First of all, abstinence education is very important if provided in an educational forum. Since many of our young adults are members of one parent families whose family time is limited by being the sole provider and, therefore, unable to provide the ongoing moral and family stability. Because of changes in society, our children can no longer be guaranteed to receive the educational and moral values found in a stable family unit. As professionals responsible for educating our children, we have to go beyond the traditional reading, writing and arithmetic in preparing them for adult life. With this in mind, the need to continue with abstinence education is vital to the development of a moral society.

Secondly, the idea of tax incentives for adoptive parents would help ease the burden for those families who are more than willing to adopt but are not financially able to do so. This would also reduce the cost and the tragedy of long term foster care. The long term financial benefits of such an incentive plan can only benefit those children today and society tomorrow.

In conclusion, I would like to offer Washington County's support on your proposed legislation.

Sincerely yours,

JOSEPH A. FORD, SR., *Chairman.*
Washington County Board of Commissioners,

CHESTNUT HILL COLLEGE,
OFFICE OF THE PRESIDENT,
March 12, 1996.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing to ask you to consider introducing a bi-partisan amendment to restore targeted programs to the Omnibus Appropriations Bill (H.R. 3019). Central to such an amendment is the restoration of the Perkins Loan and SSIG. As you know, thousands of Pennsylvania college students will be affected by decisions governing the future of such financial assistance.

As in the past, I know I can count on your support of private higher education in the Commonwealth and throughout the nation.

I applaud your plan to introduce legislation titled Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996. I agree wholeheartedly that people on both sides of the abortion issue can work together to promote mutually agreeable alternatives to abortion. Moreover, your observation that the country needs to assess and respond to ''leading moral indicators'' is cogent, insightful, and timely.

As always, Senator, I respect your ability to cut to the core of issues, to name the problems, and to offer solutions. In addition, I appreciate your balanced approach to public policy. Different viewpoints do not have to divide, rather, they can be starting points for discussions that empower people with varying perspectives to meet on common ground and thereby establish a common agenda that will benefit the citizens of this country.

Thank you for sending me your proposed legislation and for championing causes that I, as a citizen, deeply value.

May God bless you Joan, and your family.

Cordially,

CAROL JEAN VALE, SSJ, PH.D.
President.

COSPONSORS TO SPECTER ABSTINENCE/ADOPTION BILLS AS OF APRIL 29, 1996

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Santorum, Jeffords, Lugar, Inouye, Leahy, Simpson, Hatfield, Coats, Stevens, Pryor, Bond, Conrad and DeWine.

ADOPTION PROMOTION ACT OF 1996

Santorum, Jeffords, Lugar, Harkin, Inouye, Leahy, Campbell, Cochran, Hatfield, Stevens and Bond.

COUNTY COMMISSIONERS OF
MIFFLIN COUNTY,
Lewistown, PA, March 28, 1996.

Hon. ARLEN SPECTER,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you for providing me with a copy of the Bill you are planning to introduce under titles of the Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996.

Adoption Reform is long overdue and perhaps this could be the first step of a change.

It is appalling how many children are raised without loving, caring parents because of our archaic laws. I firmly believe, less costly, more accessible adoption could go a long way in cutting the abortion rates.

I commend you on taking the initiative to address this important issue.

Sincerely,

JIM BECKWITH,
Mifflin County Commissioner.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1483

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 1493, supra.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Kentucky [Mr. FORD], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1629

At the request of Mr. STEVENS, the names of the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. LOTT], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1629, a bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal governments; to restrain Federal agencies from exceeding their authority; to enforce the tenth amendment to the Constitution; and for other purposes.

S. 1652

At the request of Mr. MCCONNELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1652, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a national resource center and clearinghouse to carry out training of State and local law enforcement personnel to more effectively respond to cases involving missing or exploited children, and for other purposes.

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the University be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

SENATE RESOLUTION 250

At the request of Mr. BROWN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 250, a resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SNOWE AMENDMENTS NOS. 3747—3748

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

AMENDMENT NO. 3747

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3748

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an intention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3749–3750

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. FEINGOLD, and Mr. DEWINE) submitted two amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1644, supra; as follows:

AMENDMENT NO. 3749

In section 112, after subparagraph (a)(1)(ii), insert the following:

''(iv) Demonstration projects under this section shall not be conducted in any State that has not enacted legislation authorizing the Attorney General to conduct such projects within its jurisdiction.''

AMENDMENT NO. 3750

In section 112, after subparagraph (a)(1)(ii), insert the following:

''(iv) Demonstration projects under this section shall not be conducted in any State that has not enacted legislation declaring such projects shall not be conducted within its jurisdiction.''

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3751–3752

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. FEINGOLD, Mr. DEWINE, Mr. INHOFE, Mr. MACK, Mr. LOTT, and Mr. LIEBERMAN) submitted two amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1644, supra; as follows:

AMENDMENT NO. 3751

Strike sections 111–115.

AMENDMENT NO. 3752

Strike sections 111–115 and 118.

GRAHAM AMENDMENTS NOS. 3753–3759

(Ordered to lie on the table.)

Mr. GRAHAM submitted seven amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3753

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3754

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3755

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3756

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3757

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3758

Beginning on page 177, line 9, strike all through page 211, line 9, and insert the following:

Subtitle C—Effective Dates

SEC. 197. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) Effective dates for provisions dealing with document fraud; regulations to implement.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATE.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizens or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any state or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit as defined in section 201(f)(3) but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 201(f)(3) not less than $2,0000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 201(f)(3) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) has income tax liability for the tax year of which the period was part.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

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

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) INDIVIDUAL NUMBER REQUIRED.—Section 21(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

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

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

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

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

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

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking ''and'' at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.''.

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

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

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

''SEC. 506. SEALS OF DEPARTMENTS OR AGENCIES.

''(a) Whoever—

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

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

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

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

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

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

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

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

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

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

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3759

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3760

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, and Mr. ABRAHAM) proposed an to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM (AND MACK) AMENDMENT NO. 3761

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

''(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives 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 earlier than 60 months before the beginning of such fiscal year.''.

GRAHAM AMENDMENTS NOS. 3762–3775

(Ordered to lie on the table.)

Mr. GRAHAM submitted 14 amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3762

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(17) Weatherization assistance under the Energy Conservation and Protection Act.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in

order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMED PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking in to account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

AMENDMENT NO. 3763

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(A) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit.

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2000 or more than $5000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section

201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3764

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exemption is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3765

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State agency assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT NO. 3766

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word ''been.''

withheld under section 243(h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980).

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS. The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by an agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 125(a)(5) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT NO. 3767

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT NO. 3768

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT NO. 3769

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3770

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such disease.

AMENDMENT NO. 3771

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act.)

AMENDMENT NO. 3772

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionable share hospital for which an adjustment in payment to a State under the medicaid program in made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3773

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) maternal and child health services block grants under title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

AMENDMENT NO. 3774

On page 180, lines 13 and 14, strike ''serious''.

AMENDMENT NO. 3775

Strike page 180, line 15, through 181 line 9, and insert: ''treatment for such diseases,

''(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

''(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

''(II) such service or assistance is necessary for the protection of life, safety, or public health; and

''(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; and

''(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or''.

FEINSTEIN (AND SIMON) AMENDMENT NO. 3776

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3777

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3778–3779

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to be the bill S. 1664, supra; as follows:

AMENDMENT NO. 3778

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General in consultation with the Secretary of State shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT NO. 3779

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENTS.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or

received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

LEAHY AMENDMENTS NOS. 3780–3787

(Ordered to lie on the table.)

Mr. LEAHY submitted eight amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3780

Strike sections 131 and 132.

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trail;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) on ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

''(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Each alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining office at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration

officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

''(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a) is amended—

''(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

''(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''judicial review of orders of deportation and exclusion''.

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

''(3) section 241(d) (8 U.S.C. 1251d) is repealed.

In section 142, strike the new section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f).

Strike section 193.

On page 178, line 8, strike ''and subject to subsection (b),''.

Strike section 198(b).

AMENDMENT NO. 3781

Strike section 198(b).

AMENDMENT NO. 3782

Strike section 193.

AMENDMENT NO. 3783

In section 142, strike the new section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f).

AMEMDMENT NO. 3784

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FEELING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

''(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, whose privilege to land is so challenged, before a special inquiry officer.''.

''(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

''(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

''(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If'.

''(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

''(i) by striking subsection (e); and

''(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

''(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

''(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

''(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3785

Strike sections 131 and 132.

AMENDMENT NO. 3786

On page 178, line 8, strike ''and subject to subsection (b),''.

Strike section 198(b).

AMENDMENT NO. 3787

Beginning on page 180, strike line 6 and all that follows through page 201, line 4, and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge

period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5

years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND LEAHY) AMENDMENT NO. 3788

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting ''and'' after ''1996;'', and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

''(2) $5,000,000 for each of fiscal years 1997 through 2001.''.

MURRAY AMENDMENT NO. 3789

Mrs. MURRAY submitted an amendment intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 201 of the matter proposed to be inserted, between lines 4 and 5, insert the following:

(4) CHILDREN FOUND ELIGIBLE FOR FOSTER CARE, TRANSITIONAL LIVING PROGRAMS, OR ADOPTION ASSISTANCE AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien lawfully admitted to the United States for permanent residence who is eligible for foster care, a transitional living program, or adoption assistance under title IV of the Social Security Act.

BRADLEY AMENDMENTS NOS. 3790–3792

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3790

On page 47 of the amendment, strike line 1 and all that follows through line 21 and insert the following:

SEC. . ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the ''Office'').

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3791

On page 7, line 4, before the period insert the following: ''of which number not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).''

AMENDMENT NO. 3792

On page 47, strike lines 1 through 21 and insert the following:

SEC. 120B. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The Office shall report annually to the Attorney General on its operations.

WELLSTONE AMENDMENTS NOS. 3793–3795

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3793

On page 190, after line 25, add the following:

''(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

''(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.

AMENDMENT NO. 3794

On page 202 of the amendment, between lines 5 and 6, insert the following:

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply.—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

AMENDMENT NO. 3795

On page 187 of the amendment, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)10(B) of such Act.

SHELBY (AND OTHERS) AMENDMENT NO. 3796

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. COCHRAN, Mr. COVERDELL, Mr. INHOFE, Mr. FAIRCLOTH, Mr. HELMS, Mr. THOMAS, Mr. WARNER, Mr. PRESSLER, Mr. BYRD, Mr. COATS, Mr. GRAMS, Mr. LOTT, Mr. THURMOND, Mr. CRAIG, Mr. SIMPSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANGUAGE OF GOVERNMENT ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the ''Language of Government Act of 1996''.

(b) FINDINGS AND CONSTRUCTION.—

(1) FINDINGS.—The Congress finds and declares that—

(A) the United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds;

(B) the United States has benefited and continues to benefit from this rich diversity;

(C) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

(D) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people;

(E) English has historically been the common language and the language of opportunity in the United States.

(F) Native American languages have a unique status because they exist nowhere else in the world, and in creating a language policy for the United States Government, due consideration must be given to Native American languages and the policies and laws assisting their survival, revitalization, study, and use;

(G) a purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

(H) by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States.

(I) the use of a single common language in the conduct of the Federal Government's official business will promote efficiency and fairness to all people;

(J) English should be recognized in law as the language of official business of the Federal Government; and

(K) any monetary savings derived by the Federal Government from the enactment of this Act should be used for the teaching of non-English speaking immigrants the English language.

(2) CONSTRUCTION.—The amendments made by subsection (c)—

(A) are not intended in any way to discriminate or restrict the rights of any individual in the United States.

(B) are not intended to discourage or prevent the use of languages other that English in any nonofficial capacity; and

(C) except where an existing law of the United States directly contravenes the amendments made by subsection (c) (such as by requiring the use of a language other than English for official business of the Government of the United States), are not intended to repeal existing laws of the United States.

(c) ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of official language of Government.
''162. Preserving and enhancing the role of the official language.
''163. Official Government activities in English.
''164. Standing.
''165. Definitions.

''§ 161. Declaration of official language of Government

''The official language of the Government of the United States is English.

''§ 162. Preserving and enhancing the role of the official language

''The Government shall have an affirmative obligation to preserve and enhance the role of Englas the official language of the United States Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

''§ 163. Official Government activities in English

''(a) CONDUCT OF BUSINESS.—The Government shall conduct its official business in English.

''(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Government solely because the person communicates in English.

''(c) ENTITLEMENT.—Every person in the United States is entitled to—

''(1) communicate with the Government in English;

''(2) receive information from or contribute information to the Government in English; and

''(3) be informed of or be subject to official orders in English.

''§ 164. Standing

''Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States under sections 2201 and 2202 of title 28, United States Code, and for such other relief as may be considered appropriate by the courts.

''§ 165. Definitions

''For purposes of this chapter:

''(1) GOVERNMENT.—The term 'Government' means all branches of the Government of the United State and all employees and officials of the Government of the United States while performing official business.

''(2) OFFICIAL BUSINESS.—The term 'official business' means those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government, but does not include—

''(A) use of indigenous languages or Native American languages, or the teaching of foreign languages in educational settings;

''(B) actions, documents, or policies that are not enforceable in the United States;

''(C) actions, documents, or policies necessary for international relations, trade, or commerce;

''(D) actions or documents that protect the public health or the environment;

''(E) actions that protect the rights of victims of crimes or criminal defendants;

''(F) documents that utilize terms of art or phrases form languages other than English;

''(G) bilingual education, bilingual ballots, or activities pursuant to the Native American Languages Act (25 U.S.C. 2901 *et seq.)*; and

''(H) elected officials, who posses a proficiency in a language other than English, using that language to provide information orally to their constituents.''.

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government 161''.

(d) PREEMPTION.—This section (and the amendments made by this section) shall not preempt any law of any State.

(e) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect upon the date of enactment of this Act, except that no suit may be commenced to enforce or determine rights under the amendments until January 1, 1997.

FAIRCLOTH AMENDMENT NO. 3797

(Ordered to lie on the bill.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by

him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entitles authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

CRAIG AMENDMENT NO. 3798

(Ordered to lie on the bill.)

Mr. CRAIG submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place insert the following:

SEC. ___. H–2A WORKERS.

(a) Section 218(a) (8 U.S.C. 1188(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) In considering an employer's petition for admission of H–2A aliens the Attorney General shall consider the certification decision of the Secretary of Labor and shall consider any countervailing evidence submitted by the employer with respect to the nonavailability of United States workers and the employer's compliance with the requirements of this section, and may consult with the Secretary of Agriculture.''.

(b) Section 218(b) (8 U.S.C. 1188(b)) is amended by striking out paragraph (4) and inserting the following:

''(4) DETERMINATION BY THE SECRETARY.—The Secretary determines that the employer has not filed a job offer for the position to be filled by the alien with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if the alien will be employed in an area within the jurisdiction of more than one local office of such an agency, which meets the criteria of paragraph (5).

''(5) REQUIRED TERMS AND CONDITIONS OF EMPLOYMENT.—The Secretary determines that the employer's job offer does not meet one or more of the following criteria:

''(A) REQUIRED RATE OF PAY.—The employer has offered to pay H–2A aliens and all other workers in the occupation in the area of intended employment not less than the greater of—

''(i) the median rate of pay for similarly employed workers in the area of intended employment, or

''(ii) an Adverse Effect Wage Rate of not less than 110 percent of the minimum wage required to be paid under the Fair Labor Standards Act, but not less than $5.00 per hour.

''(B) PROVISION OF HOUSING.—

''(i) IN GENERAL.—The employer has offered to provide housing to H–2A aliens and those workers not reasonably able to return to their residence within the same day, without charge to the worker. The employer may, at the employer's option, provide housing meeting applicable Federal standards for temporary labor camps, or provide rental or public accommodation type housing which meets applicable local or state standards for such housing.

''(ii) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering the housing required in clause (i), the employer may provide a reasonable housing allowance to workers not reasonably able to return to their place of residence within the same day, but only if the Secretary determines that housing is reasonably available within the approximate area of employment. An employer who offers a housing allowance pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

''(iii) SPECIAL HOUSING STANDARDS FOR SHORT DURATION EMPLOYMENT.— The Secretary shall promulgate special regulations permitting the provision of short-term temporary housing for workers employed in occupations in which employment is expected to last 40 days or less.

''(iv) TRANSITIONAL PERIOD FOR PROVISION OF SPECIAL HOUSING STANDARDS IN OTHER EMPLOYMENT.—For a period of five years after the date of enactment of this section, the Secretary shall approve the provision of housing meeting the standards described in clause (iii) in occupations expected to last longer than 40 days in areas where available housing meeting the criteria described in subparagraph (i) is found to be insufficient.

''(iv) PRE-EMPTION OF STATE AND LOCAL STANDARDS.—The standards described in clauses (ii) and (iii) shall preempt any State and local standards governing the provision of temporary housing to agricultural workers.

''(C) REIMBURSEMENT OF TRANSPORTATION COSTS.—The employer has offered to reimburse H–2A aliens and workers recruited from beyond normal commuting distance the most economical common carrier transportation charge and reasonable subsistence from the place from which the worker comes to work for the employer, (but not more than the most economical common carrier transportation charge from the worker's normal place of residence) if the worker completes 50 percent of the anticipated period of employment. If the worker recruited from beyond normal commuting distance completes the period of employment, the employer will provide or pay for the worker's transportation and reasonable subsistence to the worker's next place of employment, or to the worker's normal place of residence, whichever is less.

''(D) GUARANTEE OF EMPLOYMENT.—The employer has offered to guarantee the worker employment for at least three-fourths of the workdays of the employer's actual period of employment in the occupation. Workers who abandon their employment or are terminated for cause shall forfeit this guarantee.

''(6) PREFERENCE FOR U.S. WORKERS.—The employer has not assured on the application that the employer will provide employment to all qualified United States workers who apply to the employer and assure that they will be available at the time and place needed until the time the employer's foreign workers depart for the employer's place of employment (but not sooner than 5 days before the date workers are needed), and will give preference in employment to United States workers who are immediately available to fill job opportunities that become available after the date work in the occupation begins.''.

(c) Section 218 (8 U.S.C. 1188) is amended by striking out subsection (c) and inserting in lieu thereof the following:

''(c) The following rules shall apply to the issuance of labor certifications by the Secretary under this section:

''(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary may not require that the application be filed more than 40 days before the first date the employer requires the labor or services of the H–2A worker.

''(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

''(A) The employer shall be notified in writing within seven calendar days of the date of filing, if the application does not meet the criteria described in subsection (b) for approval.

''(B) If the application does not meet such criteria, the notice shall specify the specific deficiencies of the application and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

''(3) ISSUANCE OF CERTIFICATION.—

''(A) The Secretary shall provide to the employer, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1)—

''(i) with respect to paragraph (a)(1)(A) if the employer's application meets the criteria described in subsection (b), or a statement of the specific reasons why such certification can not be made, and

''(ii) with respect to subsection (a)(1)(B), to the extent that the employer does not actually have, or has not been provided with the names, addresses and Social Security numbers of workers referred to the employer who are able, willing and qualified and have indicated they will be available at the time and place needed to perform such labor or services on the terms and conditions of the job offer approved by the Secretary. For each worker referred, the Secretary shall also provide the employer with information sufficient to permit the employer to contact the referred worker for the purpose of reconfirming the worker's availability for work at the time and place needed.

''(B) If, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilled job opportunities in the occupation and area of intended employment for which the employer is seeking workers, the Secretary shall provide the certification at the same time the Secretary approves the employer's job offer.''.

(d) Section 218 (8 U.S.C 1188) is amended by striking out section (e) and inserting in lieu thereof the following:

''(e) EXPEDITED APPEALS OF CERTAIN DETERMINATIONS.—The Secretary shall provide by regulation for an expedited procedure for the review of the nonapproval of an employer's job offer pursuant to subsection (c)(2) and of the denial of certification in whole or in part pursuant to subsection (c)(3) or, at the applicant's request, a de novo administrative hearing respecting the nonapproval or denial.''.

(e) Section 218 is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by adding the following after subsection (e):

''(f) The following procedures shall apply to the consideration of petitions by the Attorney General under this section:

''(1) EXPEDITED PROCESSING OF PETITIONS.—The Attorney General shall provide an expedited procedure for the adjudication of petitions filed under this section, and the notification of visa-issuing consulates where aliens seeking admission under this section will apply for visas and/or ports of entry where aliens will seek admission under this section within 15 calendar days from the date such petition is filed by the employer.

''(2) EXPEDITED AMENDMENTS TO PETITIONS.—The Attorney General shall provide an expedited procedure for the amendment of petitions to increase the number of workers on or after five days before the employers date of need for the labor or services involved in the petition to replace referred workers whose continued availability for work at the time and place needed under the terms of the approved job offer can not be confirmed and to replace referred workers who fail to report for work on the date of need and replace referred workers who abandon their employment or are terminated for cause, and for which replacement workers are not immediately available pursuant to subsection (b)(6).''.

(g) Section 218(g) (8 U.S.C. 1188(g)) is amended—

(1) by redesignating paragraph (2) as paragraph (2)(A); and

(2) by inserting after paragraph (2)(A) the following:

''(B) No employer shall be subject to any liability or punishment on the basis of an employment action or practice by such employer that conforms with the terms and conditions of a job offer approved by the Secretary pursuant to this Section, unless and until the employer has been notified that such certification has been amended or invalidated by a final order of the Secretary or of a court of competent jurisdiction.''.

(h) Section 218(h) is amended by adding at the end thereof the following:

''(3) No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing or delaying the issuance by the Secretary of a certification pursuant to this section, or the approval by the Attorney General of a petition to import an alien as an H–2A worker, or the actual importation of any such alien as an H–2A worker following such approval by the Attorney General.''.

HATFIELD AMENDMENT NO. 3799

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF FORMS AT INS OFFICES.

All regional and district offices of the Immigration and Naturalization Service shall have available to the public on-site, the forms necessary—

(1) to facilitate entry of persons legally admissible as immigrants, or as visitors,

(2) to obtain asylum, temporary or permanent resident status, naturalization, or employment authorization, and

(3) to obtain any other service or benefit for which the Service is responsible.

SEC. . SENSE OF THE SENATE REGARDING INS PUBLIC SERVICES.

It is the sense of the Senate that the Immigration and Naturalization Service (hereafter referred to as the ''INS'') should devote adequate resources to assuring that the public has access to INS services, documents, and personnel.

ROBB AMENDMENTS NOS. 3800–3802

(Ordered to lie on the table.)

Mr. ROBB submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3800

On page 26, line 17, strike the period and insert ''; and''.

AMENDMENT NO. 3801

On page 26, between lines 17 and 18, insert the following:

(H)(i) A system which utilizes innovative authentication technology such as fingerprint readers or smart cards to verify eligibility for employment or other applicable Federal benefits.

(ii) For purposes of this subparagraph, the term ''smart card'' means a credit card-sized device containing 1 or more integrated circuits or containing technology that will facilitate individual verification.

AMENDMENT NO. 3802

On page 26, line 12, strike ''and'' the second place it appears.

GRAHAM (AND SPECTER) AMENDMENT NO. 3803

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3803

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

ABRAHAM (AND OTHERS) AMENDMENT NO. 3804

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. DEWINE, and Mr. ROTH) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment insert the following four new sections:

SEC. . ELIMINATION OF REPETITIVE REVIEW OF DEPORTATION ORDERS ENTERED AGAINST CRIMINAL ALIENS.

Section 242b (8 U.S.C. 1252b) is amended by—

(a) redesignating subsection (f) as subsection (g); and

(b) adding the following new subsection (f) to read as follows—

(f) CRIMINAL ALIENS.—No alien convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D), shall be granted more than one administrative hearing and one appeal to the Board of Immigration Appeals concerning or relating to such alien's deportation. Any claims for relief from deportation for which the criminal alien may be eligible must be raised at that time. Under no circumstances may such a criminal alien request or be granted a reopening of the order of deportation or any other form of relief under the law, including but not limited to claims of ineffective assistance of counsel, after the earlier of:

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

SEC. . ELIMINATION OF MOTIONS TO REOPEN ORDERS OF EXCLUSION ENTERED AGAINST CRIMINAL ALIENS.

Section 236, 8 U.S.C. 1226, is amended by adding the following sentence to the end of subsection (a): ''There shall be no judicial review of any order of exclusion, or any issue related to an order of exclusion, entered against an alien found by the Attorney General or the Attorney General's designee to be an alien described in Section 212(a)(2) (8 U.S.C. 1182(a)(2)) or of any administrative ruling related to such an order.''

SEC. . EXPANSION OF THE BOARD OF IMMIGRATION APPEALS; NUMBER OF SPECIAL INQUIRY OFFICERS; ATTORNEY SUPPORT STAFF.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective October 1, 1996, there are authorized to be employed within the Department of Justice a total of—

(1) 24 Board Members of the Board of Immigration Appeals;

(2) 334 special inquiry officers; and

(3) a number of attorneys to support the Board and the special inquiry officers which is twice the number so employed as of the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to pay the salaries of the personnel employed under subsection (a) who are additional to such personnel employed as of the end of fiscal year 1996.

SEC. . PROHIBITION UPON THE NATURALIZATION OF CERTAIN CRIMINAL ALIENS.

Section 40(a) (8 U.S.C. 1424) is amended by—

(a) inserting ''or who have been convicted of certain crimes'' after ''or who favor totalitarian forms of government'' and

(b) in subsection (a)—

(1) replacing ''of this subsection.'' with ''of this subsection; or'' in paragraph (6)

(2) adding new paragraph (7) to read as follows—

''(7) who has been convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D).''

BOXER AMENDMENTS NOS. 3805–3806

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3805

At the appropriate place in the bill, insert the following:

SEC. . SUPPORT OF DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

AMENDMENT NO. 3806

At the appropriate place in the bill, insert the following new section:

SEC. . CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM BORDER CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Border checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing border checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing border checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

''§ 758. High speed flight from border checkpoint

''(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service, or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.''.

Section 1251(a)(2)(A) of title 8, United States Code, is amended by inserting the following new subsection:

''(v) High speed flight

''Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35).''

Section 1182(a)(2)(A)(i) of title 8, United States Code, is amended by inserting the following new subsection:

''(III) A violation of section 758(a) of chapter 35.''

WYDEN (AND OTHERS) AMENDMENT NO. 3807

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAVY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, Mr. LUGAR, and Mr. HELMS) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

HARKIN AMENDMENT NO. 3808

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, following:

SEC. .DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the ''INA employment provisions''), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of the contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS OF DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor of an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor of an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that it is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term ''contractor'' means any individual or other legal entity that—

(A) directly or indirectly (through and affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

SIMON AMENDMENTS NOS. 3809—3810

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3809

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

''(v) Any State general cash assistance program.

''(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.''.

AMENDMENT NO. 3810

In Section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

SIMON (AND OTHERS) AMENDMENT NOS. 3811–3813

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. GRAHAM, Mrs. FEINSTEIN, and Mrs. MURRAY) submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3811

In Section 204(c), at page 199, line 4, strike '', or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer''.

AMENDMENT NO. 3812

In Section 204(e)(2), at page 202, line 2, strike '', or for a period of 5 years beginning

on the day such alien was first lawfully in the United States after the execution of such affidavit of support or agreement, whichever period is longer''.

AMENDMENT NO. 3813

Strike page 199, line 4, and all that follows through page 202, line 5, and insert the following:

''to provide support for such alien.

''(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(I) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under the title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which the Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien.

SIMON (AND DEWINE) AMENDMENT NO. 3814

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In Section 202(a), at page 188, line 19, after ''deportable'', insert ''for a period of five years after the immigrant becomes a public charge, as defined in subsection (c)(ii)''.

SIMON AMENDMENT NO. 3815

(Ordered to lie on the table.)

Mr. SIMON proposed an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 106, at line 15, strike ''(1) (A), (B), or (C)'' and insert ''(1) (B) or (C)''.

KENNEDY AMENDMENTS NOS. 3816–3832

(Ordered to lie on the table.)

Mr. KENNEDY submitted 17 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3816

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1) a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6)(A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine.

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a compliant under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6)(A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3817

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3818

On page 181, line 9, strike ''or'' and insert ''and

''(viii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or''.

AMENDMENT NO. 3819

On page 200, strike lines 12 through 25, and insert the following:

(2) EDUCATION ASSISTANCE.—The requirements of subsection (a) shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3820

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3821

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3822

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act.

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United State Code.

AMENDMENT NO. 3823

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''.

AMENDMENT NO. 3824

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).''.

AMENDMENT NO. 3825

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3826

At the appropriate place in the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

''(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.''.

AMENDMENT NO. 3827

At the appropriate place in the amendment, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3828

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: ''The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3829

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

AMENDMENT NO. 3830

On page 56 of the matter proposed to be inserted, strike line 17 through line 20, and insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT NO. 3831

On page 69 of the matter proposed to be inserted, strike line 12 through line 15, and insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT NO 3832

On page 81 of the matter proposed to be inserted, between lines 9 and 10, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

DEWINE (AND OTHERS) AMENDMENT NO. 3833

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

In section 104, strike ''300'' and insert ''600'';

In section 105(a), strike ''350'' and insert ''700''.

DEWINE (AND ABRAHAM) AMENDMENTS NOS. 3834–3835

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3834

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 155, section 172, is null, void, and of no effect.

AMENDMENT NO. 3835

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

The language on page 177, between lines 8 and 9, is deemed to have the following insertion:

''SEC. 197. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: 'For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo such a procedure, or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.'''

DEWINE (AND OTHERS) AMENDMENT NO. 3836

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3735 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 37, section 118, is null, void, and of no effect.

DEWINE (AND OTHERS) AMENDMENT NO. 3837

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 174 of the bill, at the end of line 4, is deemed to include the following insertion:

''(b) As used in this section, ''good cause'' includes, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.''

BRYAN AMENDMENT NO. 3838

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

''(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

''(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

''(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

''(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

''(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

''(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.''.

KYL AMENDMENT NO. 3839

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendments, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended in paragraph (1), by inserting ''pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who'' after ''who'' the first place it appears.

(b) AUTHORITY TO CHARGE FEE.—Notwithstanding any other provision of law, the Secretary of State is authorized to charge a supplemental fee to any immigrant visa applicant who previously entered the United States without inspection, or who was employed while living in the United States in violation of the terms and conditions of the applicant's visa status at that time. Such supplemental fee shall be no greater than the fee for an immigrant visa. No such fee shall be assessed if the applicant is under the age of seventeen, or is the spouse or child of an individual who obtained temporary or permanent status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986.

(c) USE OF FEES.—Funds collected under the authority of subsection (a) as a supplemental fee shall be deposited as an offsetting collection to any Department of State appropriation only to recover the costs of consular operations. Such funds shall remain available until expended.

(d) SUPPLEMENTAL NATURE OF FEES.—Any supplemental fee imposed in accord with (b) shall be in addition to other fees imposed by the Department of State relating to adjudication, processing and issuance of immigrant visas.

(e) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

WELLSTONE AMENDMENTS NOS. 3844–3847

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3844

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

AMENDMENT NO. 3845

On page 106, line 9, strike the period and insert the following: ''except that the Attorney General may extend the time period described in this subparagraph for aliens eligible for relief under paragraph (1)(C).''.

AMENDMENT NO. 3846

At the appropriate place, insert the following:

SEC. . EXCEPTION TO DEPORTABILITY.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

''(d) The provisions of subsection (d) of this section shall not apply to persons who are battered or subjected to extreme cruelty perpetrated by a United States citizen or lawful permanent resident spouse or parent who—

''(1) is eligible for status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act;

''(2) is eligible for classification pursuant to clauses (ii) or (iii) of section 204(a)(1)(B) of the Act;

''(3) is eligible for suspension of deportation and adjustment of status pursuant to 244(a)(3) of the Act; or

''(4) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act.''

(b) CANCELLATION OF DEPORTATION.—Section 244(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(3)), as added by

section 150 of this Act, is further amended by inserting after ''alien's parent or child'' the following: '', or who meets the criteria of this subsection and is excludable under section 212(a) except for paragraphs (2), (3), (9)(A) of section 212(a)''.

AMENDMENT NO. 3847

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

KOHL AMENDMENT NO. 3848

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 3743 by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 167, between lines 10 and 11, insert the following:

SEC. 304. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial ''mail-order bride'' business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides comes to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as up to five percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commission of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term ''international matchmaking organization'' means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term ''recruit'' means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

HELMS (AND OTHERS) AMENDMENT NO. 3849

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. CRAIG, and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment, add the following:

SEC. . (a) Notwithstanding any other provision of law, none of the funds made available, or to be made available, to the Legal Services Corporation may be used to provide financial assistance to any person or entity that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20); or

(2) an alien who—

(A) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(B) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq), which application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(4) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(5) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity.

HUTCHISON (AND KYL) AMENDMENTS NOS. 3850–3851

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KYL) submitted two amendments intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3850

At the end of the appropriate place, insert the following new section:

SEC. . REDEPLOYMENT OF BORDER PATROL PERSONNEL LOCATED AT INTERIOR STATIONS.

The Immigration and Naturalization Service shall, when redeploying Border Patrol personnel from interior stations, act in conjunction with and coordinate with state and local law enforcement agencies to ensure that such redeployment does not compromise or degrade the law enforcement functions and capabilities currently performed at interior Border Patrol stations.

AMENDMENT NO. 3851

At the appropriate place insert the following new section:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

''(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

''(G) Aliens previously apprehended.

''Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.''.

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period the following: ''or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.''.

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

SNOWE AMENDMENT NO. 3852

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CUSTOMS SERVICES AT CERTAIN AIRPORTS.

Section 13031(c)(2) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(c)(2)) is amended by inserting ''(or an airport that is expected to receive more than 50,000 international passengers annually)'' after ''port of entry.''

SIMPSON AMENDMENTS NO. 3853–3855

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clause (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 301(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

AMENDMENT NO. 3854

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

''(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term ''regional project'' means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.''.

AMENDMENT NO. 3855

In sec. 118(b), on page 42, delete lines 18 through 19 and insert the following:

''(5) EFFECTIVENESS DATES.—

''(A) Except as otherwise provided in subparagraph (B) or (C), this subsection shall take effect on October 1, 2000.

''(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

''(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, paragraphs (1) and (3) shall apply—

''(I) during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

''(II) beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

''(C) Paragraph (4) shall take effect on October 1, 2006.''

SIMPSON AMENDMENT NO. 3856

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1644, supra; as follows:

At an appropriate place, insert the following new section:

SEC. . IMPROVING AND PROTECTING THE INTEGRITY OF THE SOCIAL SECURITY ACCOUNT NUMBER CARD.

(a) IMPROVEMENTS TO CARD.—

(1) IN GENERAL.—For purposes of carrying out section 174A of the Immigration and Nationality Act, the Commissioner of Social Security (in this section referred to as the ''Commissioner'') shall make such improvements to the physical design, technical specifications, and materials of the Social Security account number card as are necessary to ensure that it is a genuine official document and that it offers the best possible security against counterfeiting, forgery, alteration, and misuse.

(2) PERFORMANCE STANDARDS.—In making such improvements required in paragraph (l), the Commissioner shall make the card as secure against counterfeiting as the 100 dollar Federal Reserve note, with a rate of counterfeit detection comparable to the 100 dollar Federal Reserve note.

(b) USE FOR EMPLOYMENT VERIFICATION.—Beginning on January 1, 2006, a document described in section 274A(b)(l)(C) of the Immigration and Nationality Act is a secured social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

(c) NOT A NATIONAL IDENTIFICATION CARD.—Cards issued pursuant to this section shall not be required to be carried upon one's person and nothing in this section shall be construed as authorizing establishment of a national identification card.

(c) NO NEW DATABASES.—Nothing in this section shall be construed as authorizing the establishment of any new databases.

(e) EDUCATION CAMPAIGN.—The Commissioner of Immigration and Naturalization, in consultation with the Commissioner of Social Security, shall conduct a comprehensive campaign to educate employers about the security features of the secured social security card and how to detect counterfeit and fraudulently used social security account number cards.

(f) ANNUAL REPORTS.—The Commissioner of Social Security, shall submit to Congress by July 1 of each year a report on—

(1) the progress and status of developing a secured social security account number card under this section,

(2) the incidence of counterfeit production and fraudulent use of social security account number cards, and

(3) the steps being taken to detect and prevent such counterfeiting and fraud.

(g) GAO ANNUAL AUDITS.—The Comptroller General shall perform an annual audit, the results of which are to be presented to the Congress by January 1 of each year, on the performance of the Social Security Administration in meeting the requirements in subsection (a).

(h) EXPENSES.—No costs incurred in developing and issuing cards under this section that are above the costs that would have been incurred for cards issued in the absence of this section shall be paid for out of any Trust Fund established under the Social Security Act. There are authorized to be appropriated such sums as may be necessary to carry out this section.

SIMPSON AMENDMENTS NOS. 3857–3858

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each States and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

AMENDMENT NO. 3858

In section 118(a) on page 41, strike lines 1 and 2, and insert the following:

''(6) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

''(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).''

SIMPSON AMENDMENT NO. 3859

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Section 118(b)(1) is amended to read as follows:

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appear on the card.

SIMPSON AMENDMENTS NOS. 3860–3862

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3860

In section 118(a), on page 40, line 24, after ''birth'' insert: ''of—

''(A) a person born in the United States, or

''(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is''.

AMENDMENT NO. 3861

Amend section 118(a)(4) to read as follows:

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) to read as follows:

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes.

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

ROTH AMENDMENT NO. 3863

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United

States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

''(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.''

REID AMENDMENTS NOS. 3864–3865

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3864

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

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

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3865

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—THE CONGRESS FINDS THAT—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(2)) is amended—

(A)—by inserting after ''political opinion'' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital multilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly, denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

''(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3866

Mr. HATCH (for Mr. SIMPSON) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In the table of contents, in the item relating to section 152, insert ''deter'' after ''other methods to''.

On page 56, between lines 16 and 17, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 56, line 17, strike ''(d)'' and insert ''(e)''.

On page 69, between lines 11 and 12, insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 69, line 12, strike ''(c)'' and insert ''(d)''.

On page 81, between lines 9 and 10, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

On page 164, line 12, after ''United States'', insert the following: ''(including the transportation of such aliens across State lines to detention centers)''.

On page 175, lines 1 and 2, strike ''subsections (b) and (c)'' and insert in lieu thereof ''subsection (b)''.

Beginning on page 175, strike line 13 and all that follows through line 8 on page 177.

On page 180, strike lines 6 through 9 and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

On page 180, line 10, strike ''(vi)'' and insert ''(v)''.

On page 180, line 16, strike ''(vii)'' and insert ''(vi)''.

On page 201, lines 3 and 4, strike ''section 201(a)(1)(A)(vii)'' and insert ''clause (iv) or (vi) of section 201(a)(1)(A)''.

On page 181, line 13, strike ''except'' and all that follows through line 18 and insert the following: ''except—

''(i) if the alien is a nonimmigrant alien authorized to work in the United States—

''(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

''(II) any contract provided or funded by such an agency or entity; or

''(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.''.

On page 187, line 19, strike ''except'' and all that follows through line 24 and insert the following: ''except—

''(i) if the alien is a nonimmigrant alien authorized to work in the United States—

''(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

''(II) any contract provided or funded by such an agency or entity; or

''(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.''.

On page 181, line 24, insert ''except elementary or secondary education'' after ''government service''.

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''Limitation on Payments to Aliens

''(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

''(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.''.

On page 186, line 24, strike ''or''.

On page 187, line 3, strike the period and insert '', or''.

On page 187, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification

On page 188, line 16, strike ''Any'' and insert ''Except as provided in subparagraphs (B) and (E), any''.

On page 188, line 19, after ''deportable'' insert ''for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D)''.

On page 190, line 25, strike the quotation marks and the period the second place it appears.

On page 190, after line 25, add the following:

''(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

''(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.

On page 190, line 25, insert after ''1996'' the following: ''or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education''.

On page 191, line 12, strike ''described in'' and insert ''deportable under''.

On page 191, line 15, strike ''described in'' and insert ''deportable under''.

On page 199, line 14, after ''law'', insert '', except as provided in section 204(c)(2)''.

On page 199, line 1, after ''(c) LENGTH OF DEEMING PERIOD.—'', insert ''(1)''.

On page 202, between lines 5 and 6, insert the following:

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

Beginning on page 203, strike line 22 and all that follows through line 3 on page 206.

On page 214, between lines 21 and 22, insert the following:

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Use of Assisted Housing by Aliens Act of 1996''.

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the eligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.''.

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''may, in its discretion,'' and inserting ''shall'';

(2) in subparagraph (A), by adding at the end the following: ''Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section.''; and

(3) in subparagraph (B)—

(A) by striking ''6-month period'' and all that follows through the end of the subparagraph and inserting ''single 3-month period.'';

(B) by inserting ''(i)'' after ''(B)'';

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than eighteen months following enactment of this Act, the Comptroller

General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(C) by striking ''Any deferral'' and inserting the following:

''(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral''; and

(D) by adding at the end the following new clauses:

''(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

''(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.''.

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or to be'' after ''being'';

(2) in paragraph (1)(A), by adding at the end the following: ''If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date''; and

(B) by adding at the end the following:

''In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).'';

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date'';

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting '', not to exceed 30 days,'' after ''reasonable opportunity''; and

(II) by striking ''and'' at the end; and

(ii) by striking clause (ii) and inserting the following:

''(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

''(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and''; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) pending such verification or appeal, the Secretary may not—

''(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

''(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and'';

(5) in paragraph (5), by striking ''status—'' and all that follows through the end of the paragraph and inserting the following: ''status, the Secretary shall—

''(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

''(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.''.

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding ''or'' at the end;

(2) in paragraph (3), by adding at the end the following: ''the response from the Immigration and Naturalization Service to the appeal of that individual.''; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

''(h) VERIFICATION OF ELIGIBILITY.—

''(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

''(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

''(A) may elect not to comply with this section; and

''(B) in complying with this section—

''(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

''(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

''(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

''(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.''.

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN–2501–AA63 (Docket No. R–95–1409; FR–2383–F–050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824–14861), shall not apply after that date.

On page 214, line 22, strike ''Subtitle C'' and insert ''Subtitle D''.

On page 215, line 3, strike ''section'' and insert ''sections''.

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after ''United States;'' through ''marital status;''; and

(2) by adding at the end thereof the following: ''At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.''.

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking ''required by this section'' and inserting ''for an immigrant visa''; and

(2) in the third sentence—

(A) by inserting ''or other document'' after ''stamp,''; and

(B) by striking ''by the consular officer''.

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking ''1996'' and inserting ''1998''.

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

''(g) DURATION AND TERMINATION OF DESIGNATION.—

''(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

''(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

''(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

''(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

''(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

''(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

''(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

''(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

''(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

''(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

''(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

''(A) the total number of nationals of the visa waiver program country—

''(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

''(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

''(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.''.

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a ''comma'' after ''(4) thereof)''.

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

''§ 758. High speed flight from immigration checkpoint

''(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.''.

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

''(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable.''

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended to read as follows:

''(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived.''

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 308. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the

Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 309. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 310. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the ''Timothy C. McCaghren Customs Administrative Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Timothy C. McCaghren Customs Administrative Building''.

SEC. 311. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''June 1, 1996'' and inserting ''June 1, 2002''.

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after ''except that in the case of a waiver requested by a State Department of Public Health or its equivalent'' the following: ''or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)''.

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

''(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

''(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

''(B)(i) in the case of a request by an interested State agency—

''(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest; or

''(ii) in the case of a request by an interested United States Government agency—

''(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest;

''(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

''(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

''(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

''(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

''(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

''(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.''.

SEC. 312. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

''(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.''.

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: ''A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.''.

SEC. 313. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial ''mail-order bride'' business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term ''international matchmaking organization'' means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term ''recruit'' means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. ___. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting ''and'' after ''1996;'', and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

''(2) $5,000,000 for each of fiscal years 1997 through 2001.''.

SEC. . BORDER PATROL MUSEUM.

(a) AUTHORITY.—

Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—

The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

SEC. . PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS District Offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the terms and conditions set forth in section 213 of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

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

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. . TO CLARIFY THE JURISDICTION TO HEAR DISPUTES RELATING TO AFFIDAVITS OF SUPPORT.

(a) IN GENERAL. Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SEC. . SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER.

On page 193, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. . MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection.

''(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

At the appropriate place in the bill, insert the following:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

''(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.''.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

''(G) Aliens previously apprehended:

''Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.''.

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period the following: ''or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.''.

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection.

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed * * *.

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

SECTION 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

''(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

''(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

''(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

''(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

''(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

''(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.''.

SEC. . TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) not later than 6 months following enactment of this Act, the United States sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) following such review, pursuant 40 section 994 (p) of Title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. . TO MODIFY "40 QUARTERS" FOR STAY-AT-HOME SPOUSES AND DEPENDENT CHILDREN.

Strike section 203(a) and insert the following:

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) and/or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety value in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management on S. 1662, the Omnibus Oregon Resources Conservation Act.

The hearing will be held on Tuesday, May 7, 1996 at 2:00 PM in SD 366 of the Dirksen Senate Office Building, Washington, DC. Testimony will be received on the two major titles of the bill; Opal Creek Wilderness and Scenic-Recreation Area; and Coquille Forest Proposal.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey of the subcommittee staff at 202–224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times 3 pm Monday, April 29, 1996. For markup of the fiscal year 1997 Defense authorization bill.

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

ADDITIONAL STATEMENTS

TRIBUTE TO KEVIN MURPHY, DIANE LONERGAN, DIANE SAWYER, AND BREWSTER BARTLETT FOR RECEIVING THE 1995 PRESIDENTIAL AWARD FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

● Mr. SMITH. Mr. President, I rise before you today to congratulate four outstanding New Hampshire teachers on receiving the 1995 Presidential Award for Excellence in Science and Mathematics Teaching. Kevin Murphy of Milford, an elementary school mathematics teacher at Milford Elementary School in Milford; Diane Lonergan of Merrimack, an elementary school science teacher at Memorial School in Bedford; Diane Sawyer of Portsmouth, a secondary school mathematics teacher at Exeter Area Junior High School in Exeter; and Brewster Bartlett of Loudon, a secondary school science teacher at Pinkerton Academy in Derry were the four deserving recipients of this prestigious award.

The Presidential Awards for Excellence in Science and Mathematics Teaching Program is administered by the National Science Foundation [NSF]. The awards are designed to recognize and reward outstanding teachers from elementary and secondary schools who serve as models for their colleagues and encourage high quality teachers to enter and remain in the teaching field. In addition to the distinguished national recognition that comes with the award, each recipient's school will receive an NSF grant of $7,500 to be used under the direction of the teacher, and to supplement other resources for improving science or mathematics programs in the school system.

The four outstanding recipients of this teaching award will spend a week in May in Washington, DC, for a series of events to commemorate their selection. They will be honored at the U.S. State Department and other organizations such as the National Academy of Science.

There is no more important resource in America today than our school teachers. As a former teacher, I understand the devotion and hard work necessary to be a successful teacher and a positive role model for children. These four outstanding teachers have displayed not only extraordinary talents in their teaching, but have also shown a remarkable level of commitment to their students. I am proud to honor these four exceptional teachers for nurturing the best and the brightest students New Hampshire has to offer. I would like to congratulate Kevin Murphy, Brewster Bartlett, Diane Lonergan, and Diane Sawyer for this distinguished recognition, and thank them for their devotion to students in New Hampshire.●

CONFERENCE AGREEMENT ON THE CONTINUING RESOLUTION, H.R. 3019

●Mr. DORGAN. Mr. President, I am pleased I was able to support the conference agreement on H.R. 3019, the 14th and final effort to provide FY 96 funding for the various agencies of the Federal Government, when it passed the Senate on April 25 by a vote of 88–11.

After a long and wrenching struggle, Republicans and Democrats finally reached agreement on the remaining fiscal year 1996 appropriations measures that will fund nine cabinet departments and dozens of agencies for the balance of this fiscal year. These appropriations bills were supposed to have been completed on September 30 last year. Meanwhile more than half of the fiscal year has expired. Hopefully, the exercise we have gone through this appropriations cycle—14 continuing resolutions and 2 long government shutdowns—will not be repeated. It's time to get on with the business of Government and run it in a business-like manner.

Overall, appropriations levels for fiscal year 1996 have been cut by $23 billion. That represents a significant downpayment on reaching a balanced budget over the next 7 years. The dispute concerning these bills was a struggle over priorities. The House bill, as originally passed, made cuts in programs that the President and many of us in Congress believe are critical to the long-term economic and social health of the Nation. While nobody received everything he or she wanted in this long-awaited conference agreement, I commend the conferees for moving significantly closer to the President's position by providing approximately $5.1 billion more than the House originally sought for education, job training, environmental protection, technology, and law enforcement. These increases, which I believe are essential investments in our future, have been fully offset with cuts in other accounts. The lack of certainty about Federal education funding levels was playing havoc with school systems throughout the country. I am pleased that they will now be able to accurately plan their budgets and sign teacher contracts for the next school year.

I would also like to commend the conferees for their efforts to eliminate