

Work-Study Programs. There is a strong commitment to fulfill the President's commitment to try to make sure that every third grader is able to read by the year 2000. It is an important program that really builds upon the successful programs of the past. We will have more of a chance to review those in the Labor and Human Resources Committee later in the session.

We also see the willingness to try to help and assist those communities where a third of all of the high school students are going to school in dilapidated buildings. The Educational Facilities Improvement Act is a program that was developed by Senator CAROL MOSELEY-BRAUN and has been a very creative program which will be addressed in the President's program.

Finally, the President makes a strong commitment in the area of technology, about \$2 billion over the next 5 years, to try to make sure that we are going to have technology—hardware and software—and, most importantly, trained teachers that will be able to use technology to help students learn more.

A number of States, including my own State of Massachusetts, are now involved in what we call the Net Day Program—there are 12 other States involved in it—where we have been able to bring the Software Council, the leaders of business in software, the Telecommunications Council, which represents the best in terms of telecommunications, the unions, working all together in order to provide wiring and also computers to the classrooms and schools of Massachusetts.

We were 48th out of 50 at the start of this whole effort; and we are now, I believe, leading all the States in the number of classrooms that we have already wired for the Internet with the help of this voluntary program which is very successful. More than 600 schools have now been adequately wired. We intend, within the next 15 months, to have the approximately 2,700 schools in Massachusetts achieve that.

We have benchmarks to be able to assess where we are. The next benchmark will be in April of this year. But nonetheless, this kind of commitment by the administration to technology and teacher training is enormously important.

It is our understanding that the new education programs and the strong commitment to education is paid for in the President's balanced budget. We will see the details of the President's budget in the next 10 days. But today we commend his strong commitment to education.

We are looking forward to working in our committee, the Labor and Human Resources Committee, under the chairmanship of Senator JEFFORDS, who has had a long and distinguished career of bipartisan leadership in education, to maintain the Nation's commitment to strengthen academic achievement and accomplishment. We should continue

to support local school reform efforts and to help provide seed money to communities to help bring technology into their schools—and to help ensure that technology is available to schools in all parts of the country. In addition, we will continue to make college more accessible and affordable for all students.

We have every expectation that colleges and universities will join us in this partnership to increase accessibility and affordability and that they will not respond by raising tuition. We will work with them over the course of this Congress to ensure that this happens.

To reiterate, I commend President Clinton for making education a top priority in his balanced budget plan. The President's proposal recognizes the importance of investing in education as the cornerstone of a stronger future for the Nation.

In the coming years, a college education will be more important than ever. By 2005, 60 percent of all jobs created will require education beyond high school. A college graduate earns almost twice what a high school graduate earns, and almost three times what a high school dropout earns.

But too often, college is priced out of reach for many families. From 1980 to 1990, the cost of college rose by 126 percent, while family income increased by only 73 percent.

To meet the rising cost of college, students and their families are going deeper and deeper into debt. In the 1990's, students have borrowed more in student loans than in the three preceding decades combined. In 1996 alone, students borrowed \$30 billion—a 65-percent increase since 1993. Since 1988, borrowing in the Federal student loan program has more than doubled.

The President's proposal recognizes that making college more accessible and affordable is a top priority for the Nation. His proposal increases funding for higher education, provides tax cuts for education, and cuts student loan fees.

Under the proposal, funding for higher education will increase by 20 percent by 2002, including a \$1.6 billion increase in Pell grants. The Pell grant maximum will increase by \$300 in the first year to \$3,000, to give 130,000 low-income students greater access to college. With reforms in eligibility rules, the proposal will also help over 200,000 adults obtain the extra education and training they need to compete in the modern workplace.

The proposal targets tax cuts for education to help students and working families. Students with incomes below \$70,000 would benefit from the \$1,500 Hope Tax Credit, which makes 2 years of community college affordable.

All families with incomes below \$100,000 may take advantage of a \$10,000 tuition tax deduction. The President's budget also provides for penalty free withdrawals from IRA's to pay for education expenses. Student loan fees will be cut in half, saving students \$2.6 bil-

lion over the budget period. The College Work-Study Program will be expanded to help up to 1 million students gain work experience while they earn money for college.

In the area of elementary and secondary education, the President's proposal provides significant support for school reform.

The Information Age has arrived, yet millions of children attend school in conditions inadequate to modern needs. By the year 2000, 60 percent of new jobs will require skills possessed by only 22 percent of the young people entering the labor market. Already, more than half of high-wage jobs require the use of network computers. Jobs that require computers pay 15 percent more, on average, than those that do not.

Schools across the country are struggling to repair decrepit facilities, let alone develop modern classrooms. Fourteen million children in a third of the Nation's schools are learning in substandard classrooms. Yet enrollments are at an all-time high of 52 million students and are continuing to rise.

We must also do more to help children learn to read—40 percent of all children now read below their grade level. Higher standards are clearly needed to encourage reading and other basic academic skills.

The President's proposal responds to these needs by investing almost \$2 billion in improved education technology over the budget period—a \$252 million increase in fiscal year 1998 alone.

The President's plan will also invest \$2.45 billion over the budget period in the America Reads Challenge, to help children read well by the third grade. It invests \$5 billion to improve school facilities. Funding for Goals 2000 will increase to help children meet higher academic standards. Funding for charter schools will increase. The title I program and the Eisenhower Teacher Training Program will receive increases to give students the extra help they need to improve their skills.

President Clinton's plan is effective and comprehensive. It sets the right priority for education, and the right priority for the Nation's future. President Clinton has proved once again, that he truly is the education President, and I look forward to working with all Members of Congress to achieve these essential goals.

#### CONTROLLING ILLEGAL IMMIGRATION AND PROTECTING JOBS

Mr. KENNEDY. Mr. President, last week I introduced a bill to control illegal immigration and protect U.S. jobs. I would like to take a few minutes to expand on that bill.

Last year, Congress passed landmark immigration reform legislation intended to curb illegal immigration.

But that Republican legislation addressed only half of the illegal immigration problem. Republicans did not get the job done. So today, with the support of our Democratic leader, Senator DASCHLE, I introduce legislation

to address the unfinished business of controlling illegal immigration.

Immigration experts, policy think tanks, and blue-ribbon commissions over the past two decades all agree that effective enforcement against illegal immigration requires two steps.

We must stop people from crossing our borders illegally. But, we must also combine our border enforcement efforts with effective workplace enforcement to deter employers who hire illegal workers.

The Clinton administration should be commended for their aggressive enforcement strategy at the border. By the end of this year, the Clinton administration plans to have increased the Border Patrol from under 4,000 agents in 1993 to 6,859 agents—a 73-percent increase. And last year's immigration bill reinforced this increase by authorizing an additional 1,000 Border Patrol agents for each of the next 3 years.

In addition, last year's immigration bill contained new, stiff penalties against the crime syndicates that smuggle illegal immigrant workers into the United States.

But Republicans neglected the second key element of a successful immigration enforcement strategy, which is workplace enforcement to deny jobs to illegal immigrant workers. There is one reason, and one reason only, that illegal immigrants come to America: to find jobs. Last year's Republican immigration bill did almost nothing to address this problem. We will never reduce illegal immigration significantly until we shut off the job magnet that draws illegal immigrants to this country.

That was the conclusion of the Select Commission on Immigration and Refugee Policy in 1981, the so-called Hesburgh Commission. And it was the conclusion of the Jordan Commission in 1994. The Jordan Commission stated, "Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration."

Consider the following fact. The Immigration and Naturalization Service says that at least 40 percent, and possibly half, of the illegal immigrant population in the United States actually entered the country legally, but stayed on and worked illegally after their visas expired. They came here originally as tourists or students, but overstayed their visas and are now illegally taking American jobs.

No amount of border enforcement will stop this major source of illegal immigrant workers. They arrive at our airports and at our borders with genuine passports and visas. There is no way to know that their real plans are to stay and work illegally.

The only way to deter this kind of illegal immigration is to deny jobs at the workplace. Rather than just beefing up our Border Patrol, we must also increase the capacity of the Immigration Service and the Department of Labor to protect American jobs by finding illegal immigrants in the work-

place and prosecuting unscrupulous employers who hire and abuse them.

In 1986, Congress made it illegal for employers to hire illegal immigrant workers. But today it is far too easy for these workers to pose as legal immigrant workers or even U.S. citizens by using false documents.

We must also find new and better ways of assisting employers to determine who can and who cannot work in the United States. Under the current failed system, employers often cannot distinguish a real green card and makes someone eligible to work from a good fake.

Last year, the Senate adopted a proposal that Senator Simpson and I developed that contained aggressive pilot programs to test new and better ways of addressing this problem. Upon the completion of these programs, the President was required to submit to Congress a comprehensive plan that would enable employers to know with greater certainty whom they can and cannot hire. Without such a plan, illegal immigrants will continue to take American jobs from working families by the hundreds of thousands each year.

But Republicans in Congress, under pressure from lobbyists representing the employers, met in secret last summer and dropped this vital provision from the bill. They put in its place a weak requirement for only a single pilot program. And they stripped the bill of the requirement that the President present to Congress for its approval a comprehensive plan for denying jobs to illegal immigrant workers. Instead of standing up for working families and protecting their jobs, they chose to coddle unscrupulous employers who hire and abuse illegal immigrants to make a buck.

Our Democratic message to working families today is that we will not tolerate the loss of hundreds of thousands of your jobs each year. Last year's Republican immigration bill simply sets adrift the urgently needed workplace enforcement under our immigration laws to protect these jobs. Democrats say that working families need to be assured that their jobs will be protected under our immigration laws.

The bill I introduce today:

Provides the workplace enforcement we need to protect U.S. jobs. It increases the number of Department of Labor Wage and Hour investigators. These investigators will target employers who hire illegal immigrants to evade labor standards. And it provides funding for additional INS personnel to enforce our immigration laws in the workplace.

It increases penalties for employers who hire illegal workers. And it allows judges to double an employers penalties if they have violated both immigration and labor laws.

It mandates the President to fix the broken employment verification system. Currently employers have an obligation to verify whether those they

hire are authorized to work in the United States. But, the verification system in place now does not work. My bill requires the President to propose a plan to Congress within 3 years for an improved employment verification system.

It prevents employers from discriminating against American and legal immigrant workers by making some workers go through more hoops to get a job than others, just because they may look or sound foreign.

Finally, my bill provides needed protections for battered immigrants. Many battered immigrants are afraid to seek protection from their abusers because they fear they will be deported or cannot find work to support their children. This bill removes the hurdles for battered immigrants, and protects their ability to qualify for green cards and jobs.

Last year's illegal immigration bill addressed only half the problem. The bill I introduce today will complete the picture and protect jobs for working families. And I look forward to working with our new Immigration Subcommittee chairman, Senator ABRAHAM, and the Republican leadership to see early enactment of this important measure.

Mr. President, I ask unanimous consent that the text of the legislation be included at this point in the RECORD.

There being no objection, the text of the bill ordered to be printed in the RECORD, as follows:

S. 103

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

**SECTION 1. SHORT TITLE; AMENDMENTS TO INA; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "United States Worker Protection and Illegal Immigrant Deterrence Act of 1997".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act.

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

Sec. 1. Short title; amendments to INA; table of contents.

**TITLE I—ENFORCEMENT**

Sec. 101. Increased personnel levels for immigration-related workplace enforcement.

Sec. 102. Earmark of appropriations for INS workplace inspectors.

**TITLE II—EMPLOYER SANCTIONS PENALTIES AND AUTHORITIES**

Sec. 201. Enhanced civil penalties if labor standards violations are present.

Sec. 202. Increased penalties for violations of immigration-related employment laws.

Sec. 203. Retention of employer sanctions fines for law enforcement purposes.

Sec. 204. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.

Sec. 205. Subpoena authority for cases of unlawful employment of aliens or document fraud.

**TITLE III—PRESIDENTIAL PLAN FOR EMPLOYMENT VERIFICATION**

- Sec. 301. Definitions.  
 Sec. 302. Establishment of plan.  
 Sec. 303. Objectives.  
 Sec. 304. System requirements.  
 Sec. 305. Remedies and penalties for unlawful disclosure.  
 Sec. 306. Employer safeguards.  
 Sec. 307. Restriction on use of documents.  
 Sec. 308. Protection from liability for actions taken on the basis of information provided by the verification system.  
 Sec. 309. Application of the Federal Tort Claims Act.  
 Sec. 310. Statutory construction.

**TITLE IV—UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES**

- Sec. 401. Requiring certain remedies in unfair immigration-related discrimination orders.  
 Sec. 402. Treatment of certain documentary practices as lawful employment practices.  
 Sec. 403. Effective date.

**TITLE V—PROTECTIONS FOR BATTERED IMMIGRANTS**

- Sec. 501. Waiver of section 245(i).  
 Sec. 502. Exemption from summary exclusion.  
 Sec. 503. Attorney General waiver of continuous presence requirement.  
 Sec. 504. Continued eligibility for immigrant status where abuser is removed.  
 Sec. 505. Fraudulent document waiver for battered aliens.

**TITLE I—ENFORCEMENT**

**SEC. 101. INCREASED PERSONNEL LEVELS FOR IMMIGRATION-RELATED WORKPLACE ENFORCEMENT.**

(a) INVESTIGATORS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Labor is authorized to hire in the Wage and Hour Division of the Department of Labor during the period beginning October 1, 1997, and ending September 30, 1998, not more than 150 full-time active-duty investigators and staff to enforce laws applying sanctions against employers who violate Federal wage and hour laws.

(2) ADDITIONAL AUTHORITY AVAILABLE.—The authority of paragraph (1) to hire the personnel described in that paragraph is in addition to the authority made available during fiscal year 1997 to hire such personnel.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed under subsection (a) shall be assigned to investigate violations of both wage and hour laws and those immigration-related laws that are administered by the Secretary of Labor in areas of the United States where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and hour inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

**SEC. 102. EARMARK OF APPROPRIATIONS FOR INS WORKPLACE INSPECTORS.**

Of the funds made available to the Immigration and Naturalization Service for fiscal years 1998 and 1999, not less than \$36,076,000 shall be available only for each such fiscal year sufficient to pay the salaries and expenses of 300 full-time equivalent active-duty

investigators, as authorized by section 131 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (as contained in Public Law 104-208).

**TITLE II—EMPLOYER SANCTIONS PENALTIES AND AUTHORITIES**

**SEC. 201. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.**

(a) IN GENERAL.—Section 274A(e)(4) (8 U.S.C. 1324a(e)(4)) is amended—

- (1) by redesignating clauses (i), (ii), and (iii) of subparagraph (A) as subclauses (I), (II), and (III), respectively;  
 (2) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;  
 (3) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;  
 (4) by striking “With” and inserting “(A) Except as provided in subparagraph (B), with”;

(5) by adding at the end the following:  
 “(B) ENFORCEMENT OF CERTAIN LABOR LAWS.—

“(i) CIVIL PENALTIES.—The administrative law judge may require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the Secretary of Labor or a court of competent jurisdiction determines that the employer has committed a willful violation or repeated violations of any of the following statutes:  
 “(I) The Fair Labor Standards Act (29 U.S.C. 201 et seq.).  
 “(II) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).  
 “(III) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.).  
 “(ii) ADMINISTRATION.—The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

**SEC. 202. INCREASED PENALTIES FOR VIOLATIONS OF IMMIGRATION-RELATED EMPLOYMENT LAWS.**

(a) INCREASED CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4)(A) (8 U.S.C. 1324a(e)(4)(A)) is amended—

- (1) in clause (i), by striking “\$250” and “\$2,000” and inserting “\$1,000” and “\$3,000”, respectively;  
 (2) in clause (ii) by striking “\$2,000” and “\$5,000” and inserting “\$3,000” and “\$8,000”, respectively; and  
 (3) in clause (iii), by striking “\$3,000” and “\$10,000” and inserting “\$8,000” and “\$25,000”, respectively.

(b) INCREASED CIVIL MONEY PENALTIES FOR PAPERWORK VIOLATIONS.—Section 274A(e)(5) (8 U.S.C. 1324a(e)(5)) is amended by striking “\$100” and “\$1,000” and inserting “\$200” and “\$5,000”, respectively.

(c) INCREASED CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) (8 U.S.C. 1324a(f)(1)) is amended by striking “\$3,000” and “six months” and inserting “\$7,000” and “two years”, respectively.

(d) INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(g)(2)(B) (8 U.S.C. 1324b(g)(2)(B)) is amended—

- (1) in clause (iv)(I), by striking “\$250” and “\$2,000” and inserting “\$1,000” and “\$3,000”, respectively;  
 (2) in clause (iv)(II), by striking “\$2,000” and “\$5,000” and inserting “\$3,000” and “\$8,000”, respectively;  
 (3) in clause (iv)(III), by striking “\$3,000” and “\$10,000” and inserting “\$8,000” and “\$25,000”, respectively; and

(4) in clause (iv)(IV), by striking “\$100” and “\$1,000” and inserting “\$200” and “\$5,000”, respectively.

**SEC. 203. RETENTION OF EMPLOYER SANCTIONS FINES FOR LAW ENFORCEMENT PURPOSES.**

Section 286(a) (8 U.S.C. 1356(a)) is amended—

(1) by striking “(a)” and inserting “(a)(1)”;

(2) by adding at the end the following:  
 “(2) All moneys received during each fiscal year in payment of penalties under section 274A of this Act in excess of \$5,000,000 shall be credited to the Immigration and Naturalization Service Salaries and Expenses appropriations account that funds activities and related expenses associated with enforcement of that section and shall remain available until expended.”.

**SEC. 204. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.**

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and  
 (2) assisting employers in complying with those laws.

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

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

**SEC. 205. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.**

(a) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

“SECRETARY OF LABOR SUBPOENA AUTHORITY

“SEC. 296. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under this Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.”.

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 295 the following new item:

“Sec. 296. Secretary of Labor subpoena authority.”.

**TITLE III—PRESIDENTIAL PLAN FOR EMPLOYMENT VERIFICATION**

**SEC. 301. DEFINITIONS.**

As used in this title:

(1) FEDERAL PUBLIC BENEFIT.—The term “Federal public benefit” has the meaning

given the term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(2) STATE OR LOCAL PUBLIC BENEFIT.—The term “State or local public benefit” has the meaning given the term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) SYSTEM.—The term “system” means the system for confirmation of eligibility for employment and benefits that is described in this title.

#### SEC. 302. ESTABLISHMENT OF PLAN.

(a) DEVELOPMENT OF PLAN; REPORT TO CONGRESS.—Not later than 90 days after the end of the third year in which the pilot programs required by subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as contained in Public Law 104-208) are in effect, the President shall—

(1) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the “system”), subject to sections 302 and 303, to confirm eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for any Federal public benefit;

(2) submit to the Congress a report setting forth—

(A) a description of such recommended plan;

(B) data on and analyses of the alternatives considered in developing the plan described in paragraph (1), including analyses of data from any demonstration project conducted, including the pilot programs conducted under subtitle A of title IV of the IIRIRA of 1996; and

(C) data on and analysis of the system described in paragraph (1), including estimates of—

(i) the proposed use of the system, on an industry-sector by industry-sector basis;

(ii) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(iii) the cost of the system;

(iv) the financial and administrative cost to employers;

(v) the reduction of undocumented workers in the United States labor force resulting from the system;

(vi) any unlawful discrimination caused by or facilitated by use of the system;

(vii) any privacy intrusions caused by misuse or abuse of system;

(viii) the accuracy rate of the system;

(ix) the overall costs and benefits that would result from implementation of the system; and

(x) evidence, including the results of pilot programs or demonstration projects, that the plan meets the requirements of section 303.

(b) EFFECTIVE DATE.—The plan described in subsection (a) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

#### SEC. 303. OBJECTIVES.

The plan described in section 301(a) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in

the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

#### SEC. 304. SYSTEM REQUIREMENTS.

(a) IN GENERAL.—A confirmation system may not be implemented under this title unless the system meets the following requirements:

(1) RELIABLE DETERMINATIONS.—The system must be capable of reliably determining with respect to an individual whether—

(A) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(B) the individual is claiming the identity of another person.

(2) RESTRICTIONS ON USE OF INFORMATION.—Any information obtained in connection with use of the system must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(A) to confirm, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(B) to enforce the Immigration and Nationality Act or section 371, 911, 982, 1001, 1015, 1028, 1542, 1546, or 1621 of, or chapter 96 of, title 18, United States Code; or

(C) to confirm the individual's immigration status for purposes of determining eligibility for Federal public benefits.

(3) FORM AND EXAMINATION OF DOCUMENTS.—Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(A) must be in a form that is resistant to counterfeiting and to tampering; and

(B) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(i) to carry out the purposes of paragraph (2); or

(ii) if the document was designed for another purpose (such as a certificate of alien registration, an alien registration receipt card, a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Social Security Administration), as required under law for such other purpose.

(4) COMPLETE, ACCURATE, CONFIRMABLE, AND TIMELY.—The system must ensure that information is complete, accurate, confirmable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Social Security Administration, or the Immigration and Naturalization Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(5) SPEED OF CONFIRMATION.—The system must be capable of accurately confirming

electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(6) ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS.—In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(A) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(B) audit trails to monitor system use; or

(C) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(7) SAFEGUARDS AGAINST DISCRIMINATION.—There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(A) the selective or unauthorized use of the system to confirm eligibility;

(B) the use of the system prior to an offer of employment;

(C) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional confirmation will be required, beyond what is required for most job applicants; or

(D) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional confirmation will be required.

(b) DEFINITION.—As used in this section, the term “business day” means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

#### SEC. 305. REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.

(a) CIVIL REMEDIES.—

(1) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(2) CIVIL ACTIONS.—An employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this title or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. Jurisdiction and venue over actions brought under this paragraph shall be as provided by title 28 of the United States Code.

(b) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this title or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be fined not more than \$5,000, notwithstanding the provisions of any Federal law relating to fine levels, imprisoned for not more than 6 months, or both.

(c) PRIVACY ACT.—

(1) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to confirmation of work authorization or lawful presence in the United States for purposes of benefits eligibility under this title, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this title.

(2) DEFINITION.—For purposes of this subsection, the term “record” means an item, collection, or grouping of information about an individual which—

(A) is created, maintained, or used by a Federal agency for the purpose of determining—

(i) the individual’s authorization to work; or

(ii) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(B) contains the individual’s name or identifying number, symbol, or any other identifier assigned to the individual.

#### SEC. 306. BENEFIT OF REBUTTABLE PRESUMPTION.

A person or other entity has established a rebuttable presumption that the person or entity has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act with respect to the hiring (or recruitment or referral) of an individual for employment in the United States if the person or entity—

(1) obtains confirmation of identity and employment eligibility in compliance with the applicable terms and conditions of the system with respect to the hiring (or recruitment or referral) of the individual; and

(2) has complied with all procedures required by the system.

#### SEC. 307. RESTRICTION ON USE OF DOCUMENTS.

If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

#### SEC. 308. PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE CONFIRMATION SYSTEM.

No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system.

#### SEC. 309. APPLICATION OF THE FEDERAL TORT CLAIMS ACT.

Any individual claiming dismissal from employment or denial of employment by reason of an error in the operation of the confirmation system may seek settlement of the claim by the appropriate Federal agency or may institute a legal action against the Federal Government under chapter 271 of title 28, United States Code, for money damages in accordance with the procedures set forth under that chapter.

#### SEC. 310. STATUTORY CONSTRUCTION.

The provisions of this title supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

### TITLE IV—UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

#### SEC. 401. REQUIRING CERTAIN REMEDIES IN UNFAIR IMMIGRATION-RELATED DISCRIMINATION ORDERS.

Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking “CONTENTS OF ORDER” and inserting “DISCRETIONARY CONTENTS OF ORDER”;

(B) by striking clauses (ii) and (vi); and

(C) by redesignating clauses (iii), (iv), (v), (vii), and (viii) as clauses (ii), (iii), (iv), (v), and (vi), respectively;

(2) in subparagraph (C), by striking “subparagraph (B)(iii)” and inserting “subparagraph (C)(ii)”;

(3) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(4) by inserting after subparagraph (A) the following new subparagraph:

“(B) MANDATORY CONTENTS OF ORDER.—Such an order shall require the person or entity—

“(i) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(5), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States; and

“(ii) to educate all personnel involved in hiring and complying with this section or section 274A about the requirements of this section or such section and to certify the fact of such education.”.

#### SEC. 402. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS LAWFUL EMPLOYMENT PRACTICES.

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking “PRACTICES.—For purposes of paragraph (1), a” and inserting “PRACTICES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a”;

(2) by striking “if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)” and inserting “relating to the hiring of individuals”;

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

“(B) EXCEPTION.—A person or other entity—

“(i) may request a document proving a renewal of employment authorization when an individual has previously submitted a time-limited document to satisfy the requirements of section 274A(b)(1); or

“(ii) having reason to believe that an individual presenting a document that reasonably appears on its face to be genuine is nonetheless an unauthorized alien (I) may inform the individual of the question about the document’s validity and of such person or other entity’s intention to verify the validity of such document, and (II) may, upon receiving confirmation that the individual is unauthorized to work, dismiss the individual.

“(C) STATUTORY CONSTRUCTION.—Nothing in subparagraph (B) prohibits an individual from offering alternative documents that satisfy the requirements of section 274A(b)(1).”.

#### SEC. 403. EFFECTIVE DATE.

The amendments made by section 401 shall apply to orders issued on or after the first day of the first month beginning at least 90 days after the date of the enactment of this Act.

### TITLE V—PROTECTIONS FOR BATTERED IMMIGRANTS

#### SEC. 501. WAIVER OF SECTION 245(i).

Section 245(i) (8 U.S.C. 1255(i)) is amended—

(1) in the second sentence of paragraph (1), by striking “The” and inserting “Except as provided in paragraphs (4) and (5), the”; and

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

“(4)(A) The Attorney General may waive the fee specified in this subsection with respect to an alien—

“(i) if the alien or the alien’s child—

“(I) has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent’s family residing in the same household as the alien; and

“(II) the spouse or parent consented to or acquiesced to such battery or cruelty; and

“(ii) if the Attorney General determines that such waiver would enhance the safety of the alien or the alien’s child.

“(B) An alien for whom the Attorney General waived the fee specified in this subsection shall not be considered a public charge under section 212(a)(4) or 237(a)(5) solely because of such waiver.

“(5)(A) In lieu of a waiver under paragraph (4), the Attorney General may permit an alien described in paragraph (4)(A)(i) to pay the fee specified in this subsection at the time of the alien’s interview or in installments—

“(i) if the Attorney General determines that the alien’s finances are sufficient; and

“(ii) if the Attorney General determines that such delayed payment would enhance the safety of the alien or the alien’s child.

“(B) An alien for whom the Attorney General delayed payment of the fee specified in this subsection shall not be considered a public charge under section 212(a)(4) solely because of such waiver.”.

#### SEC. 502. EXEMPTION FROM SUMMARY EXCLUSION.

Section 235(b)(1) (8 U.S.C. 1225(b)(1)) is amended by adding at the end the following new subparagraph:

“(G) EXCEPTION FOR BATTERED ALIENS.—Subparagraph (A) shall not apply to any alien who has been battered or subjected to extreme cruelty, or whose child has been battered or subjected to extreme cruelty, and who is eligible to file a petition under subparagraph (A) (iii) and (iv) or (B) (ii) and (iii) of section 204(a)(1) or under paragraph (2) of section 240A(b) based on the requirements of paragraph (2) of that section.”.

#### SEC. 503. ATTORNEY GENERAL WAIVER OF CONTINUOUS PRESENCE REQUIREMENT.

Section 240A(d)(2) is amended by inserting before the period at the end the following: “, except that the Attorney General may extend the time periods described in this paragraph in the case of aliens who are otherwise eligible for relief under subsection (b)(2).”.

#### SEC. 504. CONTINUED ELIGIBILITY FOR IMMIGRANT STATUS WHERE ABUSER IS REMOVED.

Section 204(a)(1)(B) (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following new clause:

“(iv) An alien who has resided in the United States with the alien’s permanent resident spouse or parent who has committed a crime described in section 237(a)(2)(E) or violated a protection order described in that section may file a petition with the Attorney General under this subparagraph for classification of the alien under such section notwithstanding that the alien who committed the crime or violated the protection order has been removed, or is subject to removal, from the United States under section 237(a), if the alien filing the petition is—

“(I) the victim of the crime committed or is the individual protected by the protection order;

“(II) a person of good moral character; and

“(III) eligible for classification under section 203(a)(2)(A).”.

**SEC. 505. FRAUDULENT DOCUMENT WAIVER FOR BATTERED ALIENS.**

Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: “, or if the alien is eligible to file a petition under subparagraph (A) (ii) and (iv) or (B) (ii) and (iii) of section 204(a)(1) or under paragraph (2) of section 240A(b) based on the requirements of paragraph (2) of that section”.

**THE VERY BAD DEBT BOXSCORE**

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, January 27, the federal debt stood at \$5,222,049,625,819.53.

Five years ago, January 27, 1992, the Federal debt stood at \$3,793,601,000,000.

Ten years ago, January 27, 1987, the Federal debt stood at \$2,223,227,000,000.

Fifteen years ago, January 27, 1982, the Federal debt stood at \$1,034,824,000,000.

Twenty-five years ago, January 27, 1972, the federal debt stood at \$426,004,000,000 which reflects a debt increase of nearly \$5 trillion—\$4,796,045,625,819.53—during the past 25 years.

**HONORING SKEETER WEEKS**

Mr. LOTT. Mr. President, there are those moments as we navigate through life's journey in which our path crosses with people of genuine character and compassion. When we come about one of these persons, it is as if a window is raised allowing the spring breeze to enter our very soul. On these rare occasions, our spirit is lifted causing us to believe anew in the goodness of God and the magic of his gift to mankind. Mr. Albert Colmer Weeks of Pascagoula, MS, is one of these rare people.

Known as “Skeeter” to his friends—who are many—his life is a testament of service, love, and dedication to his family and community. While Skeeter counts Pascagoula as his home, he was born in Ponchatula, LA, and moved at the age of 3 to Perkinston, MS, where his father served as a coach, athletic director, and later vice president and dean of men at Perkinston Junior College. After completing high school in Perkinston in 1944, Skeeter was appointed a page in the U.S. House of Representatives by his uncle and former Congressman, Hon. Bill Colmer.

As many of my colleagues know, I also worked for Representative Colmer as his administrative assistant for 4 years. The fateful year in which I crossed paths with Skeeter in a large and substantive way was 1968. By that time, Skeeter had been working for Ingalls Shipbuilding for 9 years as director of public relations.

As director of public relations at Ingalls Shipbuilding, Skeeter was the one individual most responsible for planning, directing, and coordinating the launching, christening, and commissioning of hundreds of ships for the United States Navy. Skeeter is a big part of the reason Ingalls is today

known as America's Shipyard. His professionalism, attention to detail, and customer oriented service ethic has endeared him to many of our nation's political leaders—from President's to Cabinet Secretaries to Secretaries of the Navy—over the span of almost 40 years.

On January 31, 1997, Skeeter will be retiring from Ingalls Shipbuilding. Behind he will leave a legacy of 38 years in service to Ingalls, the city of Pascagoula, Jackson County, the State of Mississippi, and indeed, the country as a whole. Skeeter is a veteran of the United States Navy, a 1951 graduate of Mississippi State University, and a man of honor.

To his wife, Janet, and his children Leah and Alice, I say thank you. We have all borrowed Skeeter's time and talent for years, a gift he has freely given us. Beginning Saturday, February 1, 1997, you have him all to yourself. It is your gain, and with this gain we give you our gratitude and envy.

As Skeeter turns the page and begins this new chapter in his life, I am reminded of a verse penned by Robert Louis Stevenson:

So long as we love we serve; so long as we are loved by others, I would almost say we are indispensable; and no man is useless while he has a friend.

In celebration of this special event, I am proud to declare to the U.S. Senate, Albert Colmer Weeks is my friend. Enjoy your retirement, Skeeter. You have richly earned it.

**TRIBUTES TO SENATOR PAUL E. TSONGAS**

Mr. KENNEDY. Mr. President, last Thursday, January 23, many of us in the Senate and House of Representatives attended the funeral service in Lowell, MA, for our outstanding former colleague in the Senate, Paul E. Tsongas, who died on January 18. The service was extremely moving, and the eloquent eulogies by his friends and his three daughters were powerful tributes to Paul's extraordinary life and career. I believe that these tributes will be of interest to all of us in Congress, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

FUNERAL SERVICE FOR PAUL E. TSONGAS, TRANSFIGURATION GREEK ORTHODOX CHURCH, LOWELL, MA, JANUARY 23, 1997

EULOGY BY FORMER SENATOR WARREN B. RUDMAN

Niki, Ashley, Katina, and Molly, family of Paul Tsongas, former colleagues from the Congress, distinguished guests, Gov. Wald, friends: I appreciate this opportunity to be with you today, to tell you all how proud I am to have called Paul Tsongas my friend. How fortunate I am to have called him a friend, a colleague, and a man who became a very large part of my life. To celebrate his life and to recognize the tremendous purpose and courage with which he lived is why we gather here today. Paul as we all know was a soft-spoken man, of tremendous charm,

and wonderful wit. He was one of the most decent, compassionate human beings you would ever want to meet. So when people talk about him, the words “tenacious” or “determined” have not often been the first that I used to describe him. But I am here to attest that I have never—not in the foxholes of Korea, not in the halls of Congress—never met a more determined, or more courageous man than Paul Tsongas. Another son of this Commonwealth, President John F. Kennedy, concluded his Pulitzer Prize-winning book, “Profiles in Courage,” with this marvelous statement, which applies to our friend, Paul, and I want to share it with you this morning: “Without belittling the courage with which men have died, we should not forget those acts of courage, with which men have lived. The courage of life is often a less dramatic spectacle than the courage of the final moment, but it is no less a magnificent mixture of triumph and tragedy. A man does what he must, in spite of personal consequences; in spite of obstacles, and dangers, and pressures.” And that is the basis of Paul—human morality. In whatever arena of life one may mast the challenges of courage, whatever may be the sacrifices he faces, each man must decide for himself the course he will follow. The stories of past courage can define that ingredient, they can teach, they can offer hope, they can provide inspiration, but they cannot supply courage itself. For this, each man—and I would add parenthetically—each woman, must look into his own soul. Paul Tsongas met the challenges of courage, solidly, and squarely. And he asked us to do the same. He asked that we each look into our soul, and find the best within ourselves. To find our courage, and to help us do so, he led us by example. Time and time again fate threw enormous obstacles and road blocks in his path, but each time, Paul looked within his soul and responded with courage, determination, and driving purpose. I often marveled at Paul's resolution and strength as we traveled this country for the last four years. I wondered what made him persevere. After all, having faced the condition that would've caused most men to lead a more guarded existence, Paul ran for president. But after I came to know him better, I have realized what motivated him. In short, Paul has an intense, profound, and enduring love for his family. Ashley, Katina, and Molly, I'm here today not only to mourn your loss and to celebrate your dad's life, but to affirm that which you already know, you were his inspiration and his motivation. It was out of love for you that your father found the courage to persevere, and to succeed. He wanted the best for you; for your generation. And he was willing to fight and to overcome great hurdles so you too might have the chance to achieve your dreams. Paul looked for the best in people. He asked us to put aside petty differences, and shun the path of least resistance. He asked that we, as a generation, pay our own bills. He implored our government's fiscal irresponsibility, because Paul Tsongas—like Thomas Jefferson—felt it was immoral, and I heard him use that word so often, immoral, for one generation to bind another, because it refused to live within its means. We will leave here today, saddened by his passing, inspired by his life, enriched by his friendship. We truly give thanks to the Almighty for this marvelous life.

EULOGY BY BRIAN J. MARTIN

My family. My city.

Those were the two things that Paul Tsongas cared about most in the world.

That's probably not news to anyone here, but it is important to remind ourselves of that fact, because it is the essence of the man we are remembering here this morning.

It is not a complicated concept. In fact, it is beautiful in its simplicity. Many of us