMC's contractual method of recovery (priced production options) was effectively eliminated because of the Army's intent to reduce production quantities and funding;

5. The Government accepted additional nonrecurring funding ($29 million) by MMC when Government funding was insufficient to execute contract Option IV (FY 1990);

6. Special Provision H–36 was incorporated in to the contract, committing to a ''best effort'' to secure indemnification of MMC's nonrecurring expenditures;

7. Special Provision H–37 was incorporated into the contract, providing for recovery of nonrecurring expenses within the obligated contract funds in the event of termination through no fault of MMC;

8. The Government insisted that MMC fund and perform a reliability growth program (an additional $17.3 million) to achieve performance over and above current contract reliability requirements;

9. MICOM program officials encouraged MMC to expend funds to relocate the ADATS missile production line from Switzerland to the United States in anticipation of Government production requirements; and

10. The Government failed to process MMC's original request for indemnification under Public Law 85–804 in a timely manner.

Decision

The Team requested an amendment without consideration for $110.7 million, asserting that it lost this amount providing contractor supplemental funding to the LOS–F–H program. Suffering a loss is not enough to justify an amendment without consideration under Public Law 85–804 and FAR 50.302–1. To justify relief under this provision, a contractor must established that the loss: (a) will impair the future productive ability of a contractor whose continued operation is essential to the national defense (FAR 50.302–1(a)); or (b) is the result of Government action, which in the interests of fairness deserves to be compensated (FAR 50.302–1(b)).

In this case, the Team did not assert that the provisions of FAR 50.302–1(a) apply, but instead framed their request for relief in terms of Government action (FAR 50.302–1(b)). It is generally recognized that the Government action theory of recovery is composed of three elements:

1. The contractor has suffered an actual loss;

2. The loss resulted from some Government action (either a contractual or sovereign act); and

3. The Government action action has resulted in unfairness to the contractor.

As discussed below, while the ACAB agreed that the Team suffered a loss of at least $110.7 million, the weight of the evidence did not support the claim that the loss was the result of Government action(s), or that it would be unfair to maintain the status quo with regard to the parties' position involving the canceled LOS–F–H Program. The ACAB found that the losses suffered by the Team were the result of calculated business decisions made under the pressure of competition, and not the result of Government action. It was decided that the risk of loss in this situation must therefore be born by the Team.

First, there was no question that the Army identified to MMC and the other competitors that the LOS–F–H was a high-priority program answering a critical need for air defense of the Army's heavy maneuvering forces. However, this statement of need hardly qualified as the type of Government action that warrants granting relief under FAR 50.302–(b) when a program is subsequently canceled. When this statement of need was made it was truthful and supported with adequate funding. These kinds of statements are frequently made by the Government. In fact, if the Government can not make these definitive statements, it is prohibited from acquiring the goods or services requested. Using the Teams' analysis, anytime the Government cancels a program a contractor would be entitled to relief under Public Law 85–804. Adoption of this analysis would make unnecessary and meaningless other protection found in Government contracts which provide for the effect of a canceled contract (e.g. termination for convenience clause), and would eliminate from contractor's consideration any risk of loss on the contract.

Second, the Team asserted that any objective assessment of the Army's requirements reveals a program that could not be accomplished without contractor concurrent supplemental funding. The ACAB was unable to verify the Team's implied position that all four competitors considered supplemental funding to be essential to this acquisition because the proposals of those offerors not selected for award had been destroyed. However, the consensus of the Government personnel involved in this action indicated that of the four offerors, only MMC affirmatively notified the Army that its proposal involved the use of contractor funds to accomplish early Government objectives. Furthermore, the ACAB had been advised that whether an offeror proposed the use of their funds to support the initial efforts under the contract with recovery in follow on production options was not a factor in the Army's cost/price deliberations. What was unique about the LOS–L–H contract was that the RPF informed offerors of the Army's six year funding profile for the program (total funding line of $1.984 billion). Offerors were told that award would be made to the contractor that closest achieved the Army's desired objectives.

MMC's response to this situation was informative. Even though MMC identified the Army's funding profile to be insufficient in the early years to pay for all of its costs, and even though it proposed indemnification clauses to cover its nonrecurring up-front investment and capital outlay (clauses specifically rejected by the Army, i.e., H–12a and H–12b), MMC elected to remain in the competition. Apparently, MMC viewed the Army's overall funding profile to be sufficient, and made a business decision to shift a substantial proportion of its cost to the follow on production options. MMC could have chosen not to submit an offer, but it did not elect that course of action. These facts suggested that MMC considered the risks involved and made a business decision that it could present an acceptable offer that met the Army's funding line. By analogy, it is noted that the Government may accept a contractor's ''buy-in'' to a contract, and if this is permissible, certainly the Government may accept advanced funding by the contractor on the contract. Consequently, the ACAB was not persuaded that the acceptance of a contractor's proposal[2] especially one from a major experienced DoD contractor like MMC, constituted the kind of Government action which justified providing relief under Public Law 85–804.

MMC had identified some ten Government actions which occurred throughout the contract which encouraged it to continue supplemental funding. The first (acceptance of MMC's original proposal) is discussed above. Others of significance are discussed below.

MMC contended that by indemnifying production ST/STE, the Army clearly demonstrated an intent to carry the program through to production. While the contract contained such a provision, it was unreasonable to conclude that it constituted some form of a guarantee that the LOS–F–H program would enter production. The Army clearly had an expectation that this program would enter full scale production; however, there were no guarantees. Indeed, it can be argued that the presence of this limited indemnification provision in the contract was a warning that production was not a foregone conclusion, i.e., there were risks involved and contractors must plan accordingly.

MMC complained that the exercise of Option 2 on February 10, 1988, was unfair because the Army knew that would cause MMC to expend its supplemental funds and at the time the Army knew the program would have to be restructured because of funding shortfalls in FY 1989. There was some appeal to this argument, however, shortly thereafter on February 25, 1988, immediately after becoming aware of the reduced funding, the CO notified MMC of the problem. During the 15 days between February 10–25, 1988, MMC

[2] Acceptance of MMC's original proposal was listed as the first of ten Government actions that encouraged it to provide supplemental funding to the LOS–F–H program. Government actions 3 and 5 are similar in their charge.

did not obligate all of its supplemental funding ($65 million). In fact, MMC did not definitize its $1.00[3] contracts with its subcontractors, Oerlikon and Williams, until March and April of 1988, respectively. On February 25, 1988, MMC could have objected to the changed circumstances, but it did not. It was not unreasonable to conclude that MMC failed to object because it believed that an objection would cancel the program and lead to the termination of the contract. At that point, still believing the program could be saved, MMC concluded it was worth the risk and continued performance.

The same analysis applied to the execution of Option IV, which MMC asserted amounted to $29 million in supplemental funding by the Team. The restructuring of the option began in August 1988. MMC had the opportunity of repricing any remaining options in the contract so it could recover all of its supplemental funding. However, MMC, which was in a sole source position at that time, elected not to seek such a repricing, probably out of a concern that the program may have been canceled. Consequently, MMC made the decision to continue to accept the risks it had undertaken from the beginning of the competition.

MMC asserted that the insertion of Special Provision H–36 in its contract, committed the Army to a ''best effort'' to secure indemnification of MMC's nonrecurring investment costs. The parties had different opinions on the meaning of H–36. MMC believed that the clause represented a Government commitment to use its best effort to secure indemnification for MMC for what the Government considered to be legal and of value to the Government. On the other hand, MICOM officials stated that the clause merely required MICOM to make its best effort to insure that special provisions, deemed to be of value to the Government, and in accord with applicable statutes and regulations, would be processed in a timely manner for consideration at a higher level and, if approved, incorporated into the contract. A review of H–36 supported MICOM's reading of the clause. In any event, the ACAB did not believe that agreeing to the incorporation of such clause in a contract constituted the type of Government action which triggers the applicability of Public Law 85–804.

MMC also cited the inclusion of Special Provision H–37 as a Government action which encouraged its expenditure of nonrecurring investment costs. This clause was negotiated in July 1989 after MMC made its decision to accept the risk of loss associated with the contract. The ACAB found it difficult to ascertain how the interpretation of this clause harmed MMC, since the TCO paid MMC $25.8 million under its terms and conditions.

MMC's argument that the Army insisted that it spend $17.3 million on a reliability growth program was not supported by the record.[4] During the period April 1, 1990, to May 18, 1990, the Government conducted an independent Reliability, Availability, and Maintainability (RAM) review of the LOS–F–H system. This report, dated June 15, 1990, found that while the LOS–F–H met or exceeded program requirements in the area of technical performance, it had not demonstrated the capability of meeting RAM criteria essential for deployment. A reliability growth program was recommended before the system entered production. MMC and the Government reached an agreement whereby MMC would fund a RAM growth program and the Government would fund an extended test program. This occurred before Congress directed in November 1990 that the Army not fund improvement of system reliability deficiencies. All things considered, the ACAB believed that this arrangement was not properly characterized as a situation where the Army insisted that MMC do anything. Rather, the ACAB believed the proper characterization was that the parties reached an agreement on a solution for correcting a mutually recognized problem with the system.

MMC asserted that LOS–F–H program officials encouraged it to relocate Oerlikon's missile production line from Switzerland to the United States. The circumstances surrounding this issue were in dispute.

Colonel Gamino, the Project Manager, stated that the idea of moving the missile production line to the United States came from MMC. He pointed out that moving the line had the obvious advantages of lower cost, reduced risk and increased political support. He advised that MMC approached him on several occasions indicating it was considering the move. He stated that while he neither objected to the proposal, nor encouraged further consideration of the move, he made it clear to MMC that the decision to move the line was a business decision that would have to be made by MMC.

General Drolet, the Program Executive Officer at the time, indicated that his first knowledge that such a move was under consideration came in a discussion with Colonel Gamino, during which he was advised that Colonel Gamino had learned that MMC had been involved in undisclosed discussions with the Swiss on moving the line. The General confirms that the Army had earlier expressed serious concern to MMC over the cost of the missile, and that when he discussed the matter with MMC officials after his discussion with Colonel Gamino he encouraged MMC to explore the concept because he felt that such a move would reduce the cost of the missile.

Dr. Arnold Maynard, as employee in the LOS–F–H Project Office at the time, advised that he remembered the concept coming up during discussions between Project Office officials; all of whom felt it was a good idea primarily because of the political consequences of production in the United States. However, Dr. Maynard did not recall any discussions with MMC officials on the subject.

MMC, on the other hand, maintained that the idea to move the line came from unidentified senior Army officials and that those officials provided strong encouragement for the move. MMC cited first quarter of calendar year 1989 program cost reviews as the point in time when the move was conceived and encouragement begun.

The ACAB had carefully reviewed this evidence and concluded that the decision to move Oerlikon's missile production line was a business decision of MMC's and was not the product of any Government action. It appeared from the record that the funds associated with the move had been invested by the time the issue of moving the line came to the attention of Army officials.

The final Government action MMC complained of was the Army's failure to timely process its original request for indemnification. MMC asserted that it should not have taken 31 months to process its request from the CO to the senior procurement official at the Department of the Army (October 1989–February 1992). MMC acknowledged that some delays were caused by a misunderstanding of the documents requested to support the proposal and the fact that the action was put ''on hold'' (for less than two months) in mid-1990 while reliability growth was being worked. MICOM described the situation as follows: MMC and the CO were unable to agree that the request was complete and ready to be sent forward until MMC provided further input on March 29, 1990. The RAM issue became prominent shortly thereafter. This caused the parties to agree that the request should not be sent forward and the Army should put the indemnification request ''on the back burner'' until further notice. Following receipt of briefings from both MICOM and MMC in the third quarter of 1990, Department of the Army officials requested that MICOM take action to send the request forward for action. This called for an update of MMC's request, which was received in November 1990, and an audit was completed by the Defense Contract Audit Agency in the latter part of January 1991. A MICOM price analysis was completed in June 1991. In August 1991, the request was forwarded by MICOM through AMC to Headquarters Department of the Army for action. AMC sent the request forward on December 6, 1991. The ACAB took action at the end of February 1992.

It was the ACAB's judgment that while there was delay in processing the request, the record did not support MMC assertion that the Army was responsible for the majority of the delay. Furthermore, since MMC's original request for indemnification was based on essentially the same facts that were now before the ACAB, MMC had suffered no prejudice since there was no reason to believe that an earlier decision by the Army on this request would be different than the one reached by ACAB today.

Conclusion

The ACAB considered all materials submitted by the Martin Marietta Team, all information submitted by the MICOM Contract Adjustment Board, and all testimony presented to the ACAB on October 6, 1994. Based on that review, it was the unanimous decision of the ACAB that relief under the authority of Public Law 85–804 was not appropriate in this case and the request was denied.

ATTACHMENT—PRIME CONTRACT SPECIAL PROVISIONS

Special provision submitted to MICOM, but not incorporated into the LOS–F–H contract.

H–28 contractor recovery of nonrecurring investment

''The Government recognizes that the contractor has and will continue to make a significant financial investment in the LOS–F–H program substantially as was proposed in the FAAD LOS–F–H BAFO Cost Volume IV, OR19,200P, pages 2–53 to 2–60, dated November 12, 1987. The Government also recognizes that the recovery of this investment by the contractor is planned, commencing with the FY 1990 program and for each program year, in accordance with the schedule as provided in the same BAFO Cost Volume IV, OR19,200, page 0–18. To this end, it is the intention of the Government, as stated herein, to recognize the allowability of and reimbursement for this nonrecurring contractor investment in subsequent program year production options and to assure the recovery of that contractor investment as specified above should these options be exercised by the Government.''

Special Provisions incorporated into Option IV

[3] In a letter to Williams dated July 17, 1987, MMC stated: ''To win this program we must develop a strong team that is not only willing to share the rewards, but also to shoulder their share of the risk.'' Similar letters were sent to all major MMC subcontractors. In accordance with this business decision, Williams and Oerlikon embarked on their Option 2 efforts for $1.00.

[4] While MMC cited this as one of the Government actions which encouraged it to expend investment costs, MMC was not asking for reimbursement of any of the expenditures associated with the effort. The $17.3 million figure was not included in the $110.7 million request for relief.

H–36 indemnification procedures

''The contractor has provided, for consideration by the Government with his NTE submittal, the following contract special provisions that he has requested the Government include in the resultant definitized contract: (1) Capital Indemnification; and (2) Indemnification of Non-recurring Investment. Approval for inclusion of these provisions is at a higher headquarters. It is the intent of MICOM to review in detail the content of these provisions. After review, MICOM will make a ''best effort'' to ensure that the special provisions deemed to be of value to the Government and IAW applicable statutes and regulations, are processed in a timely manner and, upon receipt of approval, to incorporate the special provisions into the contract by contract modification.

Approval or disapproval of the above provisions shall not result in a change to the NTE or the definitized price of Option IV.''

H–37 contractor recovery of nonrecurring investment

''The Government recognizes that the contractor has and will continue to make a significant financial investment in the LOS–F–H program. The Government also recognizes that the recovery of this investment by the contractor is planned, commencing with the FY 1990 program and for each program year. To this end, it is the intention of the Government to recognize all reasonable, allowable and allocable nonrecurring contractor investment in subsequent program year production options should these options be exercised by the Government. Nothing contained herein in any way shall be construed to diminish the Government's right to review and audit these costs at any time IAW provisions in the contract. In the event no options are exercised, there will be no liability on the part of the Government not covered elsewhere in the contract. The amount claimed to be invested through Option IV by the contractor is not-to-exceed amount of $98,000,000, which is subject to downward negotiation only.

In the event the Government terminates this contract for convenience, the contractor may include in its termination claim and the Government will recognize any previously incurred reasonable, allocable, and allowable unrecovered investment costs to the extent such costs do not cause the termination settlement to exceed the funding obligated to the contract.''

Contingent Liabilities: None.

Contractor: None.

DEPARTMENT OF THE NAVY

Contractor: EMS Development Corporation (EMS).

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $1,053,769.

Service and activity: Department of the Navy, Naval Sea Systems Command.

Description of product or service: Supply of degaussing systems on LHD 5 and LHD 6.

Background: EMS Development Corporation (EMS) submitted a Request for Extraordinary Contractual Relief under Public Law 85–804 (hereinafter referred to as the ''Act'') on May 15, 1995, in the amount of $1,053,769, not including profit. The request arose out of contract N00024–92–C–2204, between NAVSEA and Ingalls Shipbuilding, Inc. (ISI), for construction of LHD 5 and 6. EMS was a subcontractor chosen by ISI to supply degaussing systems on LHD 5 and LHD 6.

The Secretary of the Navy has authority under the Act to approve or deny requests for extraordinary contractual relief. Section 5250.201–70(a) of the Navy Acquisition Procedures Supplement (January 1992) delegates authority to deny requests for extraordinary contractual relief to the Head of the Contracting Activity, which authority may be and has been further delegated to the Naval Sea Systems Command (NAVSEA) Deputy Commander for Contracts. Based on this delegation of authority, it was determined that there was no basis to grant EMS's request for extraordinary contractual relief. Therefore, EMS's request for relief pursuant to Public Law 85–804 was denied in its entirety.

Through a full and open competition, NAVSEA awarded contract N00024–92–C–4045 to EMS in July 1992 for 11 degaussing systems. The contract called for a first article testing of the system, Level III drawings, provisional documentation and technical manuals, plus ten production degaussing units. The degaussing systems consisted of four power supplies (sizes 5KW, 8KW, 12KW and 26KW), one switchboard, and one remote control unit. The period of performance for the contract was July 1992 to November 1994.

Subsequent to this contract award, ISI solicited EMS to participate in a competitive procurement for degaussing systems to be installed on LHD 5 and LHD 6. The degaussing systems under the ISI procurement were identical to the systems being procured under the NAVSEA contract, with the exception of two 40KW power supplies. EMS acknowledged in the request for relief that it submitted a proposal to ISI with a price predicated on the assumption that the costs of engineering design, Level III drawings, first article testing, provisional documentation and technical manual preparation on all but the two 40KW power supplies would be absorbed under the NAVSEA contract. In addition, because of the simultaneous production of degaussing systems, EMS was able to offer ISI significant material cost savings. The period of performance stipulated in the ISI Request for Proposal (RFP) coincided with the NAVSEA period of performance. Because of the larger number of systems being produced within the same period of performance, EMS was able to propose aggressive burden rates. These facts and assumptions resulted in a highly competitive unit price for the degaussing systems to be supplied for LHD 5 and LHD 6.

In December 1992, NAVSEA exercised one of the existing contract options which increased the number of production units from 10 to 16. In January 1993, ISI awarded EMS a contract in the amount of $906,380 to provide degaussing systems for LHD 5 and LHD 6. On June 23, 1993, EMS was notified that the NAVSEA contract was to be terminated in its entirety for the convenience of the Government. The termination for convenience resulted from the identification of surplus degaussing systems from ships scheduled for decommissioning. At that time, the NAVSEA contract was 11 months into completion, but still eight months from the completion of first article testing. The termination of the NAVSEA contract caused serious impacts on EMS's cash flow and financial posture. In addition, the termination jeopardized EMS's ability to provide the degaussing systems to ISI at the contract cost and schedule.

EMS continued performance under the ISI contract while negotiating the terms of the NAVSEA termination beginning in February 1995. During negotiations, the Termination Contracting Officer (TCO) informed EMS that production costs would not be allowed because EMS had not completed first article testing prior to the termination. Further, the TCO warned that inclusion of unabsorbed overhead in EMS's termination settlement proposal could be cause for rejection.

Because of their tenuous cash flow situation, EMS did not have the financial resources to prolong termination settlement negotiations and settled for $100,000 less than initially requested. EMS then filed a request for relief under Public Law 85–804 with ISI. On May 3, 1995, ISI terminated its subcontract with EMS for default, citing EMS's failure to make progress as the basis for the termination. Additionally, ISI refused to consider EMS's request for a subcontract price adjustment. The actions taken by ISI, coupled with the NAVSEA terminated contract, left EMS in financial extremis. On May 15, 1995, EMS requested extraordinary contractual relief under Public Law 85–804 directly with the Navy, asserting ''essentiality'' to the national defense and ''Government Action'' as the basis for granting relief. EMS requested relief in the amount of $1,053,769, plus profit, on increased costs caused by Government action, which represented the alleged loss sustained due to the termination of the NAVSEA prime contract and the ISI subcontract, as well as attendant increases incurred on all other contracts.

A. EMS did not establish a basis for contract adjustment

The Federal Acquisition Regulation (FAR), Part 50.302, lists the following three types of contract adjustment under the Act: (1) amendments without consideration (FAR 50.302–1); (2) correcting mistakes (FAR 50.302–2); and (3) formalizing informal commitments (FAR 50.302–3). EMS requested a contract adjustment pursuant to FAR 50.302–1.

FAR 50.302–1(a) stipulates an adjustment may be granted without consideration if the ''actual or threatened loss under a defense contract would impair the productive ability of a contractor whose continued performance on any defense contract or whose continued operation as a source of supply is found to be essential to the national defense.'' In addition, FAR 50.302–1(b) provides that if ''. . . a contractor suffers a loss (not merely a decrease in anticipated profits) under a defense contract because of Government action . . . when the Government action, while not creating any liability on the Government's part, increases performance cost and results in a loss to the contractor,'' an adjustment without consideration may be made to the contract. EMS alleged it was entitled to an adjustment pursuant to both 50.302–1(a) and 50.302–1(b).

1. Amendments Without Consideration—Essentiality:

In its submission, EMS stated it was the sole supplier for the EMS–10, MCD–1, SSM–2, SSM–4 and SSM–5 degaussing units. The FFG, AOE, TAO, LSD, and CVN class ships are equipped with these systems. In addition, EMS was awarded a sole source contract for a computer controlled power supply for SSN–21. Accordingly, EMS argued it comprised the U.S. industrial base for this technology.

At the time of this request, EMS was a subcontractor to Avondale Industries, Inc. (AII), and National Steel and Shipbuilding Company (NASSCO) to supply the degaussing systems for the LSD 52 and AOE 10, respectively. Avondale's subcontract with EMS was found to be approximately 13 percent complete as of June 18, 1995. The subcontract value is $367,000, of which $60,000 had been paid to EMS through progress payments. NASSCO's subcontract with EMS was 37 percent complete as of June 18, 1995, and $155,486 of a total contract value of $375,028 had been paid to EMS through progress payments. Discussions were conducted with the cognizant program offices to validate EMS's assertion that it was the only source available for the needed equipment and, if not, to ascertain whether any other company would supply the needed systems in a timely fashion. Similar discussions were entered into with representatives from both Avondale and NASSCO.

Several facts were disclosed during the aforementioned discussions. First, both the program offices and the shipyards confirmed that other sources existed which could produce the required systems with slight modification to their production lines. Secondly, the Program Managers stated the degaussing systems are not essential to acceptance of the ship(s) on which they are to be installed and should their delivery be delayed, they could be installed during a post delivery availability period.

FAR 50.302–1(a) requires the contractor's continued performance or operation to be essential to the national defense to merit a contract amendment without consideration. EMS's continued performance or operation was not required to support delivery of the AOE or LSD ships. In addition, EMS was not considered to be essential to the national defense because other sources existed which could satisfy the needs of the Government.

EMS did not, therefore, demonstrate a sufficient basis for an amendment without consideration based on ''essentiality'' to the national defense.

2. Amendments Without Consideration—Government Action:

EMS asserted the termination for convenience of the NAVSEA contract was the cause for the deterioration of its financial condition. Specifically, EMS stated the termination action taken and the denial by the Navy to allow completion of the first article testing and level III drawings reduced its overhead base, which resulted in increased burden rates. The increased rates caused cost overruns on other existing contracts. NAVSEA was of the opinion that EMS's assertions were without merit for two reasons: (1) EMS suffered significant financial loses on contracts to supply degaussing systems prior to NAVSEA's termination of its contract with EMS; and (2) EMS knowingly and voluntarily chose to sign a full and final release waiving its rights to further termination costs because the company had a tenuous cash flow situation as a result of the losses on its other contracts.

In the backup data submitted as attachments to its Public Law 85–804 submission, EMS acknowledged a substantial loss, equating to approximately $1M on a contract with Electric Boat Division of General Dynamics (EB). A review of EMS's cash flow statements showed this loss had a significant negative impact on EMS's financial status. In fact, the supporting data showed an overall projected loss of $1.2M from EMS's existing contracts, including the $970,108 projected loss on the Electric Boat contract. This loss is unrelated to EMS's claimed losses associated with the increased overhead rates. Therefore, the Navy's decision to terminate the NAVSEA contract could not be considered the sole cause for the deterioration of EMS's financial condition.

As stated above, EMS was informed by the TCO that no production costs or costs associated with unabsorbed overhead would be included in the termination settlement. The TCO further stated that EMS could dispute both issues, but that such an action would increase the time required to reach a settlement. EMS chose to not delay the termination negotiation and, instead, to pursue extraordinary contractual relief because, as cited in its request for relief, ''they needed a quick cash settlement.'' The company further stated that it realized the negotiated settlement represented a loss to EMS.

Pursuant to FAR 49.201, when a fixed price contract is terminated for convenience, a settlement should compensate the contractor for the work done and the preparations made for the terminated portion of the contract, including a reasonable allowance for profit. Fair compensation is a matter of judgment and is subject to negotiations and, preferably, a bilateral agreement. Such an agreement was executed by administrative modification A00001 on February 1, 1995. The termination settlement, as agreed to by EMS, expressly stated ''(t)he contractor has received –0– for work and services performed, or items delivered, under the complete portion of the contract.'' In addition, the termination modification contained a release specifying the net settlement constituted payment in full and ''complete settlement of the amount due the Contractor for the complete termination of the contract and all other demands and liability of the Contractor and the Government under the contract. . . .'' EMS elected not to continue settlement negotiations and endorsed the agreement on January 31, 1995, with the full knowledge it has relinquished its right for future recourse. Further, the termination settlement contained several reserved items protecting the rights and liabilities of the parties. EMS elected not to reserve its right for recovery of costs associated with the first article production units and increased overhead costs on other contract(s) resulting from the termination. EMS was responsible for protecting its rights and liabilities, and identifying areas to be reserved for possible future action. EMS did not include costs in the termination settlement associated with the issues which it claimed to be the catalyst for its extreme financial position. EMS had the right to protect its interest in recovery of the subject costs and knowingly forfeited that right with the signing of the settlement modification. The forfeiture of the reservation for recovery of the subject costs was not and could not be considered to be the result of Government action.

FAR 50.302–1(b) requires an applicant for relief to show that it has suffered a loss, not merely diminished profits, under a defense contract because of government action. With full knowledge of a loss resultant from the termination of the NAVSEA contracts, EMS endorsed the modification releasing its right to assert any claim arising out of events regarding the termination. Accordingly, it could not be concluded that EMS's loss was solely the result of Government action. It was, therefore, considered inappropriate to grant relief under Public Law 85–804 for those same events.

CONCLUSION

After considering all relevant information, it was determined that EMS's Public Law 85–804 request should be denied.

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the Contractor's insurance program were included in these contracts. The potential cost of the liabilities could not be estimated since the liability to the United States Government, if any, would depend upon the occurrence of an incident as described in the indemnification clause. Items procured were generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractors:	*Number*
Westinghouse Election Corporation	9
General Dynamics Corporation, Electric Boat Division	6
Lockheed Missiles & Space, Co., Inc.	3
Martin Marietta Defense Systems	4
Newport News Shipbuilding	3
Hughes Aircraft Company	1
Hughes Missile Systems Company	1
Charles Stark Draper Laboratory	1
Alliant Techsystem, Inc./Thiokol Corporation	1
Loral Defense Systems—East	1
Kearfott Guidance & Navigation Corporation	1
Raytheon Company, Electric Systems Division	1
Rockwell International Corporation, Autonetics Strategic Systems Division	1
Total	33

CONTINGENT LIABILITIES SUMMARY TABLE

Contractor	Service and activity	Description of product service
Westinghouse Electric Corporation	Department of the Navy, Naval Sea Systems Command	Replacement nuclear reactor plant components.
	Department of the Navy, Naval Sea Systems Command	New Attack Submarine nuclear reactor plant components.
	Department of the Navy, Naval Sea Systems Command	Replacement nuclear reactor plant components.
	Department of the Navy, Naval Sea Systems Command	New Attack Submarine nuclear reactor plant components.
	Department of the Navy, Strategic Systems Program	FY 1996 Launcher Training Services.
	Department of the Navy, Strategic Systems Program	Launcher Expendables for U.S. and U.K. Trident II Weapon Systems.
	Department of the Navy, Strategic Systems Program	D5 Backfit Program.
	Department of the Navy, Strategic Systems Program	Strategic Systems Programs Alterations (SPALTS) and Navy Change Requests.
	Department of the Navy, Strategic Systems Program	U.S. Operation and Maintenance.
General Dynamics Corporation	Department of the Navy, Naval Sea Systems Command	Engineering technical services and program support for design, manufacture, test and delivery of New Attack Submarine prototype Main Propulsion Unit and prototype Ship Service Turbine Generator.
	Department of the Navy, Naval Undersea Warfare Center Division	Engineering and Analysis Services for SSN–688 & SSN–21 Hull Programs.
	Department of the Navy, Naval Sea Systems Command	Engineering, technical and logistic services in support of R&D Submarine (SSN 691) Baseline Modifications.
	Department of the Navy, Naval Sea Systems Command	Basic Ordering Agreement for supplies and services in support of operational and unique SSN and SSBN Submarines.
	Department of the Navy, Naval Sea Systems Command	Engineering effort and design studies in support of the New Attack Submarine Program.
	Department of the Navy, Naval Sea Systems Command	Engineering effort and design studies in support of the Seawolf Submarine and Advance Submarine RDT&E Programs.
Lockheed Missiles & Space Co., Inc.	Department of the Navy, Strategic Systems Program	FY 1996 Trident II (D5) Missile Production, related hardware, and services.
	Department of the Navy, Strategic Systems Program	Trident Reentry Body Long Term Supportability.
	Department of the Navy, Strategic Systems Program	Propellant Hazard Test and Analysis Program.
Martin Marietta Defense Systems	Department of the Navy, Strategic Systems Program	Basic Ordering Agreement for Support of Trident and Trident II Fire Control Systems, Guidance Support Equipment and Related Support Equipment.
	Department of the Navy, Strategic Systems Program	Trident I and II Fire Control System.
	Department of the Navy, Strategic Systems Program	U.S. effort, SPALTs, Logistics Support, and Fault Insertions.
	Department of the Navy, Strategic Systems Program	Verification of failures on MK–5 Inertial Measurement Units.
Newport News Shipbuilding	Department of the Navy, Naval Sea Systems Command	Basic Ordering Agreement for supplies and services in support of operational SSN 594, 637, and 688 Class submarines.

CONTINGENT LIABILITIES SUMMARY TABLE—Continued

Contractor	Service and activity	Description of product service
	Department of the Navy, Naval Sea Systems Command	Engineering effort and design studies in support of the Seawolf Submarine Program.
	Department of the Navy, Naval Sea Systems Command	Engineering, technical, and logistic services in support of Aircraft Carrier programs.
Hughes Aircraft Company	Department of the Navy, Strategic Systems Program	Electronic Assembly, Inertial Measurement Unit Electronics, and other Electronic Components.
Hughes Missile Systems Company	Department of the Navy, Naval Air Systems Command	Procurement of Tomahawk All-Up-Round Production, Depot Maintenance, and Operational Test Launch.
Charles Stark Draper Laboratory	Department of the Navy, Strategic Systems Program	U.S. Systems Support and PIGA Screening.
Alliant Techsystem, Inc./Thiokol Corp.	Department of the Navy, Strategic Systems Program	C3 Second Stage Motor Disposal and Support.
Loral Defense Systems-East	Department of the Navy, Strategic Systems Program	U.S. Technical Services and Support Program.
Kearfott Guidance & Navigation Corp.	Department of the Navy, Strategic Systems Program	Procurement of Inertial Measurement Units (IMU), IMU Repair and Recertification, IMU Recalibration and Long Lead Material.
Raytheon Company	Department of the Navy, Strategic Systems Program	Captive Line Parts Program.
Rockwell International Corp	Department of the Navy, Strategic Systems Program	SINS, ESGM, and ESGN House System Evaluation and Engineering Support Program.

DEPARTMENT OF THE AIR FORCE

Contractor: Various.

Type of action: Contingent Liability.

Actual or estimated potential cost: The amount the Contractors will be indemnified by the Government cannot be predicted, but could entail millions of dollars.

Service and activity: Civil Reserve Air Fleet (CRAF).

Description of product or service: FY 1996 Annual Airlift Contracts.

Reference: ''Definitions of Unusually Hazardous Risks Applicable to CRAF FY 1996.''

Background: Twenty-nine contractors requested indemnification under Public Law 85–804, as implemented by Executive Order 10789, for the unusually hazardous risks (as defined) involved in providing airlift service for CRAF missions (as defined). In addition, Headquarters, Air Mobility Command (AMC), requested indemnification for subsequently identified contractors and subcontractors who conducted or supported the conduct of CRAF missions. The contractors for which indemnification was requested were those to be awarded as a result of Solicitation Fl 1626–95–R0002, and future contracts to support CRAF missions which are awarded prior to September 30, 1996. The 29 contractors who requested indemnification are listed below:

CONTRACTORS TO BE INDEMNIFIED AND PROPOSED CONTRACT NUMBER

Air Transport International (ATN), F11626–95–D0015.

Airborne Express (ABX), F11626–95–D0024.

American Airlines (AAL), F11626–95–D0022.

American Int'l Airways (CKS), F11626–95–D0038.

American Trans Air (ATA), F11626–95–D0019.

Atlas Air (GTI), F11626–95–D0023.

Burlington Air Express (BAX), F11626–95–D0020.

Carnival Airlines (CAA), F11626–95–D0020.

Continental Airlines (COA), F11626–95–D0018.

Delta Air Lines (DAL), F11626–95–D0026.

DHL Airways (DHL), F11626–95–D0027.

Emery Worldwide (EWW), F11626–95–D0018.

Evergreen International (EIA), F11626–95–D0018.

Federal Express (FDX), F11626–95–D0019.

Miami Air (MYW), F11626–95–D0018.

North American Airlines (NAO), F11626–95–D0029.

Northwest Airlines (NWA), F11626–95–D0018.

OMNI Air (OAE), F11626–95–D0037.

Rich International (RIA), F11626–95–D0018.

Southern Air Transport (SAT), F11626–95–D0019.

Sun Country Airlines (SCX), F11626–95–D0030.

Tower Air (TWR), F11626–95–D0020.

Trans World Airlines (TWA), F11626–95–D0031.

United Airlines (UAL), F11626–95–D0032.

United Parcel Service (UPS), F11626–95–D0033.

US Air (USA), F11626–95–D0035.

US Air Shuttle (USS), F11626–95–D0034.

World Airways (WOA), F11626–95–D0018.

Zantop International (ZIA), F11626–95–D0036.

Note: The same contract number may appear for more than one company because in some cases the companies provided services under a joint venture arrangement.

Desert Shield/Storm and Restore Hope showed that air carriers providing airlift services during contingencies and war require indemnification. Insurance policy war risk exclusions, or exclusions due to activation of CRAF, left many carriers uninsured—exposing them to unacceptable levels of risk. Waiting until a contingency occurs to process an indemnification request could result in delaying critical airlift missions. Contractors need to understand up front that risks will be covered by indemnification and how the coverage will be put in place once a contingency is declared.

Justification: The specific risks to be indemnified are identified in the applicable definitions. No actual cost to the Government was anticipated as a result of the actions that were to be accomplished under this approval. However, if the air carriers were to suffer losses or incur damages as a result of the occurrence of a defined risk, and if those losses or damages, exclusive of losses or damages that were within the air carriers' insurance deductible limits, were not compensated by the contractors' insurance, the contractors would be indemnified by the Government. The amount of indemnification could not be predicted, but could entail millions of dollars.

All of the 29 contractors were approved DoD carriers and, therefore, considered to have adequate, existing, and ongoing safety programs. Moreover, HQ AMC has specific procedures for determining that a contractor is complying with government safety requirements. Also, the contracting officer had determined that the contractors maintain liability insurance in amounts considered to be prudent in the ordinary course of business within the industry. Specifically, each contractor had certified that its coverage satisfied the minimum level of liability insurance required by the Government. Finally, all contractors were required to obtain war hazard insurance available under 49 U.S.C. Chapter 443 for hull and liability war risk. All but one of the contractors maintained said insurance. The remaining contractor had applied for the insurance with the Federal Aviation Administration, as required by the contract. Additional contractors and subcontractors that conduct or support the conduct of CRAF missions may be indemnified only if they request indemnification, accept the same definition of unusually hazardous risks as identified, and meet the same safety and insurance requirements as the 29 contractors who sought indemnification in this action.

Without indemnification, airlift operations to support contingencies or wars might be jeopardized to the detriment of the national defense, due to the non-availability to the air carriers of adequate commercial insurance covering risks of an unusually hazardous nature arising out of airlift services for CRAF missions. Aviation insurance is available under 49 U.S.C. Chapter 443 for air carriers, but this aviation insurance, together with available commercial insurance, does not cover all risks which might arise during CRAF missions. Accordingly, it was found that incorporating the indemnification clause in current and future contracts for airlift services for CRAF missions would facilitate the national defense.

Decision: Under authority of Public Law 85–804 and Executive Order 10789, as amended, the request was approved on October 11, 1995, to indemnify the 29 air carriers listed above and other yet to be identified air carriers providing airlift services in support of CRAF missions for the unusually hazardous risks as defined. Indemnification under this authorization shall be effected by including the clause in FAR 52.250–1, entitled ''Indemnification Under Public Law 85–804 (APR 1984),'' in the contracts for these services. This approval is contingent upon the air carriers complying with all applicable government safety requirements and maintaining insurance coverage as detailed above. The HQ AMC Commander will inform the Secretary of the Air Force immediately upon each implementation of the indemnification clause.

Approval was also granted to contracting officers to indemnify subcontractors that request indemnification, with respect to those risks as defined.

DEFINITION OF USUALLY HAZARDOUS RISKS APPLICABLE TO CRAF FY 1995 ANNUAL AIRLIFT CONTRACTS

1. Definitions:

a. ''Civil Reserve Air Fleet (CRAF) Mission'' means the provision of airlift services under this contract (1) ordered pursuant to authority available because of the activation of CRAF, or (2) directed by Commander, Air Mobility Command (AMC/CC), or his successor for mission substantially similar to, or in lieu of, those ordered pursuant to formal CRAF activation.

b. ''Airlift Services'' means all services (passenger, cargo, or medical evacuation), and anything the contractor is required to do in order to conduct or position the aircraft, personnel, supplies, and equipment for a flight and return. Airlift Services include Senior Lodger and other ground related services supporting CRAF missions. Airlift Services do not include any services involving any persons or things which, at the time of the event, act, or omission giving rise to a claim, are directly supporting commercial business operations unrelated to a CRAF mission objective.

c. ''War risks''means risks of:

(1) War (including war between the Great Powers), invasion, acts of foreign enemies, hostilities (whether declared or not), civil war, rebellion, revolution, insurrection, martial law, military or usurped power, or attempt at usurpation of power.

(2) Any hostile detonation of any weapon of war employing atomic or nuclear fission and/or fusion, or other like reaction or radioactive force or matter,

(3) Strikes, riots, civil commotions, or labor disturbances related to occurrences under subparagraph (1) above;

(4) Any act of one or more persons, whether or not agents of a sovereign power, for political or terrorist purposes, and whether the

loss or damage resulting therefrom is accidental or intentional, except for ransom or extortion demands;

(5) Any malicious act or act of sabotage, vandalism, or other act intended to cause loss or damage;

(6) Confiscation, nationalization, seizure, restraint, detention, appropriation, requisition for title or use by, or under the order of, any government (whether civil or military or de facto), or local authority;

(7) Hijacking or any unlawful seizure or wrongful exercise of control of the aircraft or crew (including any attempt at such seizure or control) made by any person or persons on board the aircraft or otherwise, acting without the consent of the insured; or

(8) The discharge or detonation of a weapon or hazardous material while on the aircraft as cargo or in the personal baggage of any passenger.

2. For the purpose of the contact clause entitled ''Indemnification Under Public Law 85–804 (APR 1984),'' it is agreed that all war risks resulting from the provision of airlift services for a CRAF mission, in accordance with the contract, are unusually hazardous risks, and shall be indemnified to the extent that such risks are not covered by insurance procured under Chapter 443 of Title 49. United States Code, as amended or other insurance, because such insurance has been canceled, has applicable exclusions, or has been determined by the government to be prohibitive in cost. The government's liability to indemnify the contractor shall not exceed that amount for which the contractor commercially insures under its established policies of insurance.

3. Indemnification is provided for personal injury and death claims resulting from the transportation of medical evacuation patients, whether or not the claim is related to war risks.

4. Indemnification of risks involving the operation of aircraft, as discussed above, is limited to claims or losses arising out of events, acts, or omissions involving the operation of an aircraft for airlift services for a CRAF mission, from the time that aircraft is withdrawn from the contractors regular operations (commercial, DoD, or other activity unrelated to airlift services for a CRAF mission), until it is returned for regular operations. Indemnification with regard to other contractor personnel or property utilized or services rendered in support of CRAF missions is limited to claims or losses arising out of events, acts, or omissions occurring during the time the first propositioning of personnel, supplies, and equipment to support the first aircraft of the contractor used for airlift services for a CRAF mission is commenced, until the timely removal of such personnel, supplies, and equipment after the last such aircraft is returned for regular operations.

5. Indemnification is contingent upon the contractor maintaining, if available, nonpremium insurance under Chapter 443 of Title 49, United States Code, as amended, and normal commercial insurance, as required, by this contract or other competent authority. Indemnification for losses covered by a contractor self-insurance program shall only be on such terms as incorporated in this contract by the contracting officer in advance of such a loss.

Contingent Liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the Contractor's insurance program were included; the potential cost of the liabilities cannot be estimated since the liability to the United States Government, if any, would depend upon the occurrence of an incident as described in the indemnification clause.

Contractor	*Number*
Civil Reserve Air Fleet (CRAF) FY 1996 Annual Airlift Contracts	1
Total	[1] 1

[1] One additional indemnification was approved; however, the Air Force has deemed it to be ''CLASSIFIED,'' not subject to this report's purview.

EXECUTIVE COMMUNICATIONS, ETC.

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

2267. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1995, pursuant to 7 U.S.C. 136w–4; to the Committee on Agriculture.

2268. A letter from the Director, Administration and Management, Department of Defense, transmitting the calendar year 1995 report on ''Extraordinary Contractual Actions to Facilitate the National Defense,'' pursuant to 50 U.S.C. 1434; to the Committee on National Security.

2269. A letter from the Chairman of the Board, National Credit Union Administration, transmitting notification that the Administration is establishing and adjusting schedules of compensation; to the Committee on Banking and Financial Services.

2270. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the final inventory of real property assets under the jurisdiction of the RTC immediately prior to its termination; to the Committee on Banking and Financial Services.

2271. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 927, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2272. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1995 report on implementation of the support for East European Democracy Act [SEED] Program pursuant to 22 U.S.C. 5474; to the Committee on International Relations.

2273. A communication from the President of the United States, transmitting the annual report on Science, Technology and American Diplomacy for fiscal year 1995, pursuant to 22 U.S.C. 2656c(b); to the Committee on International Relations.

2274. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's annual report for fiscal year 1995, pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

2275. A letter from the Director, Congressional Budget Office, transmitting CBO's sequestration preview report for fiscal year 1997, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); jointly, to the Committee on Appropriations and the Budget.

2276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification and justifications that the Republic of Belarus, the Republic of Kazakstan, the Russian Federation, and Ukraine are committed to the courses of action described in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160), section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), and section 502 of the Freedom Support Act (Public Law 102–511); jointly, to the Committees on National Security and International Relations.

2277. A letter from the Secretary of Health and Human Services, transmitting a report on the fiscal year 1994 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly, to the Committees on Commerce and Economic and Educational Opportunities.

2278. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled ''Federal Aviation Authorization Act of 1996,'' pursuant to 31 U.S.C. 1110; jointly, to the Committees on Transportation and Infrastructure, Science, and Ways and Means.

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. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 146. Resolution authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 104–487). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 147. Resolution authorizing the use of the Capitol Grounds for the 15th annual National Peace Officers' Memorial Service (Rept. 104–488). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 386. Resolution providing for consideration of the joint resolution (H.J. Res. 165) making further continuing appropriations for the fiscal year 1996, and for other purposes, and waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–489). Referred to the House Calendar.

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. MONTGOMERY (for himself, Mr. STUMP, Mr. EDWARDS, and Mr. HUTCHINSON):

H.R. 3117. A bill to amend title 38, United States Code, to enable the Secretary of Veterans Affairs to improve service-delivery of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Commerce, and 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 Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. HUTCHINSON, and Mr. EDWARDS):

H.R. 3118. A bill to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (by request):

H.R. 3119. A bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under

that title, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Ways and Means, and Commerce, 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. FOX:

H.R. 3120. A bill to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering; to the Committee on the Judiciary.

By Mr. GILMAN (for himself and Mr. HAMILTON):

H.R. 3121. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, 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. BROWN of Ohio:

H.R. 3122. A bill to amend the Federal Election Campaign Act of 1971 to provide for separate limitations on contributions to qualifying and nonqualifying House of Representatives candidates; to the Committee on House Oversight.

By Mr. CAMP:

H.R. 3123. A bill to amend title XVIII and title XIX of the Social Security Act to prohibit expenditures under the Medicare Program and Federal financial participation under the Medicaid Program for assisted suicide, euthanasia, or mercy killing, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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. ENGLISH of Pennsylvania (for himself, Mr. HERGER, Mr. FOX, Mr. BREWSTER, Mr. STOCKMAN, Mr. HOUGHTON, Mr. CANADY, and Mr. BARR):

H.R. 3124. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HASTERT, Mr. FOX, Mr. CHRISTENSEN, Mr. STOCKMAN, and Mr. HOSTETTLER):

H.R. 3125. A bill to provide for improvements in financial security for senior citizens; to the Committee on Ways and Means, and in addition to the Committees on Commerce, the Judiciary, Rules, Government Reform and Oversight, and the Budget, 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. ENGLISH of Pennsylvania:

H.R. 3126. A bill to amend the Internal Revenue Code of 1986 to place the burden of proof on the Secretary to prove that the cash method of accounting does not clearly reflect income; to the Committee on Ways and Means.

By Mr. ENSIGN:

H.R. 3127. 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 Resources.

By Mr. FLANAGAN (for himself and Mr. DINGELL):

H.R. 3128. A bill to make it unlawful to send lobbying communications to Congress which are fraudulent; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 3129. A bill to amend title 5, United States Code, to allow loans under the thrift savings plan to be made for expenses associated with the adoption of a child; to the Committee on Government Reform and Oversight.

By Mr. PETERSON of Florida (for himself, Mr. MORAN, Mr. DOOLEY, Mr. BAESLER, Mr. BERMAN, Ms. BROWN of Florida, Mr. CLEMENT, Mr. COLEMAN, Mr. DELLUMS, Mr. DIXON, Mr. FATTAH, Mr. FAZIO of California, Mr. FRAZER, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Ms. KAPTUR, Mr. LAFALCE, Mrs. LINCOLN, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINGE, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Ms. PELOSI, Mr. POSHARD, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. STENHOLM, Mr. STUPAK, Mr. TORRES, Ms. VELÁZQUEZ, Mr. YATES, Mr. CLYBURN, Mr. JEFFERSON, Mr. PASTOR, Mr. CRAMER, Mr. ROSE, Mrs. THURMAN, Mr. PAYNE of Virginia, Ms. JACKSON-LEE, and Mr. PALLONE):

H.R. 3130. A bill to assure availability and continuity of health insurance and to simplify the administration of health coverage; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Economic and Educational Opportunities, 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. SHAYS:

H.R. 3131. A bill to amend title 49, United States Code, to permit a State located within 5 miles of an airport in another State to participate in the process for approval of airport development projects at the airport; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 3132. A bill to amend title XVIII of the Social Security Act to provide for Medicare contracting reforms, and for other purposes; to the Committee on Commerce, and in addition to the Committees 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 Mr. LIVINGSTON:

H.J. Res. 165. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCARBOROUGH introduced a bill (H.R. 3133) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Karma;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 598: Mr. BRYANT of Texas.

H.R. 777: Mrs. KELLY, Mr. STUPAK, Mr. QUINN, and Mr. BERMAN.

H.R. 778: Mrs. KELLY, Mr. STUPAK, Mr. QUINN, Mr. BERMAN, and Mr. TATE.

H.R. 779: Mr. THORNBERRY, Mr. TAYLOR of North Carolina, and Ms. JACKSON-LEE.

H.R. 780: Mr. TAYLOR of North Carolina and Ms. JACKSON-LEE.

H.R. 1046: Mr. STEARNS and Ms. HARMAN.

H.R. 1073: Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. ORTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1074: Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. ORTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1202: Mr. KENNEDY of Massachusetts and Mr. DELLUMS.

H.R. 1341: Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BONIOR, Mr. COLEMAN, Mr. DEUTSCH, Mr. DURBIN, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mr. JACOBS, Mr. MARTINEZ, Mr. MATSUI, Mr. MENENDEZ, Mr. MILLER of California, Mr. MOAKLEY, Mr. OBERSTAR, Ms. RIVERS, Mr. SANDERS, Mr. STARK, Mr. STUDDS, Mr. TORRES, and Mr. YATES.

H.R. 1386: Mr. GORDON.

H.R. 1406: Mr. KLECZKA, Mr. ROEMER, Mr. DICKS, Ms. DELAURO, Mr. WISE, and Mr. GEPHARDT.

H.R. 1464: Mr. BARTLETT of Maryland.

H.R. 1484: Ms. NORTON, Mr. BROWN of California, Mr. LANTOS, Mr. OBERSTAR, Mr. BENTSEN, and Mrs. CLAYTON.

H.R. 1618: Mr. MINGE.

H.R. 1619: Mr. WELDON of Pennsylvania.

H.R. 1733: Mr. LEWIS of Georgia.

H.R. 1802: Mr. HOKE.

H.R. 2086: Mr. CALVERT and Mr. CUNNINGHAM.

H.R. 2167: Mr. YATES.

H.R. 2200: Mr. LIVINGSTON and Mrs. VUCANOVICH.

H.R. 2214: Mr. WISE.

H.R. 2237: Mr. VENTO.

H.R. 2292: Mr. NETHERCUTT.

H.R. 2320: Mr. SMITH of Michigan, Mr. SAM JOHNSON, Mr. GUNDERSON, Mr. MCCOLLUM, Mr. WELDON of Florida, Mr. ISTOOK, Mr. BONILLA, Mr. HOUGHTON, Mr. BUNNING of Kentucky, and Mr. MANZULLO.

H.R. 2338: Mr. HILLIARD.

H.R. 2428: Mr. EMERSON.

H.R. 2508: Mr. GREENWOOD, Mr. TOWNS, Ms. PRYCE, Mr. KENNEDY of Massachusetts, and Mr. CHRYSLER.

H.R. 2579: Mr. TAYLOR of North Carolina, Mr. JACKSON, and Ms. MCKINNEY.

H.R. 2582: Mrs. MINK of Hawaii.

H.R. 2693: Mrs. CHENOWETH.

H.R. 2745: Ms. NORTON, Ms. JACKSON-LEE, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAW, and Mr. GONZALEZ.

H.R. 2746: Ms. PELOSI, Mr. DEFAZIO, Mr. ANDREWS, and Mr. TORRICELLI.

H.R. 2893: Mr. SHAYS, Mr. GILMAN, Mrs. MORELLA, Mr. GUNDERSON, Mr. CALVERT, Mr. BROWNBACK, Mr. BOEHLERT, Mr. FRANKS of New Jersey, Mr. TORKILDSEN, Mr. QUINN, Mr. FRELINGHUYSEN, Mr. MARTINI, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. BEVILL, Mr. BISHOP, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Ms. DANNER, Mr. DE LA GARZA, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DOOLEY, Mr. DOYLE, Mr. DURBIN, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. FROST, Ms. FURSE,

Mr. GEJDENSON, Mr. GEPHARDT, Mr. GIBBONS, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. HOYER, Mr. JACKSON, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KLINK, Mr. LAFALCE, Mr. LANTOS, Ms. JACKSON-LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LINCOLN, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY, Mr. MCDERMOTT, Mr. MCHALE, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. ORTON, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PICKETT, Mr. POSHARD, Mr. RAHALL, Mr. RANGEL, Mr. RICHARDSON, Ms. RIVERS, Mr. ROEMER, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SCOTT, Mr. SERRANO, Mr. SKAGGS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SPRATT, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. TEJEDA, Mr. THOMPSON, Mrs. THURMAN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. VOLKMER, Mr. WARD, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WILLIAMS, Mr. WISE, Ms. WOOLSEY, Mr. WYNN, Mr. YATES, and Mr. SMITH of New Jersey.

H.R. 2914: Mr. JEFFERSON, Mr. BISHOP, Mr. OWENS, Mrs. COLLINS of Illinois, and Mr. KENNEDY of Rhode Island.

H.R. 2925: Mr. WHITFIELD, Mrs. VUCANOVICH, Mr. WICKER, Mr. SHAYS, and Mr. FOLEY.

H.R. 2959: Mr. HOBSON.

H.R. 2978: Mr. DAVIS.

H.R. 3002: Mr. CALVERT.

H.R. 3004: Mr. SOUDER, Mr. BOUCHER, Mr. STUPAK, Mr. GUNDERSON, Mr. CALVERT, and Mr. HASTERT.

H.R. 3012: Mr. WATTS of Oklahoma, Mr. PARKER, Mr. TEJEDA, and Mr. JEFFERSON.

H.R. 3048: Ms. MEYERS of Kansas, Mrs. LINCOLN, Mr. BOEHLERT, Mr. ZELIFF, Mr. EMERSON, Mr. CALVERT.

H.R. 3050: Mr. LUCAS and Mr. FOGLIETTA.

H.R. 3067: Mr. UNDERWOOD, Mr. PACKARD, Mr. HUTCHINSON, and Mr. KENNEDY of Massachusetts.

H.R. 3091: Mr. DICKEY.

H.R. 3103: Mr. ZIMMER.

H. Con. Res. 26: Mr. MANTON, Mr. DURBIN, Mr. MATSUI, Mr. STOCKMAN, Mr. KLECZKA, and Mr. FRANKS of New Jersey.

H. Con. Res. 47: Mr. CUNNINGHAM and Mr. DORNAN.

H. Con Res. 151: Mr. FILNER.

H. Res. 30: Mr. HAMILTON, Mr. NORWOOD, Mr. MARKEY, and Mr. MYERS of Indiana.

H. Res. 49: Mr. LEWIS of Georgia.

H. Res. 385: Mr. SMITH of New Jersey.