receiving Federal means-test benefits except emergency medical services. Yet, this bill also contains provisions that are so shortsighted and so narrow-minded that it literally boggles the mind.

Mr. Speaker, the HIV provisions should be stricken from this legislation. They should be stricken because they are, first and foremost, blatantly discriminatory. They would also produce a dangerous Federal policy of allowing HIV-positive individuals from roaming the streets and neighborhoods of our cities and towns without detection and without treatment. This provision is also wrong because it violates our own Rules of the House that confines conferees to the differences contained in the bill and not allow them to attach any items they wish. Finally, this provision should be defeated because it is inconsistent with an earlier vote, when the House and the other body overwhelmingly decided to separate legal immigration reform from the bill.

Mr. Speaker, with all this said, I respectfully urge my colleagues to vote for the motion to recommit. Thank you, Mr. Speaker.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 3259.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2202, ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which, I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, illegal immigration is a major problem that exists in this country, and nearly every one of us knows it. In my State of California, this may be the single most important law and order issue we have faced in a generation. Three million illegal immigrants enter the country each year, 300,000 to stay here permanently. More live in California than in any other State. In 3 years, that is enough people, Mr. Speaker, to create a city the size of San Francisco.

Mr. Speaker, it is increasingly clear that this Congress is dedicated to results. I believe results are what the American people want from their representatives here in Washington, both in Congress and at the White House. When there is a national problem like illegal immigration, they want action. Today, with this bill that we are considering that was crafted so expertly by chairman of the subcommittee, the gentleman from Texas, [Mr. LAMAR SMITH], we are giving them a response.

□ 1200

Mr. Speaker, back in the 19th century, the German practitioner of politics Otto von Bismarck made a very famous statement, with which we are all very familiar, that people should not watch sausage or laws being made.

That dictum has never been more true than in looking at what has taken place over the past couple of years. Under the barrage of 18 months and tens of millions of dollars of special interest attack ads, as well as the political rhetoric that came along with Congress changing hands for the first time in four decades, Washington has not presented a pretty picture to the American people.

But look beyond the rhetoric, the soundbites, and the smokescreens, Mr. Speaker. Look at the results. We have gotten bipartisan welfare reform, bipartisan telecommunications reform, bipartisan health insurance reform, a line-item veto measure that passed with bipartisan support, environmental protections that have had bipartisan support, and now a major illegal immigration bill that also enjoys tremendous bipartisan support. In each case, the final product from this Congress has been a major accomplishment where past Congresses have unfortunately produced failure.

Mr. Speaker, in California, illegal immigration is a problem in its own right, but it is also a factor that contributes to other problems. It undermines job creation by taxing local resources, it threatens wage gains by supplying undocumented labor, it has been a major factor in public school overcrowding, forcing nearly $2 billion in State and local resources to be spent each year educating illegal immigrants rather than California's children.

As with other major national problems, the American people want results, not rhetoric, as I was saying. H.R. 2202 fills that bill. It is not perfect. There are Members of this House who spent years trying to address illegal immigration who think that the bill could be better, and I am one who thinks that this bill could be better. This conference report is not the answer to all of our problems.

However, that is not a fair test, and it is not the test that the American people want us to use. People do not want us to kill good results in the name of perfection. There is no question that this conference report, filled with bipartisan proposals to improve the fight against illegal immigration, should pass, and pass with broad bipartisan support, as I am sure it will.

The bill dramatically improves border enforcement, fights document fraud and targets alien smuggling, makes it easier to deport illegal immigrants, creates a much needed pilot program to get at the problem of illegal immigrants filling jobs, and makes clear that illegal immigrants do not qualify for welfare programs. Together, Mr. Speaker, this is not just a good first step; it takes us a good way toward our goal of ending this very serious problem of illegal immigration.

Mr. Speaker, I must note that the 104th Congress did not just come around to this problem at the end of the session. This important bill only adds to other accomplishments, other results.

Congress tripled funding, Federal funding, to $500 million to reimburse States like California for the cost of housing felons in State prisons if they are illegal aliens. The remarkable fact is that we are 1 week from the close of fiscal year 1996 and the Clinton administration has not distributed $1 in fiscal year 1996 money to States like California.

The welfare reform bill, signed by the President, disqualified illegal immigrants from all Federal and State welfare programs and empowered State welfare agencies to report illegals to the INS. Congress also created a $3.5 billion Federal fund to reimburse our hospitals for the cost of emergency health care to illegals, only to see that provision die due to a Presidential veto.

Finally, Mr. Speaker, I must add that promoting economic growth and stability in Mexico, in particular, whether through implementing the North American Free Trade Agreement or working with our neighbor to avoid a financial collapse that would create untold economic refugees on our Southern border is critical to the success of our fight against illegal immigration. We want to do what we can to

give people an opportunity to raise their families at home rather than come to this country for jobs and other benefits.

Mr. Speaker, now is the time for final action on this important illegal immigration bill. California must deal every day with that flood of illegal immigrants who are coming across the border seeking government services, job opportunities, and family members. There is simply no question that the President, for all his rhetoric, has failed to make this a top priority. Once again, as with welfare reform, we can give the President a chance to live up to his rhetoric. Let us pass this rule, pass this conference report, and give the American people another issue of which they can be very proud.

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

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the customary 30 minutes of debate time, and I yield myself such time as I may consume.

I want to say at the outset, I say it gently and nicely, this is not directed personally to my truly good and close friend whom I admire, respect and like a huge amount from California, but I want to say to our friends on the other side that I am personally shocked and astounded by the lack of comity and collegiality that was shown in this particular instance. This is the first time I can recall in my 18 years of service on the Rules Committee where the majority party started taking up a rule before the minority party was here, and in fact we learned of the rule being taken up at this time after having been assured, I know it is not the gentleman's fault, so I am not directing my comments at all to him, I say to my good friend, but to whoever is responsible for changing or speeding up the course of action here. We were assured this would not be taken up for some time, until sometime after we had disposed of the intelligence bill and after at least some of the other bills on suspension would be taken up, and our people are not prepared or are not so prepared as they would have been an hour or two from now to debate this matter.

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

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

Mr. DREIER. I just want to say that I agree with the gentleman. I wish that it had been run in a more orderly fashion. I was assuming that there would have been a recorded vote on that intelligence bill.

Mr. BEILENSON. I understand. As I said to the gentleman from California [Mr. DREIER], my friend, I know it was not the gentleman's doing. I just wanted to say if we seem a little hurried on this side and some of our folks have not arrived yet, it is because they did not expect to have to be over here quite at this time. At any rate, let us get down to the matter. We do have the remainder of the day to deal with this and its other matter. Mr. GALLEGLY's amendment, and we could have given ourselves a little more time, it seems to me.

Mr. Speaker, we do oppose this rule and the legislation it makes in order, the conference report on the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

By waiving all points of order against the conference report and its consideration, this rule allows the leadership to bring this measure to the floor fewer than 24 hours from the time it emerged from the conference committee. Hardly anyone besides the majority Members and staff who worked on the conference report knows much about its specific provisions. We know that it does not contain Mr. GALLEGLY's amendment on educating children of illegal immigrants, which is, we think, good. That is, it is good that it does not contain it, but that is the only provision that has received much attention in the press. We are being asked to rush to judgment on a matter that needs far more deliberation and discussion than it will have prior to the vote on final passage. Furthermore, the rule essentially sanctions House consideration of legislation that is not the product of a legitimate House-Senate conference committee. There is good reason why no Democratic member except for one signed the conference report. Democratic members who had worked hard on this legislation along with their Republican colleagues from its inception were completely shut out of the conference process. There was no consultation with Democrats over the past 5 months after the House and Senate had both passed immigration bills of their own. Democratic members went to the conference meeting yesterday not knowing what was in the final product and were not given the opportunity to offer amendments despite the fact that the proposed conference report contained many new items and quite a few that were outside the scope of the conference itself and no vote was taken on the report. And now here on the floor we are being asked to endorse this egregious practice by adopting this rule. We should not do that, we should defeat this rule or, failing that, we should defeat the conference report itself.

Mr. Speaker, those of us who represent communities where large numbers of immigrants settle have been working hard for a number of years to get Congress and the administration to stop the flow of illegal immigrants into the United States. Many of us have also been trying to slow the growth or slow the rate at which legal immigrants are flowing into our country.

Our efforts have been supported by not only people who are affected directly by rapid population growth resulting from immigration, but also by the vast majority of Americans everywhere. More than 80 percent of the American people, according to poll after poll, want Congress to get serious about stopping illegal immigration, and they want us to reduce the rate of legal immigration. Unfortunately, this legislation would do neither. This measure is a feeble and misguided response to one of the most significant problems facing our Nation. For us to spend as much time and energy as we have identifying ways to solve our immigration problems and then produce such a weak piece of legislation is, I think it is fair to say, a travesty, and eventually the American people, perhaps soon, I hope soon, will understand that we have not fulfilled our responsibilities in this matter.

If we truly care about immigration reform, we must vote down this conference report today so that the Congress and the President will be forced to revisit this issue next year. Otherwise, I am afraid the Congress and the administration will have an excuse to put this issue aside and it will be years again, literally years, before we get really serious about stopping illegal immigration and reducing legal immigration.

One of this bill's greatest defects is its lenient treatment of employers who hire illegal immigrants. An estimated 300,000 illegal immigrants settle permanently in the United States each year. As we all know, virtually all of them are lured here by the prospect of jobs which they are able to obtain because the law allows them to prove work authorization through documents that can be easily forged.

That will continue to be the case despite this legislation's reduction in the kinds of documents that can be used to prove work eligibility. As a result, it is next to impossible for employers to determine who is and who is not authorized to work in the United States.

This is not a problem we recently discovered, Mr. Speaker. Congress knew a decade ago and more when we first established penalties for employers who knowingly hire illegal immigrants that it would be difficult to enforce the law, impossible actually, if we did not have some kind of system requiring employers to verify the authenticity of documents that employees use to show work authorization.

Moreover, because more than 50 percent of illegal immigrants come here legally and then overstay their visas, we cannot stop these types of immigrants simply by tightening border control. The only real way we can stop them is by forcing employers to check their work authorization status with the government.

But despite knowing full well that the lack of an enforceable verification system is the largest obstacle to enforcing employer sanctions and thus the biggest hole in our efforts to stop illegal immigration, this legislation fails to cure that major principal problem.

For employment verification, the bill provides only for pilot programs in

States that have the highest numbers of undocumented workers. Because these pilot programs will be voluntary, employers will be able to avoid checking the status of their employees. Thus, businesses that hire illegal immigrants, and there are plenty of them, Mr. Speaker, who do, will continue to be able to get away with it the same way they do now, by claiming that they did not know that employees' work authorization documents were fraudulent. And that will continue until the Congress revisits the issue and passes legislation making verification mandatory.

To make matters worse, the bill fails to provide for an adequate number of investigators within either the Immigration and Naturalization Service or the Labor Department to identify employers who are hiring illegal immigrants.

The other glaring failure of this piece of legislation is its failure to reduce the huge number of legal immigrants who are settling in the United States each year. Many people have been focusing on the problem of illegal immigration, which is understandable. Undocumented immigrants and employers who hire them are breaking our laws and should be dealt with accordingly. But if a fundamental immigration problem we are concerned with, and I believe it is, it certainly is amongst the people I represent back home, is the impact of too many people arriving too quickly into this country, the sheer numbers dictate that we cannot ignore the role that legal immigration plays. About three-quarters of the estimated 1.1 million foreigners who settle permanently in the United States each year do so legally.

□ 1215

It is the 800,000, more or less, legal immigrants, more so than the estimated 300,000 illegal ones, who determine how fierce the competition for jobs is, how overcrowded our schools are, and how large and densely populated our urban areas are becoming. More importantly, the number of foreigners we allow to settle in the United States now will determine how crowded this country will become during the next century.

The population of the United States has just about doubled since the end of World War II. That is only about 50 years ago. It is headed for another doubling by the year 2050, just 53 or 54 years from now, when it will probably exceed half a billion people. Half a billion people in this country. Immigration is the engine driving this unprecedented growth.

Natives of other lands who have settled here since the 1970's and their offspring account for more than half the population increase we have experienced in the last 25 years. The effects of immigration will be even more dramatic, however, in the future. By the year 2050, more than 90 percent of our annual growth will be attributable to immigrants who have settled here since the early 1990's; not prior immigration, but just the immigration that is occurring now and will continue to occur if this bill is allowed to pass.

As recently as 1990, the Census Bureau predicted that U.S. population would peak and then level off a few decades from now at about 300,000 people. In 1994, however, just 4 years later, because of unexpectedly high rates of immigration, the bureau changed its predictions and now sees our population growing unabated into the next century, into the late 21st century, when it will reach 800 million, or perhaps 1 billion Americans, in the coming century.

Now, a year ago, there was a near consensus among Members and others working closely on immigration reform that we needed to reduce the number of legal as well as illegal immigrants entering this country. The Clinton administration has proposed such reductions, and both the House and Senate Judiciary Committee versions of the immigration reform legislation also contained those reductions. All three proposals were based on the recommendations of the immigration reform commission, headed by the late Barbara Jordan, which proposed a decrease in legal immigration of about a quarter million people a year.

The commission's recommended reduction would still, of course, have left the United States in a position of being by far the most generous nation in the world in terms of the number of immigrants we accept legally. We would continue to be a country which accepts more legal immigrants than all of the other countries of the world combined.

But, unfortunately, Mr. Speaker, after intensive lobbying by business interests and by proimmigration organizations, both the House and the Senate stripped the legal immigration reduction from this legislation entirely, and did so with the Clinton administration's blessing. Now, unless the Congress defeats this legislation today, reductions in legal immigration, are unlikely for the foreseeable future.

Our failure to reduce legal immigration will only be to our Nation's great detriment. The rapid population growth that will result from immigration will make it that much more difficult to solve our most pervasive and environment problems such as air and water pollution, trash and sewage disposal, loss of agriculture lands, and many others, just to name some of the major ones.

More serious environmental threats are not all that we will face when our communities, especially those in large coastal urban areas, speaking mainly, of course, at the amount, of California and Texas and Florida and New York and New Jersey, but there are others that are already being affected and more that will be in the future, areas that are magnets for immigrants, whether legal or illegal, are already straining to meet the needs of the people here right now. There could be no doubt that our ability in the future to provide a sufficient number of jobs or adequate housing and enough water, food, education, especially health care and public safety, is certain to be tested in ways that we cannot now even imagine.

However we look at it, Mr. Speaker, however we look at it, failing to reduce the current rate of immigration, legal and illegal, clearly means that our children and our grandchildren cannot possibly have the quality of life that we ourselves have been fortunate to have enjoyed. With twice as many people here in this country, and then more than twice as many, we can expect to have at least twice as much crime, twice as much congestion, twice as much congestion, twice as much poverty, twice as many problems in educating our children, providing health care and everything else.

In terms of both process and outcome, this conference report is a grave disappointment. It is notable more for what it is not than for what it is. Instead of a conference report that reflects only the views of the majority party, this measure could have been a bipartisan product as immigration bills traditionally are, but it is not. Instead of a measure developed in someone's office, this continuing resolution could have been the result of a conference committee, but it is not. Instead of legislation that is lax or lenient on employers who hire illegal immigrants, this could have been a measure that finally established a workable system that enforced penalties against those who knowingly hire illegal immigrants, but it is not.

Instead of a bill that fails to slow the tide of legal immigrants, except by singling them out for unfair treatment, as it does, this could have been a bill that reduces the rate at which immigrants settle here and thus help solve many problems which confront us as a society already, but it is not.

Mr. Speaker, the bill this rule makes in order, does not, to be frank about it, deserve our support. I urge our colleagues to vote it down, both the rule and/or the conference report, so that Congress and the President, and the administration, which did not do its duty, it seems to this Member by these issues, both the Congress and the President will be forced to return to this issue next year and to produce the kind of immigration reform legislation that the American people want and that our country badly needs.

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

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Texas [Mr. SMITH], the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the comments by opponents of this legislation simply do not represent the views of most Americans.

They do not even represent the desires of a majority of the Members of their own party. Every substantive provision in this compromise conference report has already been supported by a majority of Democrats and a majority of Republicans either in the House or Senate.

I find it curious that when the American people want us to reduce illegal immigration, every single criticism made by the opponents of this bill would make it easier for illegal aliens to enter or stay in the country, or it would make it easier for noncitizens to get Federal benefits paid for by the taxpayer.

Mr. DREIER. Mr. Speaker, I yield 3½ minutes to my friend, the gentleman from Sanibel FL [Mr. GOSS], the chairman of the Subcommittee on Budget and Legislative Process.

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

Mr. GOSS. Mr. Speaker, I thank the vice chairman of the Committee on Rules, my friend, the gentleman from California [Mr. DREIER], for yielding. I wish to commend the gentleman for his efforts on this important bill. I can say that he has been persistent and he has been instrumental in getting us to this point.

I support the rule, but I do agree with the gentleman from California [Mr. BEILENSON] that there was a mixup in the scheduling, and I think that we have understood there was nothing sinister behind it. A vote dropped off, so we got ahead of ourselves.

Mr. Speaker, many months ago the House passed 2202 to reform our Nation's broken immigration system.

This landmark legislation will tighten our borders, block illegal immigrants from obtaining jobs that should go to those who are in the United States legally, streamline the process for removing illegals, and make illegal immigrants ineligible for most public benefits.

All along in this process, the drumbeat from the American people has been very clear—it's long past time for reform. We have come to understand that reform is not for the faint of heart—that there are tough choices to be made and that there are real human beings on all sides of the immigration process. In the end, I believe we have legislation that is tough but fair—legislation designed to keep the door open for those who want to come to America but are willing to do it via an orderly, legal process, not sneak in the back or side door.

H.R. 2202 will add 5,000 new border patrol agents over the next 5 years Yes, 5,000. It will make illegal immigrants ineligible for many public benefits, while still allowing them access to emergency medical care. It also requires future sponsors to take more responsibility for their charges—a prospective change that is a win for immigrants and for American taxpayers alike, reducing the $26 billion annual tab American taxpayers currently pay. H.R. 2202 sets up a 3-year voluntary pilot program in five States so employers can use a phone system to verify Social Security numbers of prospective employees. If the pilot is successful, we may finally have a simple and effective way for employers to fulfill their legal responsibility to hire only eligible workers. There is no national identity card and no big brother database in this legislation. Mr. Speaker, as with all things that are borne of compromise, this legislation is not without disappointments. In my State of Florida, we know that undocumented immigrants cost Florida taxpayers millions of dollars every year in education costs. The Governor's office estimated the cost for 1 year to have been $180 million. Nationwide for 1 year the estimate was more than $4.2 billion. We simply cannot afford to educate all of the world's children while extending a magnet that fuels illegal entry into our country. Although I am disappointed it's not in this bill, I am pleased that this House has a chance to debate the Gallegly language as a separate measure, to end the current unfunded Federal mandate and give States an opportunity to make their own decision about how to handle this problem.

Overall, Mr. Speaker, this is a solid bill. It is one more example of this Congress, under our new majority, living up to its commitments. One more time we have promises made, promises kept.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from California for yielding me time. TONY, we will miss you next year and all your work you have done for not only our district, but the people of California, and the people of our country.

Mr. Speaker, there is a consensus that illegal immigration is a national problem that needs to be addressed. I believe our immigration laws need to be strengthened. But this conference agreement ignores the real reasons for illegal immigration and does little to protect American jobs. The reason people are in our country illegally is not to go to school, it is to get a job.

A successful control of illegal immigration requires comprehensive efforts not only to police our borders, but also to effectively reduce the incentives to employ illegal immigrants.

The bill has serious deficiencies in regard to employment and work site enforcement. The conference report does not contain the Senate provision that would authorize 350 additional enforcement staff for the Department of Labor, Wage and Hour Division, to enhance worksite enforcement of our laws.

This conference report does not contain the Senate provision authorizing enhanced civil penalties for employers who violate the employment sanctions and specified labor laws. Higher penalties would also serve to reduce the incentives to employ and thereby deter illegal immigration.

This conference report does not contain the Senate provision that would have provided subpoena authority to the Secretary of Labor to carry out enforcement responsibilities under this act.

Even though I served on the conference committee, and I was honored to do so, I nor other Democrats were given the opportunity to offer amendments to correct these deficiencies: We will have real immigration reform when we as Democrats are not locked out of the process.

Is this bill better than no bill? Maybe. But the people of America want something that will stop illegal immigration. This will not stop it. It may be better than the status quo because of the additional border patrol, but it does not go as far as the American people want it to go to deter illegal immigration. That is why this is not the panacea that you may hear from the other side of the aisle. It is an election year gimmick to say we passed immigration reform, but we have not.

Mr. DREIER. Mr. Speaker, as the gentleman from Texas just said, this bill is clearly better than the status quo.

Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Orlando, FL [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding 2 minutes to me.

Mr. Speaker, I just want to make a comment. There are a few things in this bill that maybe I could quibble over, but very few. There are a number of things that are not in this bill that I would like to see here, and I know many other Members would. But, overall, this is an excellent work product. There are some very significant things in this bill.

One of the things this bill does is to reform the whole process of asylum, that is the question where somebody seeking to come here or to stay here claims that they have been or would be persecuted for religious or political reasons if they return to the country of their origin.

We have had lots of people coming in here claiming that. Most of them who claim it have no foundation in claim at all. Once they get a foot in the airport or wherever, they make that claim, they get into the system, many of them are never heard from again. We do not get the kind of speedy process we need to resolve this.

Under this legislation there is a system much better than we have today for resolving the whole question of asylum from A to Z. We have an expedited or summary exclusion process that will be guaranteed in the sense you get two bites at the apple. If you ask for asylum at the airport, an asylum officer specially trained will screen you. If you think you have been given a raw deal

and he says you do not have a credible fear of persecution and decides to return you straight home, you get to go before an immigration judge. That has to be done though within a matter of 24 hours, 7 days at the most.

It is a very, very positive provision, because it you do not qualify, you are going to be shipped right back out again, and do not get caught up in our system. And the list goes on and on.

So this is a very important and positive bill. But there are a couple of things that I think should have been in here that are not. One of them is the strengthening of the Social Security card that the gentleman from California [Mr. BEILENSON] talked about at some length. We need a way, a very difficult way, to get rid of document fraud, in order to make employer sanctions work. All too many people are coming into this country today getting fraudulent documents for $15 or $20 on the streets, including Social Security cards, drivers licenses or whatever, and then they go get a job. There is no way to make a law that says it is illegal to knowingly hire an illegal alien work.

□ 1230

And until we solve this fraud problem and we do more than we are doing in this bill to do that, we will never make it such that we can cut the magnet of people coming in here illegally.

But the bill is excellent. Let us vote for this bill and work on these other matters in the next Congress.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

And let me say at this point briefly to my friend from California, whom I have had the honor of serving with, and we were in the same class together, been here for 20 years, how much I have appreciated his friendship and his counsel and all that he has done for this institution. He is truly one of the most decent people I have ever served with in public life, one of the brightest people I have ever served with, and I will miss him dearly as we go into our next Congress.

Mr. Speaker, I would like to echo the comments of my friend from California in opposing this rule and opposing this conference report. I do so for the following reasons:

This conference report weakens protection for American workers while making it easier for employers to hire illegal workers. The conference report includes broad language that is not contained in the House-passed bill which rolls back antidiscrimination protections and makes it more difficult for American workers to bring employment discrimination claims.

Workers will now have to prove that an employer deliberately had an intent to discriminate, which is an almost impossible standard to meet. Workers who are wrongfully denied employment because of computer errors, and we know in this brave new world we live in that is becoming more and more common, under this bill they will not be able to seek compensation from the Federal Government because of that error because they were just kind of wiped out on the list and were not able to get a job.

At the same time it does this, it does something else. It will make it easier for employers to hire illegal workers. The conference report does not include the Senate provision that would have increased penalties for employers who knowingly hire illegal workers.

Now, that is significant, because each year more than 100,000 foreign workers enter the work force by overstaying their visas. Many are hired in illegal sweatshops, in violation of minimum wage laws. And we have seen what the Labor Department has unveiled in this regard over the last couple of years: Sweatshops all over this country with illegal people who are working in these sweatshops and no crackdown on the employers. The conference report does not include the additional 350 labor inspectors.

Let me also say something about class. This is a bill that discriminates against average working people in this country and average folks. Millions of Americans would be denied the ability to reunite with their spouses or minor children because they do not earn more than 140 percent of the poverty level, which is the income standard set by the conference report in order for it to sponsor a family member to come here.

A third of the country would be ineligible to bring in folks under this particular conference report. But if you have a few bucks, no problem. If you are an average worker in this country, we are sorry.

Another point in this bill that I think Members should pay attention to: An individual serves his country. They are here not as a citizen but as a legal immigrant, and they decide to serve in the armed forces, the Air Force, the Marine Corps, the Army, and they put in 2 years or 4 years, and then they leave and get in an automobile accident and take advantage of some medical benefits. They can go under this bill. They can be deported.

There are a lot of things in this bill that are discriminatory against a lot of people who care about this country. I think it is a bad piece of legislation. Say no to the rule. Say no to the bill. We will come back and do it right in the next Congress.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume and would say to my friend, if he does not like the sponsor provision that exists today, he should try to get rid of it rather than leaving it absolutely meaningless.

Mr. Speaker, I yield 2 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER], my friend, and one of the strongest proponents of legal immigration.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule and the conference report.

Mr. Speaker, millions of illegal aliens have been pouring into our country, and we have heard year after year after year a reason of why we should not act. There is always going to be a reason that the other side will prevent us from acting.

In fact, for years those of us on the Republican side have begged for an immigration bill, and we have been prevented time and time again from having any type of legislation where we could come to grips with this problem.

In California, our health facilities and our schools have been flooded with illegal aliens. Our public services are stretched to the breaking point. Tens of billions of dollars that should be going to benefit our own citizens are being drained away to provide services and benefits to foreigners who have come here illegally.

Who is to blame? Certainly not the immigrants. We cannot blame them if we are to provide them with all these services and benefits. This administration and the liberal Democrats, who have controlled both Houses of Congress for decades, have betrayed the trust of the American people.

We are supposed to be watching out for our own people. When we allocate money for benefits, for service, SSI and unemployment benefits, it is supposed to benefit our citizens, the people that are paying taxes, who fought our wars. Instead, when we have tried to make sure these are not drained away to illegal aliens, we have been stopped every time by the Democrats who controlled this House.

This bill finally comes to grips with the problem that has threatened the well-being of every American family. And, yes, we are going to hear a little nitpicking from the other side of why it is not a perfect bill. But the American people should remind themselves, it is this type of nitpicking that has placed their families in jeopardy for decades and permitted a problem of illegal immigration to mushroom into a catastrophe for our country.

Mr. BEILENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California, and let me say as a new Member of Congress, I have admired his leadership, his determination, and particularly the demeanor in which he has led not only his district, the State of California, but the Nation, and I thank him very much for his services.

It is important as we rise to the floor, Mr. Speaker, on this issue, to chronicle for the American people just how far we have come. This legislation started out as a combination of some effort in response to legal immigration and illegal immigration.

Unfortunately, the provisions of the legal immigration part of this legislation were extremely harsh and, in fact,

did not capture the spirit of the Statue of Liberty, which indicates that this Nation, bar none, regardless of the standards used by other countries, we do not follow, we lead, was not a country that would close its doors to those seeking opportunities for work but opportunities for justice and liberty and freedom.

So I am delighted that we were able to separate out the major parts of legal immigration and to acknowledge that, yes, we must work with regulating the influx of those coming into this country, but we should never deny the opportunity for those seeking political refuge and needing social justice and fleeing from religious persecution. Our doors should never be closed.

I am disappointed, as we now look at illegal immigration, we have several points that need to be considered. This is not a good jobs bill for America because it does not give to the Department of Labor the 350 staff persons needed to make sure that employers are following the rules as they should.

And, likewise, I would say that this is an unfair bill with respect to those who are here legally, for it says if they want to bring their loved ones, their mother, their father, their siblings, they must not be a regular working person, but they have to be a rich person.

I thought this country was respective of all working citizens, all working individuals who worked every day. But now we require a high burden of some 200 percent more over the poverty level than had been required before in order for a legal resident, a citizen, to bring in their loved ones to, in essence, join their family together. I think that is unfair.

Then we raise a much higher standard on those citizens who now, or those individuals who are seeking employment who may be legal residents. Now they must prove intentional discrimination. I think that is extremely unfair.

We likewise determine that we do not have the ability for redress of grievances by those individuals who have been discriminated against. That is unfair.

And let me say this in conclusion, Mr. Speaker. Mr. Speaker, let me say that we treat juveniles unfairly and we should vote down the rules and vote down the bill.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Mount Holly, NJ [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, first let me say that I support the rule and I will vote in favor of the bill itself today. However, I am deeply disturbed by one aspect of the bill.

Most of the provisions of the bill, I think, are in accord with good sound policy. However, this bill does contain one provision, to exempt the Immigration and Naturalization Service from both the Endangered Species Act and the National Environmental Policy Act.

This provision is intended to address an issue that has to do with the California-Texas-Mexico border. However, the way this section is written, the exemption applies to the entire border of the United States, not just the California-Mexico border near San Diego.

This waiver is not necessary, either in theory or in reality. Section 7, as a matter of fact, of the Endangered Species Act provides the framework to address any fence building. I have letters from the Department of Justice and the Department of the Interior stating that these waivers are not necessary.

Mr. Speaker, if it is important enough to exempt the Immigration and Naturalization Service from these important environmental laws, then we have to grow food, why do we not just exempt the Department of Agriculture? We have to get around in this country, so why do we not just exempt the Department of Transportation? And flood control is extremely important in my district, so why do we not just exempt the Corps of Engineers?

Mr. Speaker, this is a bad provision, and while I am going to vote for this bill, I pledge to spend the next 2 years making sure we straighten out this part of the bill which, to me, is a serious problem.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the distinguished gentleman from California, a friend of mine, for yielding me this time.

I also want to join all my colleagues who are acknowledging the many years of service the gentleman from California [Mr. BEILENSON] has provided to this institution and to the people of America. They probably do not realize how instructive he has been in helping us fashion all sorts of policy, and I certainly will miss him, and I hope that he continues to be involved in policy for this country, because he has been a voice that has brought reason and, I think, a great deal of wisdom to this country's policies and laws.

Mr. Speaker, let me go on to say that I am very disappointed in what we have here today, for a couple of reasons, not only because I think substantively this is a bill that needs a great deal of improvement, but because procedurally it is disappointing to see, in the greatest democracy in the world, that the Republicans, the majority in this Congress, saw fit not to allow anyone to participate in the structuring of this final version of the bill unless one happened to be Republican.

Not one point in time, since the bill first passed out of the House of Representatives back in March, have Democrats had an opportunity to provide amendments to this particular conference report or to participate even in discussion of amendments on this report.

We had a conference committee yesterday that was only for the purpose of offering an opening statement. We did not have a chance to make an offer of an amendment that say, ''This is a provision that needs to be changed; can we change it?'' Not a word. We were not allowed one opportunity to do so.

This has come to the floor, with changes made in the back room in the dead of night, and some people are only now finding out what some of the provisions are.

I want to give you one example of how procedurally this bill has gone wrong. In conference we happened to have found out, because we were handed a sheet that same morning, that a provision in the bill that we thought was in, which would deny a billionaire a visa to come into this country after that billionaire had renounced his U.S. citizenship.

In other words, we have a billionaire in this country who renounces his U.S. citizenship, says, ''I do not want to be a U.S. citizen any more.'' Why? Because he wants to avoid taxes. If an individual is not a U.S. citizen, they do not pay U.S. taxes.

So he renounces his citizenship, goes abroad, and then comes right back, applies for a visa to come back into this country. He has not paid any taxes, and he gets to come back into the country.

We had a provision in the bill that said, no, if an individual renounces their U.S. citizenship because they want to avoid taxes, they cannot come back in. We walk in that morning, and that provision is no longer there. So these billionaires can come back into the country without having paid their taxes.

□ 1245

We said, why did you put that back in there? Why did we not have a chance to discuss this?

Good news? Billionaires cannot come back in, if they renounce their citizenship. Bad news? We did not know it until this morning when we walked in and found it is back in the bill. That is the democratic process that we have undergone in this bill, where Members are not told what is in the bill until the last moment.

What is the result? One Member called it, one colleague called it nitpicking. I do not call it nitpicking when through a stealth move we remove increased penalties for employers who we know are hiring people who are not authorized to work in this country.

Why? I do not know. Who does it hurt? Only those employers who are violating the law. Why do we want to reduce the penalties on employers who are violating the law?

Final point I will make, young student in college, tries to get financial aid, has been valedictorian in high school. Because he is a legal immigrant, he happens to be qualified for a Pell grant. Gets a Pell grant for 1 year, is now deportable because the person qualified for a Pell grant or maybe a student loan. Crazy.

Mr. DREIER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Scottsdale, AZ [Mr. HAYWORTH], my thoughtful and hard-working and eloquent colleague.

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

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from California for this time. Mr. Speaker, I would make the observation that despite the prevailing winds of what is politically correct, this is one of the few instances in official Washington where a description accurately fits the act it is describing, for this rule and this legislation addresses the problem of illegal immigration. By its very definition, it is an act against the law. And for that reason primarily, if an action is taken which is illegal, there should be sanctions against those who would participate in that illegal act. That is why I rise in strong support of the rule and the legislation.

Mr. Speaker, I come from the border State of Arizona. It is of great concern to the people of Arizona that we close the door on illegal immigration. Hear me clearly, on illegal immigration, because by closing this illegal back door, we can keep the front door open to immigrants who have helped our society and helped our constitutional Republic.

I think of one of them who hails from Holbrook in the sixth district of Arizona, who makes that place her home. Her name is Pee Wee Mestas. She is a restaurant owner. She came to this Nation legally. Her mother applied for a visa, went through the necessary legal steps to become a citizen. Her mother worked hard, going to school, going to cosmetology classes while working as a domestic servant to provide for her family. Pee Wee's mom was willing to work hard and follow the rules. Because she was, she raised up a generation of citizens, citizens who work hard and play by the rules.

That is the basic issue here. End an illegal act and instill responsibility. If it is good enough for the Mestas family, it should be good enough for the United States of America. Support the rule. Support the legislation. Let us take steps to end illegal immigration.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I would like to take this opportunity to offer thanks to the gentleman from California [Mr. BEILENSON] for his guidance, leadership, and vision, and we all are going to miss him.

Mr. Speaker, I rise today to express my strong opposition to this conference report. This so-called immigration reform bill not only attacks a wide range of very hard-working Americans but, worst of all, it wreaks havoc on the lives of children. When did we become such a distrustful society that we would even turn on our most vulnerable members?

In a frenzy to shove undocumented immigrants out of the country, the Republican majority has crafted one of the most offensive pieces of legislation ever. They did not make this bill any better simply by removing the bar on undocumented children attending public school. The conference agreement still severely restricts legal immigrants' access to benefits, even though they play by the rules, they work hard and they pay taxes. But yet those multibillionaires who renounce their citizenship just so they cannot pay taxes, they are welcome to come back.

I ask my colleagues and urge them to vote down the rule and vote this legislation down.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Lula, GA [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, we have heard a lot of terms here the today. One is unfairness. Let me talk about the greatest unfairness there is. That is those citizens and those legal immigrants who are finding their jobs taken away from them, who are finding their taxes increased to pay for the jobs that are going to those who are illegally in this country and the benefits that are going to them.

There are a lot of things that we as Americans hold dear. One is citizenship. Those of us who are lucky to achieve it by the virtue of birth or those who have achieved it by virtue of immigration and naturalization. Another thing we hold dear is that we are a country that has a system of law.

I submit to you that the ever-increasing tide of illegal immigrants undermines both of these things. Citizenship should not be cheapened. Respect for the law, which includes immigration laws, should not be denigrated.

This bill is the first major step this institution has taken in the direction of dealing with illegal immigration in more than a decade. Is it perfect? Certainly not. But does it begin to restore the sanctity of citizenship and respect for the law, yes, it does.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Speaker, first I want to say to my colleague from California, whom I have known for 34 years, who walked precincts in his first campaign, that I will truly, sincerely and sorely miss him. He is a model legislator and a pleasure to work with. I wish him well.

The gentleman from Arizona, who spoke a few minutes ago, is so totally wrong when he says this is the bill that will finally do something about illegal immigration. Everyone knows, when they think about it, the only effective ways to do something to deter illegal immigration are at the border, and this bill authorizes more Border Patrol, but already the Committee on Appropriations and the administration have gone far beyond the authorization contained in this particular bill to do that. Setting up and committing to a national verification program to make employer sanctions meaningful. This bill started out like that but totally fell apart on the House floor, primarily at the behest of the majority party Members. And then to go after those industries that systematically recruit and employ illegal immigrants in order to have a competitive edge in wages and working conditions in their own operations.

The Border Patrol increase is being done by the administration and the other 2 provisions are outrageously ignored in this conference report.

I voted for this bill when it came out of the House of Representatives. I indicated I would vote for it in the form it was in if the Gallegly amendment was removed. The Gallegly amendment was removed, but in a dozen different ways the conference report is worse than the House bill and in many cases, notwithstanding the Committee on Rules waivers, exceeds the scope of what either House did in the most draconian ways. Draconian against illegal immigration? No. Draconian against legal immigrants.

This is truly a desire by the people who lost on both the House and Senate floor in their efforts to cut back on legal immigration to do the same thing, but in the most unfair fashion, not straightforwardly by reducing the numbers but by focusing on the working class people in the society and stripping them of their right to bring legal immigrants over.

The new welfare law bars legal immigrants from programs such as SSI and food stamps and from Medicaid for 5 years. It gives States the ability to permanently deny AFDC and Medicaid to legal immigrants.

This conference report goes much, much further than that, makes legal immigrants not ineligible for these three or four programs but subject to deportation for use of almost every means-tested program for which they are eligible under the welfare law. In other words, what the welfare conference did not do, they decided to do here, and not declare ineligibility but make you subject to deportation.

Let me tell you what that means. You are a legal immigrant child who goes through high school, applies to a college based on your superb academic performance and test scores. You get admitted to an expensive university, ivy league college, Stanford. You apply for a student loan. If you are on that student loan for more than a year, you are subject to deportation. What an outrageous provision that is. What a slap in the face of this country's traditions that is.

Let me tell you how much else they do here. For the first time in American history, an U.S. citizen will be subject to an income test before he can bring his spouse into the country.

I urge a ''no'' vote on the rule, a ''no'' vote on the conference report.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD], former mayor of Carlsbad, now of Oceanside, CA.

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

Mr. PACKARD. Mr. Speaker, I rise in very strong support of this rule and the conference report. Immigration has been the most significant critical problem in my State for many, many years. I have worked a lifetime, it seems, on trying to resolve our serious illegal immigration problems. They are affecting southern California and California generally and the Nation generally in very significant ways.

In fact, the two bills that I introduced on the first day that I started this session of Congress, the 104th Congress, have been incorporated into this bill, one of which would increase the Border Patrol to 10,000 agents, and the second would deny Federal benefits to illegal aliens. In essence, that was Prop 187 in California.

But this bill is not only about protecting our borders from those who are entering here illegally. It is about protecting American taxpayers from being forced to pay for those who are breaking our laws just to be in this country. California alone pays out billions of dollars per year to deal with the problems of illegal immigration. This bill will help to ease this problem by removing the incentives for immigrants to cross our borders illegally, and by reimbursing those States who have to incarcerate illegal immigrant felons.

Mr. Speaker, this bill is the culmination of a process that began in California with Prop 187 and continued through the Immigration Task Force called by the speaker. I want to congratulate all those who have worked so hard on it. I particularly want to congratulate LAMAR SMITH, who has worked to put this bill together. I also want to congratulate ELTON GALLEGLY for his efforts, and certainly I will support his bill and the vote on this issue.

Let me conclude by simply telling the minority leader of the Committee on Rules, Mr. BEILENSON, at least on this issue how much I have appreciated working with him. He is one of the gentlemen of the House. It has been a real pleasure to work with him over these years. We will miss him dearly.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY], my very good friend who has chaired our Task Force on Illegal Immigration, former mayor of Simi, CA.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding. I rise today in strong support of this rule.

For the better part of the past decade I have been working to bring badly needed reforms to our Nation's immigration laws. Unfortunately, for far too long I have felt like I was talking to myself.

That is clearly no longer the case. Immigration reform is an issue on the minds of nearly all Americans, and nearly all express deep dissatisfaction with our current system and the strong desire for change. Today we are delivering that change.

I truly believe that this conference report that we will be hearing shortly represents the most serious and comprehensive reform of our Nation's immigration law in modern times. It also closely follows the recommendations of both the Speaker's Task Force on Immigration Reform, which I chaired, and those of the Jordan Commission. Approximately 60 percent of the recommendations made by the Speaker's Task Force have been included in this conference report.

They include, in part, provisions to double the number of Border Patrol agents stationed at our borders to 10,000 agents; expanded preinspection at foreign airports to more easily identify and deny entry to those persons with fraudulent documents or criminal backgrounds; tough new penalties for those who use or distribute fake documents, bringing the penalty for that offense in line with the use or production of counterfeit currency.

□ 1300

Mr. Speaker, the primary responsibilities of any sovereign nation are the protection of its borders and enforcement of its laws. For too long in the area of immigration policy, we at the Federal Government have shirked both those duties. It may have taken a long time, but policy makers in Washington are finally ready to acknowledge the devastating effects of illegal immigration on our cities and towns.

Finally, I would like to congratulate my colleague, the gentleman from Texas [Mr. SMITH], who chairs the Subcommittee on Immigration and Claims for all the effort that he has put into this, putting his heart and soul into this legislation. I would also like to thank him for welcoming the input of myself and other members of the task force in crafting this legislation, and I urge my colleagues to vote yes on this rule and let us pass immigration reform that this Nation sorely needs.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend the gentleman from Imperial Beach, CA [Mr. BILBRAY].

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

Mr. BILBRAY. Mr. Speaker, as somebody who lives on the border with Mexico and grew up with the immigration issue, I am very concerned to hear my colleagues on the other side of the aisle say, ''Let's not do it now. Let's put it off and try to do something else in the next Congress.''

I as a mayor and as a county supervisor, I worked with the problems in our community with illegal immigration, crime, the impacts on our health care system. In fact, if my colleagues go to our hospitals today, they will see there are major adverse impacts. Talk to our law enforcement people about the major impact of illegal immigration. The cost is not just in dollars and cents.

And I would ask my colleagues on the other side of the aisle, if you don't care about the cost to the working class people, because this illegal immigration does not affect the rich white people, illegal immigration hurts those who need our services and our jobs in this country more than anything else, those who are legally here. But if you don't care about that, let me ask you to care about the humanity that is being slaughtered every day along our border because Washington, not Mexico, not Latin America, not anywhere else in the country, but Washington and the leadership in Washington has pulled a cruel hoax that says, ''Come to our country illegally, and we will reward you. Come to our country, and we will give you benefits.''

I ask my colleagues to consider this:

In my neighborhoods in south San Diego, we have had more people die in the last few years being slaughtered on our freeways, drowned in our rivers, run off of cliffs. More people have died, my colleagues, trying to cross the border illegally in San Diego than were killed in the Oklahoma bombing.

Now I ask my colleagues on the other side of the aisle who wanted to delay and put it off, Would you delay addressing one of the greatest terrorist acts that we have seen in our neighborhoods and along the border than we have seen in our lifetime? If Oklahoma's explosion was so important that we address that slaughter, please do not walk away from the loss of humanity down in San Diego and in California along the border. There are people that are dying because they are told to come to this country and we will reward them.

Please join with us. Support the rule. Let us reform illegal immigration and let us do it now. Quit finding excuses.

Mr. BEILENSON. Mr. Speaker, I yield myself the remainder of our time.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California is recognized for 30 seconds.

Mr. BEILENSON. Mr. Speaker, we urge, as we have before, a ''no'' vote on this rule. The rule allows consideration of a conference report that was not given proper consideration by the conference committee, a conference report on which the minority party had no involvement. More importantly, the conference report that this rule makes in order is a feeble and misguided response to one of the most significant problems facing our Nation. Passage of this legislation will allow employers who hire illegal immigrants to continue to do so and to get away with it. Passage of this legislation will let Congress say that we have done something about illegal immigration when in fact we have not done the real work that we know that we have to do.

The real tragedy, Mr. Speaker, and I say to my friends, is that we have missed here a great opportunity to know what to do. The Members who have worked hardest on this issue know what we need to do.

So I suggest, Mr. Speaker, that we defeat this rule and force the Congress and the President to revisit this issue next year and then produce the kind of immigration reform legislation that the American people want and that this country so badly needs.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time to simply say that this may be the last rule that will be managed by my very good friend from California and to join in letting my colleagues know that he will be, by me, sorely missed. He has been a great friend and, I do appreciate the advice and counsel that he has given me over the years.

Let me say on this particular measure, Mr. Speaker, that as we look at this issue, it has been a long time in coming. Getting to this point has been a struggle, and I should say to my friends on the other side of the aisle that I can certainly relate to the level of frustration that those in the minority have felt, because having gone through four decades of serving in the majority, they find that they are not able to have quite the control that they did as now members of the minority.

But I believe that, as was the case when this bill first emerged from the committee, that it will in the end enjoy tremendous bipartisan support. The measure earlier this year had a tremendous number of votes. As I recall, there were only 80 some odd votes against the bill itself and 330 votes in support of it, and so the vote may not be identical to the earlier one, but I do believe that there will be Democrats and Republicans alike recognizing that this Congress has done more than past Congresses to deal with this problem of illegal immigration.

The American people have asked us to do it, and the 104th Congress has been result-oriented as we go through the litany of items from telecommunications reform, welfare reform, line-item veto, unfunded mandates. We have provided tremendous results, and this immigration bill is further evidence of that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 165, not voting 14, as follows:

[Roll No. 430]

YEAS—254

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—165

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blumenauer
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Barton
Diaz-Balart
Gibbons
Heineman
Lincoln
Mascara
Moran
Peterson (FL)
Pomeroy
Rohrabacher
Rose
Williams
Wilson
Young (FL)

☐ 1327

Mrs. CLAYTON and Messrs. DEUTSCH, TORRES, LEWIS of Georgia, and LUTHER changed their vote from ''yea'' to ''nay.''

Mrs. JOHNSON of Connecticut, Ms. FURSE, and Mr. ARMEY changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1330

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 528, I call up the conference report on the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing Border Patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. RIGGS). Pursuant to House Resolution 528, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday September 24, 1996, at page H10841.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. SMITH] and the gentleman from Michigan [Mr. CONYERS] each will control 30 minutes.

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

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

Mr. Speaker, this conference report gives Congress the best opportunity in decades to address the illegal immigration crisis. Every 3 years, enough illegal aliens enter the country permanently to populate a city the size of Boston or Dallas or San Francisco. Classrooms bulge; welfare jumps; the crime rate soars. Innocent victims pay the price, and law-abiding taxpayers foot the bill.

This bill secures America's borders, penalizes alien smugglers, expedites the removal of criminal and illegal aliens, prevents illegal aliens from taking American jobs, and ends noncitizens' abuse of the welfare system.

By doubling the number of Border Patrol agents and securing our borders, we will protect our communities from the burdens imposed by illegal immigration: crime, drug trafficking, and increased demands on local police and social services. The benefits of securing our borders will be felt not only in border States but throughout the entire Nation.

If we cannot control who enters our country, such as illegal aliens, we cannot control what enters our country, such as illegal drugs. To control who enters, this bill increases criminal penalties for alien smuggling and document fraud. The Nation cannot allow alien smuggling to continue, especially since many alien smugglers are also kingpins in the illegal drug trade.

Illegal aliens should be removed from the United States immediately and effectively. Illegal aliens take jobs, public benefits, and engage in criminal activity. In fact, one-quarter of all Federal prisoners are illegal aliens. This bill will lower the crime rate, lower the cost of imprisoning illegal aliens, and make our communities safer places to live.

This legislation also relieves employers of a high level of uncertainty they face by streamlining the hiring process. It makes the job application process easier for our citizens and legal residents by establishing voluntary employment quick-check pilot programs in 5 States. The quick-check system will give employers the certainty and stability of a legal work force.

Since the beginning of this century, immigrants have been admitted to the United States on a promise that they will not use public benefits. Yet every year the number of noncitizens applying for certain welfare programs increases an astonishing 50 percent. America should continue to welcome those who want to work and produce and contribute, but we should discourage those who come to live off the taxpayer. America should keep out the welcome mat but not become a doormat.

This legislation also ensures that those who sponsor immigrants will have sufficient means to support them. Just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country. By requiring sponsors to demonstrate the means to fulfill their financial obligations, we make sure that taxpayers are not stuck with the bill, now $26 billion a year in benefits to noncitizens.

The provisions in this conference report are not new. These are the same reforms that passed the House on a bipartisan vote of 333 to 87, and in the Senate on a bipartisan vote of 97 to 3. And these are the same reforms that President Clinton has urged Congress to pass and send to his desk.

This bill will benefit American families, workers, employers, and taxpayers across the Nation, but especially in California, Texas, Florida, and other States that face the illegal immigration crisis on a daily basis.

Mr. Speaker, America is not just a nation of immigrants. It is a nation of immigrants committed to personal responsibility and the rule of law. It is time for Congress to stand with the American people and approve this conference report.

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

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

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

Mr. CONYERS. Mr. Speaker, we are dealing with a bill that is so flawed, we will need a lot of speakers to make it clear why Members should not support the immigration conference report that is now before them.

What we do to the environment is a crime. The National Environmental Protection Act is the Nation's founding charter for environmental protection, and this bill repeals that law, in effect, when it comes to border-related construction. That means when we are working on highways, roads, bridges, fences, that it is OK to ignore the environment. Do my colleagues really mean that?

This conference report means that border construction can pollute our public waterways anyway, dirty our air, create hazardous point sources that can create dangerous runoffs, and generally ignore any adverse environmental impact of that construction. Do my colleagues really want that in a conference report?

This is yet another Republican attack on the environment. If it pleases my colleagues on the Democratic side, I will offer a motion to recommit the conference report to correct these glaring wrongs.

The next matter that my colleagues should carefully consider is the part that deals with the American workers. What we are doing here is giving us a conference report, and the lack of procedure has been amply dealt with, but what we are doing now is that we are being told to take it or leave it. I think that this amendment process, which we were completely shut out of, deserves a no vote on the conference, regardless of anything Members may like about it.

It was the Republicans, I say to Chairman HYDE, that railed and railed about how unfair we were. It was the Speaker of the House, NEWT GINGRICH, that has railroaded every conference bill for the last year. We do not even come to conference and have a right to offer an amendment. The process alone deserves every Member of this House to reject this conference report on due process procedural grounds.

And then what about the discriminatory aspects of this bill? Not only do we weaken illegal immigration but we say yes to more discrimination, because we now have onerous material that was not even in the bad bill I opposed in committee and on the floor.

We now have included unilaterally provisions that tell employers that they may engage in practices of racial discrimination so long as it cannot be proved that they had intent to violate the law. Coming out of the Committee on the Judiciary, I think it is a very sad day for any legislation to come out doing this to the most sensitive problem in our society.

Vote ''no'' on the conference report.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds and say that the last provision that the gentleman from Michigan referred to was in the Senate bill which passed by 97 to 3.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I listened to the last gentleman in the well and I am a little bewildered because we marked this bill up, it took us 9 days, and we dealt with 103 amendments, 39 of which were decided by rollcall vote. The bill, when we finally got it to the floor, passed 333 to 87 in the House and 97 to 3 in the Senate. Prior to introducing the bill, the House Immigration Subcommittee heard from more than 100 witnesses and the Democrats were present and participated fully. So the gentleman, I think, is mistaken.

In any event, this is among the most important pieces of legislation this Congress will handle. A country has to control its borders. A country has the right to define itself. I think this is a

good bill. It cannot please everybody, but it pleases a lot of people and I think it ought to pass.

I am pleased to speak in support of the conference report on H.R. 2202, because I believe it will facilitate major progress in addressing one of our Nation's most urgent problems—illegal immigration. In reconciling House and Senate versions of this landmark legislation, we provide for substantially enhanced border and interior enforcement, greater deterrents to immigration related crimes, more effective mechanisms for denying employment to illegal aliens, and more expeditious removal of persons not legally present in the United States.

The most difficult matter for the conferees to resolve concerned public education benefits for illegal aliens. Because public education is a major State function, the House had recognized the interests of each individual State in issues involving public school attendance at State taxpayer expense.

In that connection, we appreciated the fact that concerns about the welfare of unsupervised children and adolescents might lead many States to continue providing free public education to undocumented aliens—and we did nothing to discourage such choices at the State level. The compromise House and Senate conferees initially developed, both gave expression to the right of a State to choose a different course and extended important transitional protections to current students. Because of an explicit veto threat from the President, however, we subsequently decided that it would be preferable to address this entire issue in the context of other legislation rather than place at risk the many needed enforcement-related provisions of this bill.

The conferees also struggled with the issue of how to fairly and expeditiously adjudicate asylum claims of persons arriving without documents or fraudulent documents. We recognized that layering of prolonged administrative and judicial consideration can overwhelm the immigration adjudicatory process, serve as a magnet to illegal entry, and encourage abuse of the asylum process. At the same time, we recommended major safeguards against returning persons who meet the refugee definition to conditions of persecution.

Specially trained asylum officers will screen cases to determine whether aliens have a ''credible fear of persecution''—and thus qualify for more elaborate procedures. The credible fear standard is redrafted in the conference document to address fully concerns that the ''more probable than not'' language in the original House version was too restrictive.

In addition, the conferees provided for potential immigration judge review of adverse credible fear determinations by asylum officers. This is a major change providing the safeguard of an important role for a quasi-judicial official outside the Immigration and Naturalization Service.

The conference document includes a House provision I offered in the Committee on the Judiciary to protect victims of coercive population control practices. Our law—which appropriately recognizes persecution claims in a number of contexts—must not turn a blind eye to egregious violations of human rights that occur when individuals are forced to terminate the life of an unborn child, submit to involuntary sterilization, or experience persecution for failing or refusing to undergo an abortion or sterilization or for resisting a coercive population control program in other ways. A related well-founded fear clearly must qualify as a well-founded fear of persecution for purposes of the refugee definition.

Our modification of the refugee definition responds to the moral imperative of aiding victims and potential victims of flagrant mistreatment. We also take a public stand against forcible interference with reproductive rights and forcible termination of life—a stand that hopefully will help to discourage such inhumane practices abroad.

This omnibus legislation includes a number of miscellaneous provisions that are responsive to a range of problems. For example, certain Polish applicants for the 1995 diversity immigrant program reasonably anticipated being able to adjust to permanent resident status; by facilitating their adjustment in fiscal year 1997 we effectively rectify a bureaucratic error. We also recognize the equities of certain nationals of Poland and Hungary who were paroled into the United States years ago—and thus entered our country legally—by affording them an opportunity to adjust to permanent resident status. I welcomed the opportunity to seek appropriate conference action in these compelling situations.

This omnibus immigration legislation makes major needed changes in the Immigration and Nationality Act. The primary thrust of the conference document is to respond in a measured and comprehensive fashion to a multifaceted breakdown in immigration law enforcement. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] who is completing his 14th year. He has served with great distinction in the Congress on a variety of committees, including the House Committee on the Judiciary.

Mr. BRYANT of Texas. I thank my good friend from Michigan for yielding me this time and for those nice remarks.

Mr. Speaker, the gentleman from Illinois [Mr. HYDE] and the gentleman from Texas [Mr. SMITH] have spoken of a bill that passed by wide margins. Indeed it did. But it is not the bill before the House today, and that is the whole point that we are making. It was changed radically before it even got to the floor by the leadership. It has been changed radically since, and that is why we say to Members today, vote for the motion to recommit but do not vote for this bill.

Members of the House, I was a cosponsor of this legislation. I stood in a press conference alongside the gentleman from Texas [Mr. SMITH] and said we have got to do something to reduce legal immigration and to reduce illegal immigration. With a great deal of criticism from many people on my side, I said we had to pass a bill, and I was for the bill we introduced. But that is not the bill that is before the House today.

We put together a bill that was to have reflected what the Barbara Jordan Commission recommended to us was to have been a bipartisan bill. It was going to be tough on employers that hire illegal aliens and include tough measures to stop illegal aliens from coming into the country and taking jobs.

But somewhere along the way, in the back rooms, the stuff that was tough on the folks that bring illegal aliens here, and that is to say, the employers that attract them here with a promise of jobs, somehow it disappeared, and in its place was put a list, a wish list offered up by lobbyists for the biggest employers of these illegal aliens in the country.

The bill that passed the House committee included 150 wage and hour inspectors that were asked for by the Jordan Commission. The Senate bill included 350. Why? Because people that hire illegal aliens also violate the wage and hour laws. Why? Because half of the jobs in this country that are lost to illegal aliens are lost to illegal aliens that did not get here by sneaking across the border. They are the ones that got here with a visa, but then they did not go home, they overstayed the visa. You can put a million Border Patrol agents at the border, but you are not going to find that one-half of the problem. The only way you are going to find it is with wage and hour inspectors. Those are gone from the bill. Why? Because some lobbyist for an employer somewhere wanted it done.

The bill eliminates the increased civil penalties for employers to tell them we are not going to put up any more with chronic violators of the laws that say you cannot hire people that are not citizens or are not here legally. Those enhanced civil penalties are gone. Why? Because the American people wanted them gone? Because the Jordan Commission said that they ought to be gone? Of course not. Because a lobbyist for an employer that hires illegal aliens came down here and said, ''Mr. GINGRICH, you Republicans do your job and get us off the hook.'' And that is exactly what they did.

□ 1345

They also added into the bill gratuitous language that eliminates the anti-discrimination provisions in the current law. Not in the bill, but in the current law. We passed a bill in 1986. Many Hispanics said this is going to result in inadvertent discrimination against Americans who are of Hispanic descent because they are going to be confused with somebody who is here illegally.

The GAO, after the bill was passed, did a study and found that they were right, so we included in the law strong prohibitions on discriminating against people in the course of asking for a job by asking them for too many papers or giving them a hard time when they come to the workplace. The law says you can ask for one of several papers, and that is all you can do.

But now the Republican provision says it does not make any difference if you ask them for all the papers in the world. If you cannot prove you intended to discriminate against them,

you are not guilty of discrimination. That is a fundamental violation of the compact that we made between the groups in this country that make up our population, so that no one would be disadvantaged by the enforcement of a bill and law that is difficult to enforce. Well, it is gone.

The simple fact is this: What the employers that hire illegal immigrants wanted got done in this bill, and what working Americans who need to have their jobs protected, from being lost to illegal aliens, was not done. Worse, those that are the subject of discrimination, inadvertent or advertent, now have lost their protection.

Mr. Speaker, this is not a good bill. I can see the handwriting on the bill. I know it is an election year. Anti-immigration rhetoric is real good in an election year, and I am sure we are probably going to see a lot of folks coming down here thinking well, I should not vote for this, but I am probably going to have to. You do not have to. Vote for the motion to recommit. We fix all of these problems and a few I do not have time to mention. Vote for the motion to recommit. Vote against the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND], who has been such a fighter in our effort to reduce illegal immigration.

Mrs. SEASTRAND. Mr. Speaker, I rise in very strong support of the conference report to H.R. 2202. It has completely rewritten the laws regarding the apprehension and removal of illegal aliens and will fully fund initiatives to double the size of our Border Patrol and increase the level of immigration enforcement in the interior of these United States. It will implement a strategy of both prevention and deterrence at our Nation's land borders.

This legislation will require aliens who arrive at our airports with fraudulent documents to be returned without delay to their point of departure, making it far more difficult for aliens to enter the United States, either across our land borders or through our airports. It will also aggressively attack immigration-related crimes. It is going to increase penalties for alien smuggling and document fraud and expand the enforcement capacity against such crimes. It will also make it easier for employers to be certain that they are hiring legal workers by providing a toll-free worker verification number that employers may call to verify the eligibility of employees to work legally in the United States.

I will just tell you, America, and especially California, needs immigration reform, and we need it now.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK], the senior member of the Committee on the Judiciary, who has worked with great diligence on trying to reform the bill.

Mr. FRANK of Massachusetts. Mr. Speaker, we have here Congress and American politics at its absolute worse. We have a very important issue, illegal immigration.

I worked for a very long time in a bipartisan way with departing Senator AL SIMPSON, whose departure I regret now even more than before, and others, in 1986 and in 1990 to fashion legislation in a bipartisan way to deal with this problem. Bipartisan, because this is not and ought not be an ideological issue. Some issues are legitimately partisan.

I was sorry to here hear the chairman of the Committee on the Judiciary defend the shabbiest legislative procedure I have ever seen here. Yes, we had full markups; yes, we had full debates. And then once we did, this bill disappeared into a series of secret meetings between the Republican House and Senate staffs, it seemed to me, with some input from the Members, and the Dole campaign, and virtually all of the things on which we seriously worked in committee disappeared, and others appeared.

Now, this is a popular issue, getting rid of illegal immigrants to the extent that we can, as it ought to be. Unfortunately, this is a bill which does not do nearly as much as it could to diminish illegal immigration, and, instead, as the gentleman from Texas noted, makes it a little easier than it used to be for people to take advantage of them once they are here.

This is a bill that says gee, it would be nice if there were not so many illegal immigrants, but as long as they are here, maybe we can get a little cheap work out of them. That is the general thrust.

But then it does other things. I want to talk about one thing that appeared that was in neither bill.

At the Republican Convention we had speakers who talked about AIDS and how terrible it is. When the Republican leadership amended the military bill to say that if you are HIV positive you would be forced out, that was recognized to be a mistake and it was repealed. But here they go again.

What they have done is to take the issue of illegal immigration, a popular issue, and use it as a shield behind which to do ugly things to vulnerable people. The gentleman from Texas pointed out the extent to which they are weakening the civil rights protection. Here is another thing they do. It was not in either bill. It has not been voted on, and in the most extraordinary arrogance ever seen, we were not allowed to offer an amendment on this or any other thing in the conference. Because I will give my Republican leadership friends credit, they know how embarrassing this is, and therefore they are determined not to let anyone vote on it, so they did it in a forum in which you could not vote.

They simply say, OK, we got a bill on illegal immigration. By the way, they are going to stick in a couple of these things, and you have no way to vote, other than no on the whole bill.

The one I am talking about has to do with people who are HIV positive. This bill says if you are a legal immigrant, you came here legally, and there has been some economic misfortune and you get very sick, you cannot take federally-funded medical care for more than a year. That in and of itself seems to me to be cruel and unfair.

But then they say, well, in the interest of public health, we do not want epidemics around, we will make an exception for communicable diseases. That was in the bill as it came out.

Then, in the mysterious darkness that they use instead of a conference report, they gave an exception to the exception. What is the exception to the exception? If you are here legally and you are HIV positive, you may not get any treatment if you need Federal funds. If you are here legally and you contracted this terrible illness, which they profess to think is something we ought to fight, then you are, by this bill, condemned to death, with no help, because you cannot get Federal assistance.

I guess when they tote up the death penalties that they want to take credit for, they ought to add one: Legal immigrants here with HIV illness.

They created an exception for communicable diseases, but then they created an exception to the exception, so that if you are here legally and you get HIV, no matter how, and, by the way, we have changed the law, I did not agree with it, but this is the law, no one is now challenging it, so if you are known to be HIV positive and we test you, you cannot come in. So we are not talking about becoming a magnet for people who are HIV positive to come here. There is already a limit on that. What we are talking about are people who are here and become HIV positive, or who are here and become HIV positive when they got here, and they are denied medical treatment for more than 12 months, which, of course, if you are HIV positive, is the medical treatment you need.

What is the reason for that? What is that doing in a bill to deal with illegal immigration? I am talking about illegal immigrants. They can be deported if they take advantage of this medical care. I do not think it is a good idea to deny medical care to people in need elsewhere.

But this? We said ''Gee, we made a mistake. We should not kick people who are HIV positive out of the military.'' Should we kick them out of existence? Because that is what you do when you say to people who are here and do not have a lot of money and who are HIV positive, that you cannot get any medical treatment beyond 12 months.

I take it back. When they are about to die, then I guess they can get some.

This is an unworthy substantive and procedural piece of legislation, and it ought to be defeated.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from

Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this legislation, and I commend the gentleman from Texas for his outstanding work, in working so hard to put together a bill that has had very, very difficult times getting different pieces of legislation included.

I agree with some of the Members on the other side that I would like to see legal immigration reforms. I would like to see an employer verification system that really will help employers screen out fraudulent documents. But it is time for us to do and see the good things that are in this bill.

So I strongly disagree with those who did not get one piece of legislation into this bill that they would like or dislike and are going to vote against the entire bill, which they admit has dozens and dozens of positive, good illegal immigration reforms dealing with cracking down on illegal entry at our borders, dealing with illegal overstays in the country, dealing with cutting off access to government benefits for people who are not lawfully in this country.

Mr. Speaker, I urge the support for this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN], one of the only two medical doctors in the House.

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

Mr. COBURN. Mr. Speaker, I just want to answer a couple of questions about this in terms of HIV in regard to AIDS. This bill does not deny treatment to legal immigrants that have AIDS. What it says is the government does not have a responsibility to pay for that treatment on non-U.S. citizens. I think if we poll the vast majority of the people in this country, I think they would agree with this.

The second thing is most Americans in this country pay for their own health care, either through a health plan, insurance payment, or working. They pay for their health care. We have created a class in this country that does not feel that it should pay for its health care on a disease that at this point in time the vast majority of which is a preventible disease.

The third point that I would like to make is that this bill does deny AIDS treatment to illegal immigrants, illegal. Yes, it does. Illegal immigrants, those people who are here illegally. So what we are saying with this bill is that if you have a sponsor and you are here legally, that sponsor should cover for your cost of the AIDS treatment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why the gentleman did not want to yield. The bill does not say that legal immigrants can get AIDS treatment and illegal cannot. It gives disabilities to both of them for getting it with Federal funds. Anybody who can pay for it on their own the bill does not affect. The bill says with regard to legal and illegal immigrants, they cannot get it with Federal funds. The distinction between legal and illegal does not exist in the bill. The degree of penalty may be different. In both cases the bill says if you are here legally or illegally and you have HIV, you cannot be treated with Federal funds. That includes legal immigrants.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds to say what the bill says, and that is it does not deny AIDS treatment to legal immigrants. It simply says the immigrant's sponsor, not the American taxpayer, should pay for the treatment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts. [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is a good sign that they are uncomfortable when it is described accurately. It does not just say you go after the sponsor. If you are a legal immigrant and you are treated, you can be deported for it. It becomes a deportable offense to be a sick person who gets treated if you have AIDS. At least describe accurately the harm you are inflicting on people.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, let me take 10 seconds out of the beginning of my short remarks here as a border State Congressman from California.

One of the greatest selling jobs of all-time was to take the behavioral conduct ring out of the word AIDS. If we were discussing this as what it is, a fatal venereal disease, and it had the ring of syphilis, which is no longer fatal, I do not think we would be going back and forth like this. We would say illegal immigrants cannot get treatment for syphilis, and if they are legal then their sponsor has to take care of it.

But because we have done this magnificent PR on the only fatal venereal disease in the country, we still go back and forth as though AIDS is a badge of honor. It shows you are a swinger and you are part of the in crowd in this country. Sad.

I cannot add anything to the brilliance of the gentleman from California [Mr. GALLEGLY] or the gentleman from Texas or the people who have worked out an excellent piece of legislation. I just, for my 5 grown children and my constituents, want to get up and say: Illegal-legal. Illegal is lawbreaking; law breakers have no rights in this country.

□ 1400

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

Mr. BERMAN. Mr. Speaker, I want to join my other colleagues in indicating how sorely I will miss my friend from Texas, who is really a great Member of Congress, and I am sorry he will be leaving this body.

The people of my congressional district and of southern California, and probably the entire country, desperately want us to do something effective to stop illegal immigration. It is wrong to conclude that the people who voted for Proposition 187 are racist or xenophobes. They are people who are looking at what has happened: The employer sanctions did not work, the other strategies did not work, the refusal or earlier administrations to fund the Border Patrol and the Congress to appropriate the money left the border essentially unprotected. They want something done.

The problem with this bill is it cons the American people into thinking major new steps are going to be done.

This President is the first President to put the money where the mouth is. He has proposed, and the Committee on Appropriations, to its credit, has funded massive increases in Border Patrol. He has initiated through Executive order an expedited procedure for asylum, which has reduced those frivolous asylum applications by 58 percent. We are depositing more criminal aliens and more illegal immigrants than we ever did before, and all the trend lines are up.

What the Jordan commission and every single independent academic study of this issue says, without a verification system we will never make employer sanctions meaningful. Nothing else. Nothing else is serious if we do not do that and make a commitment to do that.

Second, we know there are industries that systematically recruit and hire illegal immigrants, and for reasons that I do not know, the gentleman from Texas [Mr. BRYANT] has a theory which sounds plausible to me, this conference committee struck inspectors and investigators to cover those industries. We should not be conned.

Let me turn to what it does with legal immigrants. For the first time in American history, even when we had the moratoriums on immigration, a U.S. citizen, and, remember, this bill puts an income requirement on petitioning for spouses. An individual has to make 140 percent. Fifty-three percent of the unmarried American people do not make 53 percent, do not make 140 percent of the poverty standard. Mr. Speaker, 53 percent of the American people do not make it.

A graduate student woman in medical school, who is not making that money, falls in love and marries a physician in France. She cannot bring him in because, even though he is affluent, has all the assets needed, there is no indication in the world he will go on any government program, she cannot bring him in.

This is the stupidest as well as the meanest provision I can imagine. When

we had moratoriums on immigration in this country, we allowed U.S. citizens to bring in their spouses. Why would we want to change that now?

I urge a ''no'' vote on a bill that is soft on illegal immigration and harsh and mean on legal immigrants.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], who has contributed so much to this bill.

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

Mr. Speaker, for my friend who just spoke, let me set the record straight. When he claimed the Clinton administration has funded thousands and thousands of Border Patrol agents, Republican amendments have added 1,700 Border Patrol agents over the last 3 years above and beyond what the Clinton administration requested. President Clinton cut 93 Border Patrol agents in the fiscal year 1994 budget. We added 600. The next year we came with an additional 500, and the next year with an additional 400 agents.

The Clinton administration has been dragged kicking and screaming to the border. They have opposed the border fence every step of the way.

My last point is, even after they opposed the additional Border Patrol agents, President Clinton then sent his public relations people to San Diego to welcome the agents that he had opposed. If these people just linked arms, all the Clinton public relations people, we would not need a Border Patrol because they would stretch across the entire State.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I would say to my friend, the gentleman from California knows that no President has proposed more Border Patrol agents than this President. The Committee on Appropriations, not the authorizing committee, the Committee on Appropriations has funded those positions and more. He has signed those bills. We are doing more now than we ever did before.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY], the chairman of the House task force on illegal immigration.

Mr. GALLEGLY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this is truly a humbling moment for me because this conference report is something that truly I wondered if we would ever see in this body.

I came to Congress nearly a decade ago, and since that time my overwhelming focus has been on two things: to stop the unchecked flow of illegal immigration in this country and to find a way to convince those that are already illegally in this country that it is time to go home. This conference report goes a long way toward accomplishing both of those objectives.

For many years many of us in California, Texas, and other States that have been disproportionately impacted by illegal immigration have been walking through the halls and through this body ringing alarm bells. We have been urging this Congress to wake up to the fact that our country is, in effect, under a full-scale invasion by those that have no legal right to be here yet who come by the thousands every day and consume precious social benefits that are denied every day to legal residents who are truly entitled to those benefits.

Today this is a different bell ringing in this Chamber, Mr. Speaker, and the bell is a bell of change. The passage of this conference report finally signals the willingness of this Congress to seriously address the issue of illegal immigration.

Mr. Speaker, we are a generous Nation, by far the most generous Nation on the face of the Earth. This legislation does not endanger or threaten that generosity but, in fact, it does nothing more than to preserve it.

The simple fact is that the greatest potential threat to legal immigration is illegal immigration. There are many who would see us close the front door to legal immigration because the back door to illegal immigration is off the hinges. We simply cannot allow this to happen. I believe this conference report goes a long way toward ensuring that it never will happen. I urge its passage.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I want to point out a couple of important health consequences from this bill.

In the welfare bill we excluded legal aliens from health care but we left those who are already patients to be covered under Medicaid. They are now excluded.

Second, we exclude any legal alien from any Medicaid services whatsoever. That is going to put a burden on the counties and the States and on the hospitals and on people who pay for private insurance when that insurance goes up, because a lot of people are still going to get care, but their care is going to have to be paid for by someone else.

On the AIDS issue, what we are doing is really a disastrous policy. This bill provides that all people can be tested but they cannot get care. Why would anybody want to come to know whether they are HIV positive if they cannot then get any medical care to assist them? They will rather be ignorant about it and spread the disease.

For those of us who call ourselves pro-life, understand that this bill would allow a pregnant women to be tested; but when she is determined to be HIV positive, she will not be allowed to have the Government pay for her AZT to stop the transmission of HIV, which is successful under this treatment to two-thirds of those children.

We will condemn babies to getting AIDS when it could have been prevented. That, to me, is antilife and nonsensical, and this bill smacks of a lot of injustices that have not been thought through.

I want to point this out to Members as another reason to vote against a very unjust bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, every substantive issue in the bill before us today has been voted on by the House or the Senate. I would say to my colleagues on the other side that even in welfare, many of them, no matter what we did, they would vote against it, both for political reasons and issue reasons.

In California over two-thirds of the children born in our hospitals are to illegal aliens. Members should take that into effect when they are talking about helping the poor and American citizens and taking away funds from Medicaid.

We have over 400,000 children K through 12. At $5,000 each to educate a child, that is over $2 billion. They should try to take that out of their State for education.

Some 70 percent of the environment is done at the State level. Members should think about $3 billion taken out of their States. They could not afford that.

This bill does not help all of those things. Prop 187, that the Gallegly amendment was in, passed by two-thirds in California. It has been taken out of this.

There are some things in here that I do not like as well, but I would ask my colleagues on the other side to think about how they could afford it in their States, and I think it would be very difficult.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in strong support of this conference report and commend the gentleman from Texas, Chairman SMITH, for his great leadership in bringing this bill to the floor.

As legislators we work on an endless number of issues, but today we are addressing one of our Nation's most critical, that of protecting our borders. H.R. 2202 not only secures our borders with the addition of 5,000 new Border Patrol agents, it also streamlines the deportation of criminal aliens, protects American jobs and holds individuals responsible to support immigrants that they sponsor, and, finally, eases the tax burdens on all Americans.

It is no longer possible to ignore the magnitude of the illegal immigration problem. These reforms will go a long way toward restoring reason, integrity, and fairness to our immigration policy and to controlling our borders. Through the adoption of this conference report, the 104th Congress achieves another commonsense change for a better America.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Speaker, this bill, which contains some valid provisions to enforce our immigration laws, has been poisoned with unconscionable provisions that violate fundamental American values.

The bill would deny treatment to people with AIDS but not to people with syphilis. It would promote discrimination in employment by removing provisions of Federal law, of present law, designed to prevent that.

The bill would not permit an American citizen, denied a job because the Federal Government made a computer mistake, from recovering damages. This is outrageous and will result in Americans being denied jobs and having no recourse.

The agreement will undermine American family values by curtailing the ability of American citizens to sponsor the entry of family members into the community.

The bill exempts the Immigration and Naturalization Service from our environmental laws, even though none of these laws have ever hindered the enforcement of immigration laws.

The bill will send genuine refugees back to their oppressors without having their claims properly considered. If a person arrives at the border without proper documents, the officer at the border can send that person back without a hearing. Guess who cannot get proper papers? Refugees. A refugee cannot go to the Gestapo and KGB and say: I am trying to escape your oppression, please give me the proper papers so I can go to America.

The bill eliminates judicial review for most INS actions. Just think, a Federal bureaucracy with no judicial accountability. When did the Republicans become such spirited advocates of unrestrained big government? No government agency should be allowed to act, much less lock people up or send them back to dictatorships, without being subject to court review.

□ 1415

Should we ensure that our immigration laws are respected and enforced? Of course. Do we need to undercut public health efforts, destroy our environment, debase our fundamental values, violate the rights of American citizens and waste taxpayer dollars on foolish or dangerous enterprises in order to enforce our immigration? Of course not.

This bill is not a credit to this country. I hope Members stand up for American values and vote ''no.''

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I support the passage of this important immigration conference report. The American people want and expect the Federal Government to do its job of controlling our borders. We have a strong obligation in protecting our citizens from illegal criminal aliens, who prey on them with drugs, and other crime-related activity.

I am particularly proud to support this immigration bill which includes some of my own initiatives directed at these serious threats from criminal aliens, engaged in both the illicit drug trade as well as international terrorism.

The first provision provides clear authority to our National Guard units to allow them to move criminal aliens facing deportation to INS deportation centers, when these aliens have engaged in drug related offenses. In the past, many States did so effectively with their National Guard units. My provision restores that vital authority to our National Guard as part of its counterdrug mission.

The National Guard can now help expedite the deportation out of the U.S. on Guard air flights of large numbers of these criminal aliens involved in the deadly drug trafficking in our communities after they serve their jail time, and before they can return to the streets, and once again in their trade in drugs. I hope many Guard units will do so.

The provision recognizes the limits on the INS's inability to individually transport numerous criminal aliens for deportation, using INS personnel on commercial flights. We have provided one more effective tool in the war on drugs, the use of our National Guard in the deportation of criminal aliens involved in drugs.

Nearly one-fourth of our Nation's jail cells in the United States, are occupied by criminal aliens, mostly those who have engaged in drug related offenses. We need more effective and creative tools to handle this crisis. I hope that our State and local authorities and the INS takes advantage of this assistance that the National Guard can provide.

New York City Mayor Giuliani on ''Face the Nation'' recently said it best with regard to our Nation's drug crisis, including criminal aliens, on what the Federal Government can best do to combat the serious drug problems facing our cities and local communities:

> What the Federal Government could do is to deport more of the illegal drug dealers that we have in our city (sic) unfortunately, very few deportations take place of the people who are actually selling drugs who are illegal immigrants and that would be very helpful.

My provision helps do just that. Senator Dole has wisely urged an even greater role for our excellent National Guard already involved in the battle against illicit drugs. Today we provide the first installment on Senator Dole's wise call for additional Guard action.

My other provision in the conference provides for criminal asset forfeiture penalties for visa and passport fraud and related offenses surrounding misuse or abuse of these key entry and travel documents.

Nine of the original indictable counts in the World Trade Center terrorist bombing involved visa or passport fraud. It was clear that those responsible for that bombing misused our travel and entry documents to facilitate their deadly terrorist blast. By this measure we have made those who would make and help create fraudulent visas and passports to promote terrorism and drug smuggling here at home, subject to even tougher penalties.

The potential loss of the printers, copiers, buildings, and large financial proceeds of this massive illicit business in key U.S. travel and entry documents, should help further deter terrorism and other criminal activity, facilitated by these fraudulent travel documents.

Although this is a good bill, I am hopeful that the sponsors will review provisions in the conference report that would greatly expand ''deeming'' for legal immigrants beyond the compromise agreed to in the recently enacted welfare bill, which combines the income of the immigrant and the sponsor for Medicaid eligibility determination. Regrettably, the deeming provisions may adversely affect many States with high immigrant populations, including New York, which are implementing welfare reform. The result may potentially cause a marked increase in the amount of uncompensated care for area hospitals and increase the costs of the Ryan White treatment program. I have brought this issue to the attention of Chairman SMITH and have asked him to consider the contention that confusion is likely to result as the States implement the language of the two bills and I thank him for that consideration.

Accordingly, Mr. Speaker, I am pleased to support the conference report, and urge its adoption.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this conference report. Today when this bill passes, the American people will be able to judge for themselves who is on their side and who is for draining dollars meant for our people, draining those dollars away from American families and taking them and giving them to foreigners who have come to this country illegally.

We have had to fight for years, first through a democratically controlled Congress and now this administration which has fought us and dragged us by the feet every step of the way but we have finally got a bill to the floor.

Giving illegal aliens benefits that should be going to our own people is a betrayal of our people. People who are sick, they come to our borders. Yes, we care about them. I do not care if it is AIDS or tuberculosis. But if someone is sick and illegally in this country, they should be deported from this country to protect our own people instead of spending hundreds of thousands of dollars that should go for the health benefits of our own citizens. The question is, To whom do we owe our loyalty? Who do we care about? The American people should come first.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY] who actually lives on the border and faces the crisis of illegal immigration every day.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this conference report. I would like to thank Chairman SMITH and Chairman SIMPSON for the leadership they have shown on this bill. I would also like to commend Senator FEINSTEIN of California for her commitment to make the conference report work and encourage the President to sign it into law.

I think that the public is sick and tired of seeing the partisan fighting on important issues such as this. Senator FEINSTEIN had a major concern about one portion of the bill, part of the bill I feel strongly about, and that is the issue of the mandate of the Federal Government that we give free education to illegal aliens while our citizen and legal resident children are doing without. But, Mr. Speaker, this Member, and I think the American people, are not willing to kill this bill because of a single provision.

I think there are those who will find excuses to try to kill this bill and try to find ways not to address an issue that has been ignored for over a decade.

We must not forget that California has been disproportionately hit with paying $400 million a year in emergency health care, $500 million for incarceration costs, and $2 billion in providing education for illegal aliens in our State.

Congress must still recognize that these are federally mandated costs and it is up to the Federal Government to either put up or shut up in ending these unfunded mandates.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime.

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

Mr. MCCOLLUM. Mr. Speaker, I rise in support of this bill today. It is a very, very fine product. H.R. 2202 is a much needed boost to our efforts against illegal immigration.

Included in the bill are 5,000 new border patrol agents, more INS agents to track alien smugglers and visa overstayers, more detention space for illegal aliens, and the list goes on and on.

I am most pleased that many of the asylum reform provisions that we have needed for years and I worked on with the gentleman from Texas for years are now in this bill. We have very generous asylum laws but now we are going to have provisions that make it a lot more difficult for somebody to come here and claim that they have a fear of persecution if they are sent back home to their native country, when they really do not, and be able to overstay and stay and get lost in our country and never get kicked out. Instead we have got a provision that I think is very fair for summary and expedited exclusion which, by the way, is already law as a result of the antiterrorism bill earlier this year but which we are making much more livable and a better product today.

Also we have in here some efforts to try to get document fraud under control. We lessen the number of documents used in employer sanctions where we attempt to cut off the magnet of jobs by a 1986 provision that makes it illegal for an employer to knowingly hire an illegal alien. There were far too many documents that could be produced to get a job. Now we have reduced that number to a manageable number.

What is left to be done is we need to find a way to get document fraud out of it. I think that some steps are taken in this bill, not enough, and I have introduced another separate piece of legislation I hope passes the next Congress to make the Social Security card much more tamper-proof than it is today.

We also have some provisions in here I think are important with regard to Cuba. We have allowed the Cuban Adjustment Act to continue to operate and with regard to the expedited exclusion issue, we have made a special provision so that those Cubans who arrive by air are going to be not subject to that particular provision.

We have also taken care of student aid problems that were earlier in this bill, whereby if you are deemed to have the money value in your pocket of your sponsor, you no longer will be in the case of education, at least for student aid purposes, excluded from those benefits.

The bill is an excellent bill. I urge my colleagues to adopt it and we need to send it down to the President and get it put into law.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, for generations immigrants have played a vital role in our economy, but today immigrants play the role of villain in the Republican's morality play. By exploiting a false image of millions of illegal immigrants crossing the border into the United States, NEWT GINGRICH and his Republican allies have crossed the border from decency to indecency.

After all, under this bill the simple idea of uniting with your closest family members will become a luxury that only the wealthiest will be able to afford. The Republicans say they want to get tough on crime, so how do they do that? Under this bill legal immigrants are deportable for the crime of wanting to improve their education to adding something to this country. That is right, under this bill if you are a legal immigrant and you use public benefits, including a student loan for more than a year, you are shown the door. What does that accomplish? It means that we throw our young people who are taking steps to gain an education and job skills and, yes, improve their English skills also. It means that this bill does not simply punish immigrants, it punishes all Americans who benefit from contributions that immigrants make to our Nation. Let us defeat this sad, cynical, and shortsighted legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

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

Mr. HORN. Mr. Speaker, legal immigration, yes; illegal immigration, no. Californians and residents of other border States have been fighting illegal immigration for years. It took the current Republican majority to take a serious look at this issue. Do not listen to the charges of those who oppose this bill. It is not cruel to ask immigrants and their sponsors to live up to their obligations. It is not heartless to try to put some teeth in our immigration laws. It is a pretty sad day when you can jump a fence, have more rights in this side of the border than when you are coming through legally. We need to protect legal immigration.

Recently I held a hearing near the border. Our border in southern California is still a sieve. They have simply moved the problem 40 miles east. They refuse to indict those that are coming over with drugs. And generally it is chaotic still. What it means, we had gained more congressional seats but that will not be good for everybody east of California, I am sure. So I would hope we would have the help of our colleagues throughout this Chamber because this is a national problem, not just a Southwest, Southeast problem.

Mr. BRYANT of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I want to commend the chairman and the ranking member. They worked very hard with this bill. There are still some problems. The common perception is that once you get the Gallegly amendment out, the bill is OK. The problems are still there and more work is needed on this bill.

The Endangered Species Act, nobody has talked about it today, but it is part of this package. In other words, the Environmental Policy Act and the Endangered Species Act are waived if we are talking about construction of roads and barriers at the border. That is not right.

Mr. Speaker, this bill also rolls back three decades of civil rights policy by establishing an intent standard. It exacerbates the results and the effects of the welfare reform law but now it seems that we are castigating legal immigrants.

This bill includes back-door cuts in legal immigration by establishing a

new income standard. It guts the American tradition we have always had to refugees by including summary exclusion provisions that are going to require instant return of any refugee.

Perhaps, most importantly, what this bill does is it is tougher on legal immigrants and American workers than on illegal immigration. It makes life harder for American workers and easier for American businesses. Eliminated are provisions in the bill to increase the number of inspectors for the Department of Labor to enforce worker protections, the Barney Frank amendments that allowed us in the past to vote for this bill. This bill also strips authority from the courts with provisions that will eliminate the power of the courts to hold the INS accountable and eliminate protections against error and abuse.

I want to return to the Barney Frank provisions that allowed many civil libertarians, those concerned with civil rights, when we passed very tough employer sanctions in the old immigration bill, to support this bill because we knew there would be recourse if there was discrimination. All of these inspectors, all of these that enforce civil rights provisions are eliminated from this bill. That is a key component that is going to hurt American workers.

This bill eliminates also longstanding discretionary relief from deportation that will say to American family members of immigrants being deported that you get no second chance. I know there are enormous pressures for dealing with illegal immigration bill. There are political pressures that are very intense. But we should not allow the politics and the fact that this is a wedge issue to prevent us from doing the right thing. The right thing is that this bill needs more work. We do want to have strong measures against illegal immigration. There are a lot of provisions here in the bill that are good, that make sense. But the attack on legal immigrants, American workers, right now, is stronger than on illegal immigration. Therefore, I think that we should reject this bill. Give it one more shot.

There is additional time. I understand we will be in next week now. Let us do the right thing. Let us defeat this conference report.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, several times today, various opponents have mentioned that we do not have in this legislation the Department of Labor inspectors.

□ 1430

But I want to remind them that they have already lost that argument twice. That provision was taken out on the House floor by amendment, and then subsequent to that we passed the House bill without those inspectors in it. That means two times it has come before this body and two times the Members have spoken.

The point is that we have already debated that, we have already voted.

The other thing about the inspectors that seems to be conveniently overlooked is that in this bill we have added an additional 900 inspectors, 300 each year for 3 years, and these are INS inspectors. It makes far more sense to have Immigration and Naturalization Service inspectors enforcing immigration laws than the Department of Labor.

And, Mr. Speaker, I also want to itemize some of the provisions that are in this bill that might have been overlooked.

We have heard tonight by Members on both sides of the aisle that this bill doubles the number of Border Patrol agents over the next 5 years. That is the largest increase in our history.

It also streamlines the current system of removing illegal aliens from the United States to make it both quick and efficient.

It increases penalties for alien smuggling and document fraud.

It establishes a three-tier fence along the San Diego border, which is the area with the highest number of illegal border crossings.

It strengthens the public charter provisions and immigration laws so that noncitizens do not break their promise to the American people not to use welfare.

It ensures that sponsors have sufficient means to fulfill their financial support obligation.

It also strengthens provisions in the new welfare law prohibiting illegal aliens from receiving public benefits, and it strengthens penalties against fraudulent claims to citizenship for the purposes of illegally voting or applying for public benefits.

Lastly, Mr. Speaker, I just want to say that I know my friend from Texas, Mr. BRYANT, opposes this bill, but I still want to say that he deserves public credit for many of the provisions still in the bill that he would consider beneficial, even if he does not consider the entire bill beneficial.

Mr. Speaker, I just want to continue the comments I was making a while ago and express to the gentleman from Texas [Mr. BRYANT] my appreciation for his constructive role in the process. Even if he cannot support the entire bill, he has played a significant role in getting us to this point, and especially at the beginning when he was a cosponsor of this bill.

Lastly, Mr. Speaker, I want to make the point once again that the opponents who we are hearing from this afternoon do not represent a majority of their own party. They certainly are entitled to try to kill this bill or block the bill or defeat the bill, but we have every right, those of in the majority, to try to pass this legislation.

The reason I say that they do not even represent a majority of their own party is simply because every major provision in this conference report, which is itself a compromise, is the result of either the House passage of the bill which passed by 333 to 87, or the Senate immigration bill which passed by a vote of 97 to 3.

So there is wide and deep bipartisan support for the provisions in this bill, and I expect to see that bipartisan support continue when the bill comes on a conference report.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume, only to say that I once again take issue with this characterization of the bill. This is not the bill that the House voted on; it is not the bill the Senate voted on. It is a bill that the Republicans spent 4 months behind closed doors cooking up so it would serve their electioneering and political interests this year.

The fact of the matter is that this bill now does not have wage and hour inspectors in it which are necessary, it does not have the subpoena authority for the Labor Department which is necessary, it does not have the requirement that employers participate in the verification project. In other words, they have done exactly what the employers wanted them to do so that the draw of illegal aliens into this country, which is to get a job, has not been effective.

Oh, yes, we are talking about more people on the border if the Committee on Appropriations goes along with this. That sounds good. I am certainly for that. But the only way we are ever going to solve this problem is to deal with the fact that there are people out there who habitually hire illegal aliens, and we had many, many inspectors in the House committee, had many, many inspectors in the House committee version, the 150. We had 350 in the Senate bill. They are gone. Of the enhanced penalties that we had in the bill, the enhanced penalties that we had in the bill so that habitual offenders would suffer for their acts have now been removed.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman of the subcommittee has given the perfect rationale for voting against the bill and for our motion to recommit. He says many of these provisions are here in part because of the gentleman from Texas, the ranking member. That is exactly right, and if this bill had only those provisions, it would not be controversial. He has conceded the point.

There is a core of agreement on measures to restrict illegal immigration that would not be controversial.

But here is what happens, and people should understand people sometimes think the party does not mean anything. Yes, party control means something. The Republicans are in control of this Congress. That means their ideological agenda and the interest groups that they are most interested in get served.

What that means is that we do not get a chance to vote just on the bill dealing with illegal immigration. It comes with illegal immigration and an unbreakable format, a conference I have never seen before, where the chairman just decided no amendments would be allowed because he is afraid to have his members vote on these things.

Other provisions are there. Well, what are the other provisions? One provision reaches back to antidiscrimination language. It has nothing to do with illegal immigration. We have said that we feared, when we put employer sanctions into the law, that this would lead to discrimination against people born in America who were of Mexican heritage. The GAO said, ''You're right, it's happened.'' What they have done in this bill is to reach back to that section not otherwise before us and made it much harder for us to protect those people against discrimination.

Then we will have a recommit to undo that. My colleagues could vote for the recommit and it will not effect their commitment on illegal immigration.

With regard to the people with AIDS, that is a provision that was in neither bill. The gentleman from Texas who does not want to defend things on the merits says, ''Well, the majority is with me.'' Well, that was not in the House bill, and it was not in the Senate bill. It is an add-on in that secret conference that they had.

What this bill does is to weaken our enforcement powers against those who employ people who are here illegally and then, serving the Republican ideological agenda, says ''If you're here legally and you have AIDS, you may die if you need Federal funds because you will get none. If you are a Mexican-American born here, we will make it easier for people to discriminate against you. If you are an American legally eligible to work and the Government falsely certifies that you weren't and makes a mistake, in the House version of the bill we had a protection for you.'' In this version of the bill there is none. if they apply for a job, having been born in this country, and they are turned down because the government inaccurately reported that they were not eligible to work, they have no recourse. Our bill would have given some recourse.

This bill protects the employers. This bill makes it harder if someone is a potential victim of discrimination, or if they are a perfectly legal resident of the United States with AIDS, including a child. Children with AIDS who are not yet eligible to become citizens, children who are brought here; they did not sneak in, not these terrible people my colleagues are worried about, children who are here with AIDS are denied Federal health benefits in certain circumstances by this bill. That is shameful.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the States have indicated that there is likely to be confusion in the interpretation of title V of this bill in the recently enacted welfare bill. The intent of some of the provisions in title V may need to be addressed in the later bill. Until that time the States should be held harmless on issues which are ambiguous.

However, the immigration bill is not intended to change in any way the eligibility provisions in the recent welfare bill. Non-citizens are not eligible for SSI or food stamps, and future immigrants are not eligible for Medicaid as well as for their first 5 years, and this bill simply does not change that.

Mr. Speaker, I also on a different subject want to reiterate the fact that all of us who are strong supporters of this bill also are strong supporters of employer sanctions. That is why in this bill we have increased Interior enforcement, we have increased the number of INS inspectors, we have increased the penalties, and we have this quick-check system that will allow employers to determine who is eligible to work and who is not.

So this bill goes exactly in that direction, which of course is supported by a majority of the American people as well.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I come before the House today, as we debate this immigration reform legislation, from a State that has been impacted and sometimes devastated by a lack of a national immigration policy.

I notice we have some reforms in here, and there are some good reforms. We are doubling the number of Border Patrol, but also in this we are also restricting some payments, some benefits, to illegal aliens, and we should go even beyond that.

But I tell my colleagues that unless we stop some of the benefits, unless we demagnetize the magnet that is attracting these folks to come to our shores—we can put a Border Patrol person every 10 yards across our border, and we will not stop the flow because people will come here because of the attraction of the benefits.

How incredible it is that we debate whether we give education benefits or medical benefits and legal benefits and housing benefits and other benefits to illegal aliens and even legal aliens in this country when we do not give the same benefits in this Congress, and that side of the aisle has denied them to our veterans who have served and fought and died for this country in many cases, or their families, and to our senior citizens. So this is a much larger debate.

Finally, my colleagues, we must have a President who will enforce the laws, and we have not had a President who will enforce the immigration laws, and we have a new policy every day, and we cannot live that way.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute 15 seconds to the gentleman from California [Mr. TORRES].

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

Mr. TORRES. Mr. Speaker, I rise to voice my strong opposition to this so-called immigration reform bill. There must be some confusion over what immigration actually means, over what immigration actually is. The dictionary defines immigration as ''coming into a country of which one is not a native resident.''

Basic logic tells us that any attempt to reform immigration should address those issues that directly relate to immigration: strict border control, effective verification of citizenship, and penalizing those businesses and industries who knowingly employ undocumented immigrants.

Most Americans would agree with those goals. But this bill goes way beyond these sensible, logical goals. Instead, it attacks the very principles upon which this country was founded. America's Founding Fathers built this country on the principles of fairness and equality, on honoring the law and creating safeguards against any kind of discrimination. Throughout history, our country has welcomed those immigrants who play by the rules, pay their taxes, and contribute to our cherished diversity.

But this bill ignores those traditions and attacks the very people who we say are welcome—legal immigrants. The welfare bill effectively stripped legal residents of many safeguards, and this bill goes on to clean up what the welfare bill missed.

Under this bill, legal immigrants who enter the country and begin the process of living the life of an American resident would lose the protections guaranteed by the Constitution.

Employers would be given the go-ahead to discriminate by a bill that does not enforce current immigration requirements and citizenship verification. Employers would be allowed to exploit workers by weakening civil rights protections and gutting wage and law enforcement.

This bill is not about immigration reform, it's about punishing women and children who play by the rules and represent the very best in our country. Most legal immigrants work hard for low to moderate wages, with little or no health insurance. Should the family need Federal assistance, too bad. Because if one of these workers ends up in the hospital and cannot pay his bill, and the sponsor cannot pay his bill,

that worker will be deported. Never mind that he has been paying taxes for the past few years. Suddenly, it just doesn't matter that he has contributed to our economy and has followed our laws.

It doesn't stop there. It isn't just the worker. It's his family, his children. If his child needs medical care and he can't pay, his tax money suddenly isn't available. This bill sends the child to school sick, with the fear of deportation always looming in the background.

Legal immigrant children must have their sponsor's income deemed for any means-tested program. This effectively bars these children from child care, Head Start, and summer jobs and job training programs.

What does reducing a legal resident's access to health care and Federal benefits have to do with restricting illegal immigration I would argue—nothing. Absolutely nothing. Because this is not about reducing illegal immigration. If it were, I would not be standing before you asking these simple questions.

For these reasons, I encourage my colleagues to oppose this blatant offense to our sense of fairness, justice, and equal protection for every American resident.

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

Mr. BILBRAY. Mr. Speaker, let us talk about playing by the rules.

If this bill is not passed, those who have broken immigration law and entered this country legally have more rights than those who are waiting patiently at the ports of entry to enter into this country. That kind of confuses me, because my colleagues on the other side of the aisle have no problem with an immigration agent turning away somebody at the port of entry if they are coming to a legal port of entry, without a judge's rulings, without court cases, without lawyers. But if somebody jumps the fence, breaks the law, then they want to continue to empower these people with more rights than those who are playing by the rules.

□ 1445

I have to say, this is the absurdity of Washington, that we are even discussing this issue. But they are saying, what if this legislation passes, what could happen?

Let me tell the Members, as somebody who lives on the border, let me say what happened today and what has happened in the past. San Diego County, when I was a supervisor, spent $30,000 sending people back to foreign countries in body bags, because of how many people are dying because of this problem.

The fact is, there are law-abiding citizens who are doing without in their hospitals because the Federal Government is actively dumping patients onto working-class hospitals and expecting those communities to pay the bill that Washington has played the deadbeat dad and walked away from. This bill will finally correct that.

Mr. Speaker, I think the chairman of the committee said quite clearly, we want to have a welcome mat out for legal immigration, but there is a difference between having a welcome mat and being a doormat. Our taxpayers have a right to expect that citizens do have rights and should be first in our priorities for social programs and for the taxpayers' dollars; the fact that illegal aliens should not be given preference over legal residents and citizens.

Mr. Speaker, if our colleagues from the other side of the aisle want to walk away from this issue, then they are walking away from a major mandate, not just from the people of California, but across this country. We had bipartisan support at finally addressing the issue of the absurdity of welfare, and we passed a welfare reform bill the President signed. It is time to be bipartisan. Pass this bill. Give the President the chance to sign this bill, too.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I commend the chairman of the subcommittee for his hard work on H.R. 2202.

Mr. Speaker, let us just say everybody is in bipartisan support of this bill. The House passed the bill 333 to 87. The Senate bill passed 97 to 3. This bill secures our borders, cuts crime, protects American jobs, and saves taxpayers from paying billions of dollars in benefits to noncitizens.

The conference report doubles the number of Border Patrol agents, expedites the removal of illegal aliens, increases penalties for alien smuggling and document fraud, prohibits illegal aliens from receiving most public benefits, and encourages sponsors of legal immigrants to keep their commitment of financial support.

My grandmother came from Poland with a sponsor, a job, and a clean bill of health. We should expect no less from any other person coming to this country. We must stop illegal immigration. We must stop the waste of Treasury dollars towards people who come here illegally. We need to clean up our communities. This bill goes a long way to doing it.

Again, I commend the gentleman from Texas for his leadership on this issue.

Mr. SMITH of Texas. Mr. Speaker, I yield 15 seconds to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, I would just say to my colleagues, coming here the wrong way is not the American way. I support this bill. I compliment the gentleman from Texas [Mr. SMITH] for the work he has done.

As a Representative from a State heavily impacted by our Nation's immigration policies, I strongly urge all of my colleagues to support the immigration in the national interest conference report. The sweeping reforms in H.R. 2202 will stem illegal immigration, secure our borders, and encourage personal responsibility for legal immigrants.

While America is a nation of immigrants, its borders must be protected from illegal immigrants. According to INS there are 4.5 million illegal aliens in the United States. By doubling the number of border patrol agents, H.R. 2202 protects legal residents from the social and economic burdens of illegal immigrants.

H.R. 2202 improves legal immigration policies to ensure those who sponsor immigrants have the means to support them. If we don't require sponsors to fulfill their financial obligations, taxpayers will continue to pay $26 billion annually for legal immigration. Sponsors must honor their obligations so legal immigrants may become self-reliant, productive residents of the United States rather than dependents of the welfare state.

Again, I urge all of my colleagues to support H.R. 2202.

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

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Texas [Mr. BRYANT] is recognized for 15 seconds.

Mr. BRYANT of Texas. Mr. Speaker, I simply want to say that Members should vote for the motion to recommit. All of the things that will strengthen this bill are in it, plus the things that have been talked about by the other side.

Second, I regret the gentleman from Texas [Mr. SMITH] and I we did not work together on this bill at the end. He is a good friend of mine. I appreciate so much the spirit in which we began. I look forward to working with him on something we agree on in the future. I thank the gentleman very much.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SMITH] is recognized for 1 minute and 30 seconds.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Texas for his generous comments. I feel the same.

Mr. Speaker, for the sake of American families, American workers, and American taxpayers, we have to pass immigration reform right now. To secure our borders is a worthy effort. If we secure our borders, we are going to reduce crime, we are going to reduce the number of illegal aliens coming into the country, we are going to protect jobs for American workers, and we are going to save taxpayers billions and billions of dollars.

In addition to that, we have to distinguish and say to legal immigrants, we want you if you are going to come to contribute and work and produce, but you cannot come to take advantage of the taxpayer. I urge my colleagues to vote for this conference report, and against the motion to recommit.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT

Mr. BRYANT of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BRYANT of Texas moves to recommit the conference report on the bill H.R. 2202 to the committee of conference with instructions to the managers on the part of the House to take all of the following actions:

(1) ENHANCING ENFORCEMENT OF PROTECTIONS FOR AMERICAN WORKERS.—

(A) Recede to (and include in the conference substitute recommended by the committee of conference, in this motion referred to as the ''conference substitute'') section 105 of the Senate Amendment (relating to increased personnel levels for the Labor Department).

(B) Recede to (and include in the conference substitute) section 120A of the Senate Amendment (relating to subpoena authority for cases of unlawful employment of aliens or document fraud).

(C) Recede to (and include in the conference substitute) section 119 of the Senate Amendment (relating to enhanced civil penalties if labor standards violations are present).

(2) PRESERVING SAFEGUARDS AGAINST DISCRIMINATION.—

(A) Disagree to (and delete) section 421 (relating to treatment of certain documentary practices as unfair immigration-related employment practices) in the conference substitute and insist, in its place, and include in the conference substitute, the provisions of section 407(b) (relating to treatment of certain documentary practice as employment practices) of H.R. 2202, as passed the House of Representatives.

(B) Disagree to (and delete) section 633 (relating to authority to determine visa processing procedures) in the conference substitute.

(C) Insist that the phrase ''(which may not include treatment for HIV infection or acquired immune deficiency syndrome)'' be deleted each place it appears in sections 501(b)(4) and 552(d)(2)(D) of the conference substitute and in the section 213A(c)(2)(C) of the Immigration and Nationality Act (as proposed to be inserted by section 551(a) of the conference substitute).

(3) PRESERVING ENVIRONMENTAL SAFEGUARDS.—Disagree to (and delete) subsection (c) of section 102 (relating to waivers of certain environmental laws) in the conference substitute.

Mr. BRYANT of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BRYANT of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 179, nays 247, not voting 7, as follows:

[Roll No. 431]

YEAS—179

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates
Zimmer

NAYS—247

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Gibbons
Heineman
Lincoln
Mascara
Peterson (FL)
Williams
Wilson

□ 1511

Messrs. CUNNINGHAM, EWING, LINDER, CHRISTENSEN, MCDADE, BAESLER, and SKELTON changed their vote from ''yea'' to ''nay.''

Messrs. YATES, WYNN, and LOBIONDO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 123, not voting 6, as follows:

[Roll No. 432]

AYES—305

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

NOES—123

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blumenauer
Bonior
Borski
Brown (OH)
Bryant (TX)
Bunn
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
de la Garza
DeLauro
Dellums
Diaz-Balart
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hilliard
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kleczka
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Gibbons
Heineman
Lincoln
Mascara
Peterson (FL)
Wilson

□ 1521

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

Messrs. KIM, BROWN of California, and HOSTETTLER changed their vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, today I missed the vote on the rule covering debate on the Immigration Act conference agreement. At the time of the vote, I was presenting testimony before the Federal Energy Regulatory Commission on a matter of utmost importance to the people of the State of North Dakota. Resolution of the matter currently before the Commission will likely determine the continued viability of the Great Plains Synfuels Plant in Beulah, ND, a unique facility which converts lignite coal to synthetic natural gas and which brings tremedous economic benefit to our State. It was critical that I be present before the Commission—along with North Dakota's two distinguished Senators—to advocate on behalf of this facility. Mr. Speaker, I regret having to miss any vote in this Chamber and I regret my unavoidable conflict today.

AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997. The bill shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. CHAMBLISS). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 530 is a simple resolution. The proposed rule is a closed rule providing for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on the Judiciary or their designees. Finally, the rule provides for one motion to recommit.

House Resolution 530 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, we are all very familiar with the issue addressed in the underlying legislation. During consideration of the comprehensive immigration bill, the gentleman from California [Mr. GALLEGLY], offered an amendment which was adopted by a record vote of 257 to 163. The Gallegly amendment allowed States the option of providing free education benefits to illegal