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Senate

The Senate met at 8:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, by Your grace You guided the founding of this Nation to be a demonstration of democracy under Your sovereignty. We praise You for Your timely inspiration and interventions all through our history. Our motto, ''In God we trust,'' and our affirmation, ''One Nation under God,'' express our sure confidence and the source of our courage.

As we begin the work of this Senate today, we commit ourselves anew to You. We thank You for the privilege of pressing forward to the next phases of Your vision for our beloved Nation. We open our minds to think Your thoughts. Give us Your perspective on the problems we face and Your power to solve them.

Help the Senators to listen to one another so that their debate on issues will be a dialog leading to creative resolutions combining the best of supernatural wisdom that You provide through many minds.

Bless the entire Senate family engaged in so many different tasks today to enable the work of the Senate to be done effectively. Make each person sense Your presence, encouragement, and strength. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, on behalf of the majority leader, let me say there will be a period of morning business until the hour of 10 o'clock. At 10 o'clock, the Senate will resume consideration of S. 1664, the immigration bill, with Senator SIMPSON to be recognized to offer an amendment.

Rollcall votes can be expected throughout the day on the immigration bill. It is the hope of the majority leader that we may complete action on that bill, the immigration bill, during today's session. It is also possible for the Senate to consider the omnibus appropriations conference report if that measure becomes available.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, there will now be a period for morning business.

Mr. CHAFEE. Mr. President, I believe that Senator BREAUX and I have an hour of morning business starting now.

The PRESIDING OFFICER. The Senator is correct.

BALANCED BUDGET COMPROMISE

Mr. CHAFEE. Mr. President, 4 months ago Senator BREAUX and I asked a small group of our colleagues to get together on a bipartisan basis to discuss how we might reenergize the stalled negotiations on a balanced budget. At that time neither the White House nor the congressional budget negotiators were making the compromises necessary to reach a final balanced budget agreement.

You may recall, Mr. President, at that time there could not even be agreement on what economic assumptions were to be used as the starting point.

In advancing our efforts, Senator BREAUX and I hoped to demonstrate to the Republican congressional leadership and to the White House, the administration, that a group of Senators—Democrats and Republicans, from the middle of the political spectrum—were willing to set aside partisanship to reach a balanced budget agreement. We strongly believe that the single most important action that this Congress can take for the benefit of our Nation is balancing the budget.

The members of our group come to this effort with a wide range of perspectives on how we ought to solve the budgetary problems. Each of us, if left to our own devices, might come up with a different balanced budget agreement than the one we arrived at. But nonetheless, all of us made concessions and compromises in order to forge our plan.

This chart shows the problem that faces the Nation. And by the way, these figures come from the Congressional Budget Office. That is the official group that provides budget projections to this body. These are not the administration's figures, they come from our own budget office. Here is the deficit today, somewhere around $140 billion. Left unchecked, it will increase each and every year, until in the year 2006, which is only 10 years from now, Mr. President, it is projected to exceed $400 billion.

Those are the bills that we are sending to our children because we refuse to take the steps that are necessary to balance this budget.

Senator BREAUX and I and our group of some 22 Senators, 11 Republicans and 11 Democrats, have come up with a proposal, and this chart compares the different plans. The first column is the Chafee-Breaux plan. The second is what the leadership of the Republican Party has presented. The third is what the administration has presented.

It is a fairly busy chart so I will not go into all the details, but I will point

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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out one distinct feature in our approach that is different from the others' approach, and that is discretionary spending.

What is discretionary spending? Discretionary spending is all the normal things that occur in the budget—defense, libraries, the FBI, highways, the payment for the State Department and our Ambassadors around the world, all of those normal things. You will see that we believe we can save out of this category $268 billion over the next 7 years.

How do we do that? We do that by some very, very tough measures. We say that the spending in discretionary will be frozen for the next 7 years, without any increases for inflation. That is tough medicine, and we think that is as far as we can go, and it is unrealistic to suggest that savings can be achieved above and beyond this level.

But here you will see the administration and, indeed, the Republican proposals go way beyond that. We consider that totally unrealistic, and that when the appropriations bills come up in 1998 and 2000 and 2002, Congress will not make those cuts and we will not realize these savings.

The point I am making here is the Chafee-Breaux plan is a realistic proposal, whereas the other budgets in this particular area are totally unrealistic.

So how do we make up the money? Others save, as we see in the Republican proposal, nearly $100 billion more than we do. And we do it with an item that you will see at the bottom of this chart called the Consumer Price Index.

What is the Consumer Price Index? The Consumer Price Index is used as an estimate of what inflation is for the year. And the Consumer Price Index, according to studies that have been made, overstates inflation. In other words, the estimate of the inflation for the year is too high. It is not accurate. And we recognize that. So we make a modest correction in the Consumer Price Index as follows: We lower the Consumer Price Index by five-tenths of 1 percent in the first 2 years and by three-tenths of 1 percent in every year thereafter. Indeed, the Advisory Committee to Study the Consumer Price Index, which was established by the Finance Committee to study this issue, has said that the Consumer Price Index is overstated by as much as 2 percentage points. The Commission's range of overstatement is between seven-tenths of 1 percent and 2 percent. So we take a more conservative approach. We do not go as far as they do. We are not as tough, if you would. We say we will only reduce it by 0.5 in the first 2 years and 0.3 thereafter.

That is a very, very important step, because when you deal with the inflation index and take the steps that we have taken in the Consumer Price Index by reducing it by a very modest amount, that yields tremendous savings in the outyears. So this is not a budget that we presented that only just squeaks into balance in the year 2002 and then the lid comes off in future years; not at all. This is a budget that is going to produce these savings in future years as well, and the country will thus be in balance, not only in the year 2002, but 2003, 2004, and the outyears as well.

Some of these steps are tough steps. The only way these savings can be achieved, particularly in the Consumer Price Index, is through a bipartisan effort. We feel very, very strongly that now is the time. Now is the time for the Senate to set the pace, to set the standards and to adopt a budget that will achieve balance.

Others will be talking on particular features of our plan as we go along, but I want to take this opportunity to thank every Senator, all 22 Senators who participated in this effort. Each of them showed his or her commitment to solving this problem. We are driven by the fact we do not want to continue to send bills for expenditures we are making to our children and our grandchildren.

In particular, I thank Senator JOHN BREAUX, who has been tremendous in his dedication to this effort. Without his participation and his leadership, this would have failed a long time ago. So, for his unswerving dedication and invaluable leadership, I thank him. He deserves a tremendous amount of credit.

Mr. President, there will be other speakers.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I think we have an agreement of the allocation of 1 hour, perhaps half and half. Under that, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I want to start by recognizing my good friend and colleague, Senator CHAFEE. He was very kind and generous in his remarks about my role. I would say exactly the same thing for Senator CHAFEE. He and I have worked together because I think we were able to put aside partisanship, and we were able to say there are a number of Senators, a large number of Senators, who really do want to work in a bipartisan fashion for what is good for this country. I think, really, the majority of all Senators feel that way.

I particularly want to say to Senator CHAFEE, it is because of his leadership on the Republican side of the aisle that our organization was possible. Without his help, it would not have been possible. It is just that simple. He has taken some very courageous stands. I think all Members of this body should applaud him for that.

They said it could not be done. They said it was impossible, particularly in an election year, when a third of this body was up for election and when both parties have candidates who are now running for the Presidency of the United States. It was said it was absolutely impossible that Members of the Congress, Members of the Senate, could come together in a bipartisan fashion and put together a product that actually balanced the budget in a 7-year period, a budget that would be scored by the Congressional Budget Office in a way that everybody can agree with the figures.

It was said that it could not be done because this is a political year and people fight over these things. They sometimes say the best way to win the political battle is to blame the other side for not doing enough. We have a centrist coalition of 22 Senators, bipartisan in nature, who said that is not the way we want this body to govern. We do want to work toward a balanced budget, and we know it cannot come just from the left nor can it come just from the right; that any kind of agreement on the big problems of the day has to come from working from the center out, by forming centrist coalitions in the middle that gradually build up enough support to become a majority.

That is exactly what we have been able to do. How many times have we gone back to our respective States and have had people come up to us on the streets and in coffee shops and before civic clubs and say, ''Why can't you guys in Washington get together? Why can't you sit down and do the job we elected you to do and expected you to do when you took your oaths of office as Senators and Members of the Congress? Why can't you reach out to each other and say, 'Yes, I can't have it all my way all the time'?'' That we do have to make compromises and that compromise is not a dirty word, that it is the art of being able to govern in a society that is, indeed, a democracy.

That, I think, is what we have done. Today we are announcing one of the worst-kept secrets in this city, that there has been a centrist coalition that has been working together since our first meeting in October 1995, when we sat down and made a dedicated effort to try to come up with a compromise budget that got the job done. We were dedicated less to which party got the credit and less to which party got the blame and more to trying to get the bottom line achieved in a consensus recommendation. We have done that.

I am optimistic, despite all the things we have not been able to do—and there have been a lot. There have been two partial shutdowns of the entire Government because we have not been able to come together. We had 13 temporary spending bills that have had to pass because we were not able to get the job done. But, despite that, I am optimistic. Today, this Congress will pass a budget for fiscal year 1996. That is encouraging. It is 7 months late, but it is encouraging that, at least, I think today we will have gotten it done. So progress is being made.

I am also encouraged by statements in the press. I see the President yesterday suggested that it would be a good

idea to reach a balanced budget agreement for 7 years if a centrist coalition of moderate Republicans and moderate Democrats in favor of deficit reductions could get together and work together to come up with a balanced budget agreement.

Guess what? We have done that. We have put together a group of good men and women who, in a bipartisan fashion, have dedicated ourselves, and particularly our staffs, to days and hours and months of working together to try to produce a document which, in fact, meets that very goal that the President has suggested. I think everybody wins when we get the job done, and everybody loses when we do not. It is just that simple.

Our recommendation today addresses some very tough, hard problems that have been out there for a long time. For instance, on Medicare, we have made a Medicare proposal that is real Medicare reform. It reduces the cost of Medicare by almost $154 billion. We have made some real, major recommendations in Medicaid.

We have addressed welfare. We have a program that I think is tough on work and yet is good for children. We have a tax cut in our package that is larger than some would like and is smaller than others would like, but it represents a true compromise.

Yes, we have even taken on the very difficult job of saying to the American people that the increases you get in entitlement programs will be realistic; they will more accurately reflect what the increase should be. All the economists tell us that the increases have been larger than they should have been. Our budget proposal, I think, takes the correct and, I think, politically courageous step of saying there is going to be an adjustment in the Consumer Price Index.

Mr. President, for all in this city who have said it could not be done, today we stand and say it can be done. In fact, it has been done, with our recommendation.

I ask unanimous consent that the summary of the centrist coalition balanced budget plan be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CENTRIST COALITION BALANCED BUDGET PLAN

For the past several months, a bipartisan group of 22 Senators has worked to craft a seven-year balanced budget agreement that is fair to all Americans. We have made the difficult choices and compromises necessary to reach an agreement because we are concerned about the effect a continuing deficit will have on the quality of life for each and every American.

If we act, we can foster economic growth and prosperity. If we fail to act, we undermine the future of our children and grandchildren. This is an historic opportunity and we should not let it pass.

Balancing the budget will spur economic growth, and help families make ends meet by lowering interest rates on home mortgages, car loans, and education loans.

Balancing the budget will also brighten our children's future. Last year's report of the Bipartisan Commission on Entitlement and Tax Reform illustrates the magnitude of the problem facing future generations. Left unchecked, by the year 2012, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal Government, leaving nothing for national defense, roads, or education. We cannot stand by and let this happen.

We formed this Centrist Coalition because we believe a balanced budget is possible only if Democrats and Republicans work together. We offer this proposal as a way to bridge the gap between our two parties. We hope our effort will spur the President and our colleagues in the House and Senate to work together to enact a balanced budget this year.

Robert F. Bennett, Christopher S. Bond, John B. Breaux, Hank Brown, Richard H. Bryan, John H. Chafee, William S. Cohen, Kent Conrad, Dianne Feinstein, Bob Graham, Slade Gorton, James M. Jeffords, J. Bennett Johnston, Nancy Landon Kassebaum, J. Robert Kerrey, Herb Kohl, Joseph I. Lieberman, Sam Nunn, Charles S. Robb, Alan K. Simpson, Arlen Specter, Olympia J. Snowe.

MEDICARE (ESTIMATED SAVINGS: $154 BILLION)

Expands choices for Medicare beneficiaries: Beneficiaries can remain in the traditional fee-for-service Medicare program or choose from a range of private managed care plans, based upon individual need. Options include point-of-service plans, provider sponsored organizations and medical savings accounts (on a demonstration basis).

Promotes the growth of managed care: By creating a new payment system for managed care—which blends national and local payment rates—the plan encourages growth in the availability and accessibility of managed care. Indirect Medical Education payments would be redirected to teaching hospitals; currently, they are paid to managed care plans.

Ensures the solvency of the Medicare Trust Fund: By slowing the rate of growth in payments to hospitals, physicians and other service providers, the plan extends the solvency of the Medicare Trust Fund.

Higher income seniors should pay more: Through affluence testing, the plan reduces the Medicare Part B premium subsidy to higher income seniors, and asks them to pay a greater share of the program's cost.

MEDICAID (ESTIMATED SAVINGS: $62 BILLION)

Incorporates a number of NGA's recommendations: The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Sharing the risks and rewarding efficiency: Funding is based upon the number of people covered in each state, ensuring federal funding during economic downturns. States will be able to redirect the savings they achieve toward expanding Medicaid coverage to the working poor.

Guaranteed coverage for the most vulnerable populations: The plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly and the disabled (using the tightened definition of disability included in welfare reform legislation).

Increased flexibility for the states: States can design the health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, states can determine provider rates (the Boren amendment is repealed), create managed care programs, and develop home and community based care options for seniors to help keep them out of nursing homes.

WELFARE (ESTIMATED SAVINGS: $45–$53 BILLION)

Includes many of NGA's recommendations: The plan, which includes several prominent features of the NGA proposal, is based upon the welfare reform bill that passed the Senate by a vote of 87–12 in September 1995.

Tough new work requirements: States must meet a 50-percent work participation requirement by the year 2002.

Time limited benefits: Cash assistance is limited for beneficiaries to a maximum of 5 years.

A block grant providing maximum state flexibility: States will be given tremendous flexibility to design welfare programs, in accordance with their own circumstances, that promote work and protect children.

More child care funding to enable parents to work: The plan provides the higher level of child care funding ($14.8 billion) recommended by the NGA to enable parents to get off welfare and to help states meet the strict work participation requirements contained in the plan.

Extra funds for states to weather recessionary periods: The plan includes a $2 billion contingency fund to help states through economic downturns.

Important safety nets maintained: The plan preserves the food stamp and foster care programs as uncapped entitlements. States must provide vouchers to meet the basic subsistence needs of children if they impose time limits shorter than 5 years (states set amount of voucher).

Encourages states to maintain their investment in the system: States must maintain their own spending at 80 percent to get the full block grant, and 100 percent to get contingency and supplemental child care assistance funds; contingency and child care funds must be matched.

Reforms Supplemental Security Income programs: The plan disqualifies drug addicts and alcoholics from receiving SSI benefits, and tightens eligibility criteria for the children's SSI disability program.

Retargets Earned Income Credit: The Earned Income Credit is retargeted to truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

ECONOMIC GROWTH INCENTIVES (ESTIMATED COST: $130 BILLION)

A three-pronged tax relief program for working families: The plan establishes a new $250 per child credit ($500 per child if the parent contributes that amount to an IRA in the child's name); expands the number of taxpayers eligible for deductible IRAs, creates a new ''backloaded'' IRA, and allows penalty free withdrawals for first time homebuyers, catastrophic medical expenses, college costs, and prolonged unemployment; and provides for a new ''above the line'' deduction for higher education expenses.

Encourages economic growth: A capital gains tax reduction based on the Balanced Budget Act formulation (effective date of 1/1/96): 50 percent reduction for individuals; 31 percent maximum rate for corporations; expanded tax break for investments in small business stock; and capital loss of principal residence. The proposal also provides for AMT relief (conformance of regular and alternative minimum tax depreciation lives).

Important small business tax assistance: An exclusion from estate tax on the first $1 million of value in a family-owned business, and 50 percent on the next $1.5 million. Increases the self-employed health insurance deduction to 50 percent.

Extension of expiring provisions: The plan provides for a revenue neutral extension of expiring provisions.

LOOPHOLE CLOSERS (ESTIMATED SAVINGS: $25 BILLION)

Closes unjustifiable tax loopholes: The cost of the economic growth incentives is partially offset by the elimination of many tax loopholes, and through other proposed changes in the tax code.

CPI ADJUSTMENT, (ESTIMATED SAVINGS: $110 BILLION)

A more accurate measure of increases in the cost of living: The plan adjusts the CPI to better reflect real increases in the cost of living by reducing it by half a percentage point in years 1997–98, and by three-tenths of a percentage point thereafter. The proposed adjustment is well below the range of overstatement identified by economists.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS: $268 BILLION)

Achievable discretionary spending reductions: Unlike most of the other budget plans, this proposal provides for discretionary spending reductions which can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a ''hard freeze'' (zero growth for inflation), ensuring adequate funds for a strong defense and for critical investments in education and the environment.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS: $52 BILLION)

Balanced reductions acceptable to both parties: The plan includes changes that were proposed in both Republican and Democratic balanced budget measures in the areas of banking, commerce, civil service, transportation and veterans programs.

Additional mandatory savings: The plan adopts other changes, including a cap on direct lending at 40 percent of total loan volume, extending railroad safety fees, and permitting Veterans' hospitals to bill private insurers for the care of beneficiaries.

MEDICARE (ESTIMATED SAVINGS $154 BILLIONS)

The plan proposes a variety of reforms to the Medicare program designed to promote efficiency in the delivery of services and strengthen the financial status of the Trust Fund. The proposal retains the traditional, fee for service Medicare program, but also encourages the formation of private managed care options for seniors and the disabled, allowing point of service plans, provider sponsored organizations, and medical savings accounts (on a demonstration basis).

The plan's provider payment savings and the expanded availability of managed care delivery of services will lower the cost of the Medicare program over the next 7 years thereby extending the solvency of the Medicare Trust Fund.

Program reforms

Increase choice of private health plans. Under the proposal, preferred provider organizations (PPOs), provider sponsored organizations (PSOs), Medical Savings Accounts (as a demonstration project), and other types of plans that meet Medicare's standards are made available to Medicare beneficiaries.

Annual enrollment. The plan allows beneficiaries to switch health plans each year during an annual ''open season'' or within 90 days of initial enrollment.

Standards. The Secretary of HHS, in consultation with outside groups, will develop standards which will apply to all plans. These standards will involve benefits, coverage, payment, quality, consumer protection, assumption of financial risk, etc., which will apply to all plans; PSOs will be able to apply for a limited waiver of the requirement that plans be licensed under State law.

Additional benefits. Under the proposal, health plans would be permitted to offer their participants additional benefits or rebates in the form of a reduced Medicare Part B premium. Plans would be prohibited from charging additional premiums for services covered by Medicare Parts A&B.

Payments to private health plans. Payments to managed care plans will be delinked from traditional fee-for-service payments and will be computed using both locally-based and nationally-based rates. Future payments will grow by a predetermined percentage and a floor will be established in order to attract plans to the lowest payment areas.

Commission on the effect of the baby boom generation. The plan proposes the creation of a commission to make recommendations regarding the long-term solvency of the Medicare program.

Conform Medicare with Social Security. The eligibility age for Medicare is increased to 67 at the same rate as the current Social Security eligibility age is scheduled to increase.

Part A program savings (hospitals)

Hospital market basket update reduction. For hospitals, the proposal sets the annual update for inpatient hospital services at the market basket minus one and one-half percentage points for fiscal years 1997 through 2003.

Capital payment reduction. For hospitals, the proposal reduces the inpatient capital payment rate by 15 percent for fiscal years 1997 through 2003.

Reduce the indirect medical education reimbursement rate. The proposal phases-in a reduction to the additional payment adjustment to teaching hospitals for indirect medical education from 7.7 percent to 6.0 percent.

Reduce DSH payment. The plan reduces the extra payments made to certain hospitals that serve a disproportionate share of low income patients by 10 percent less than current-law estimates.

Skilled nursing facility payment reform. The proposal adopts a Prospective Payment System (PPS) for Skilled Nursing Facilities by November 1997. In moving to the new methodology, a temporary freeze on payment increases is imposed and then an interim system is implemented until the full PPS system is implemented.

Part B program savings (physicians)

Physician payment reform. The proposal adjusts the Medicare fee system used to pay physicians. A single conversion factor would be phased-in for all physicians instead of the current three conversion factors. Surgeons would be phased-in over a 2 year period. The conversion factor for 1996 would be $35.42 and the annual growth rate would be subject to upper and lower growth bounds of plus 3 percent and minus 7 percent.

Reduce hospital outpatient formula. The proposal adjusts the current Medicare formula for hospital outpatient departments to eliminate overpayments due to a payment formula flaw.

Reduce oxygen payment. The proposal would decrease the monthly payment for home oxygen services and eliminate the annual cost update for this service through 2003.

Freeze durable medical equipment reimbursement. The proposal eliminates the CPI–U updates for payments of all categories of Durable Medical Equipment for fiscal years 1997 through 2003.

Reduce laboratory reimbursement. The proposal lowers expenditures on laboratory tests by reducing the national cap for each service to 72 percent of the national median fee during the base year for that service.

Ambulatory surgical center rate change. The proposal lowers the annual payment rate adjustment by minus three percent for fiscal years 1997 and 1998 and then reduces the rate by minus 2 percent for remaining fiscal years through 2003.

Part A and B program savings

Medicare secondary payer extensions. The proposal would make permanent the law that places Medicare as the secondary payer for disabled beneficiaries who have employer-provided health insurance. It also extends to twenty-four months the period of time employer health insurance is the primary payer for end stage renal disease (ESRD) beneficiaries.

Home health payment reform. The proposal reforms the payment methodology used to pay home health services by the beginning of fiscal year 1999. While a prospective payment system is developed, current payments are frozen and an interim payment system implemented.

Fraud and abuse changes. The proposal includes a number of provisions designed to improve the ability to combat Medicare fraud and abuse by providers and beneficiaries

Medicare part B premium reform. The plan retains the pre-1996 financing structure for the Part B program by requiring most participants to pay for 31.5 percent of the program's costs. Premiums for lower income seniors are lowered to 25 percent of the program's costs. In addition, the proposal eliminates the taxpayer subsidy of Medicare Part B premiums for high income individuals.

MEDICAID (ESTIMATED SAVINGS $62 BILLION)

The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Payments to States. States are guaranteed a base amount of funds that may be accessed regardless of the number of individuals enrolled in the State plan. Each state would have the ability to designate a base year amount from among their actual Medicaid spending for FY 1993, 1994, or 1995. Approximately one-third of disproportionate share hospital payments would be included in the base year amount, one-third would be used for deficit reduction, and one-third would be used for a Federal disproportionate share hospital payment program.

In addition, states will receive growth rates which reflect both an inflation factor and estimated caseload increases. If the estimate for caseload in any given year was too low, states would receive additional payments per beneficiary from an ''umbrella fund'' to make up the difference. Conversely, if the caseload was overestimated, the estimate for the following year would be adjusted downward. Regardless of caseload, a state's allocation never fall below the base year allocation for that state. The plan retains the current law match rates and restrictions on provider taxes and voluntary contributions.

Eligibility. The proposal maintains current law mandatory and optional populations with the following modifications: states would cover those individuals eligible for SSI under a more strict definition of disabled (tightened by the welfare reform changes included in this proposal) as well as SSI-related groups; states would have the option of covering current-law AFDC beneficiaries or those eligible under a revised AFDC program (includes one-year transitional coverage); and, states are permitted to use savings in their base year amount to expand health care coverage to individuals with incomes below 100 percent of the Federal poverty level without obtaining a Federal waiver.

Benefits. The plan maintains current law mandatory and optional benefits except that Federally Qualified Health Center (FQHC) services would be optional rather than mandatory. The proposal also gives the Secretary of HHS the authority to redefine early periodic screening and diagnosis treatment (EPSDT) services.

Provider payments. The proposal repeals the so-called Boren amendment as well as the reasonable-cost reimbursement requirements for FQHCs and rural health clinics, thus allowing states full flexibility in setting provider rates.

Quality. States would be allowed to set provider standards. States would no longer be required to obtain a waiver to enroll patients in managed care plans, provided the plans met the state's standards developed for private plans.

Nursing home standards. The proposal maintains current nursing home standards with existing enforcement. Streamlines certain requirements.

Enforcement. Individuals and providers are required to go through a state-run administrative hearing process prior to filing suit in federal court.

Set asides. The plan establishes a federal fund for certain states that have high percentages of undocumented aliens, as well as a fund for FQHCs and rural health clinics.

Program structure. The reforms are made to the existing Medicaid statute.

WELFARE (ESTIMATED SAVINGS $45 BILLION–$53 BILLION)

Block grant. The proposal transforms existing welfare programs into a block grant to states to increase program flexibility and encourage state and local innovation in assisting low-income families in becoming self-sufficient. This structure provides incentives to states to continue their partnership with the Federal Government by encouraging states to maintain 80 percent of their current spending on major welfare programs. While the plan provides maximum flexibility, it requires states to operate their programs in a way that treats recipients in a fair and equitable manner.

Contingency fund. To protect states facing difficult economic times, the plan calls for the creation of a $2 billion Federal contingency fund.

Child care. The plan provides $14.8 billion in mandatory federal funds for child care and ensures that those child care facilities meet minimum health and safety standards so that children are well-cared for while their parents go to work.

Maintenance of effort. To encourage states not to substitute these new federal funds for current state spending, a 100-percent maintenance of effort and a state match are required in order to access additional federal money for child care and contingency funds.

Work requirement and time limit. The plan requires states to meet tough new work requirements—50 percent by 2002—and limits a beneficiary's cash assistance to five years, so that AFDC becomes a temporary helping hand to those in need, rather than a permanent way of life.

Retention of certain safety nets. The proposal retains important protections for welfare's most vulnerable beneficiaries, the children. It allows states to waive penalties for single parents with children under school age who cannot work because they do not have child care, gives states the option to require those parents to work only 20 hours a week, and requires states with a time limit shorter than 5 years to provide assistance to children in the form of vouchers.

Out-of-wedlock births. The plan encourages a reduction in out-of-wedlock births by allowing states to deny benefits to additional children born to a family already on welfare and rewarding states that reduce the number of out-of-wedlock births.

Curbing SSI Abuse. The proposal repeals the Individualized Functional Assessment (IFA) used to determine a child's eligibility for Supplemental Security Income (SSI) and replaces it with a tightened definition of childhood disability. It maintains cash assistance for those children who remain eligible for SSI under this new criteria. It also eliminates SSI eligibility for addicts and alcoholics.

Foster care and adoption assistance. The federal entitlement for foster care and adoption assistance (and their respective preplacement and administrative costs) is maintained under the proposal. States are required to continue to meet Federal standards in their child welfare and foster care programs.

Food stamp and child nutrition programs. The proposal streamlines the food stamp and child nutrition programs, while retaining this critical safety net as a federal entitlement. The work requirement for single, childless recipients in the food stamp program is toughened.

Promoting self-sufficiency for immigrants. The plan establishes a five-year ban on most federal ''needs based'' benefits for future immigrants, with exceptions for certain categories of individuals (such as veterans, refugees and asylees) and certain programs (such as child nutrition, foster care and emergency health care under Medicaid). The plan also places a ban on SSI for all legal immigrants, but exempts current recipients who are at least 75 years of age or disabled; veterans and their dependents; battered individuals; those who have worked 40 quarters; and for a five-year period refugees, deportees and asylees. Finally, future deeming requirements are expanded to last 40 quarters, but do not continue past naturalization.

Retargets earned income credit. The Earned Income Credit is retargeted to the truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

TAXES ($130 BILLION TAX CUT; $25 BILLION LOOPHOLE CLOSERS)

Child credit. The proposal provides a $250 per child tax credit for every child under the age of 17. The credit is increased to as much as $500 if that amount is contributed to an Individual Retirement Account in the child's name.

Education incentives. The plan provides two separate education incentives. The first is an above-the-line deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an above-the-line deduction for qualified education expenses paid for the education or training for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents. Both deductions will be phased out for taxpayers with incomes above a certain threshold. The phaseout thresholds and the dollar amounts for the deductions are subject to revenue considerations.

Capital gains: Individuals. The proposal allows individuals to deduct 50 percent of their net capital gain in computing taxable income. It restores the rule in effect prior to the Tax Reform Act of 1986 that required two dollars of the long-term capital loss of an individual to offset one dollar of ordinary income. The $3,000 limitation on the deduction of capital losses against ordinary income would continue to apply. Under the plan, a loss on the sale of a principal residence is deductible as a capital loss. These changes apply to sales and exchanges after December 31, 1995.

Capital gains: Corporations. The plan caps the maximum tax rate on corporate capital gains at 31 percent. This change applies to sales and exchanges after December 31, 1995.

Capital gains: Small business stock. The maximum rate of tax on gain from the sale of small business stock by a taxpayer other than a corporation is 14 percent under the proposal. The plan also repeals the minimum tax preference for gain from the sale of small business stock. Corporate investments in qualified small business stock would be taxed at a maximum rate of 21 percent. The plan increases the size of an eligible corporation from gross assets of $50 million to gross assets of $100 million, and repeals the limitation on the amount of gain an individual can exclude with respect to the stock of any corporation. The proposal modifies the working capital expenditure rule from 2 years to 5 years. Finally, an individual may roll over the gain from the sale or exchange of small business stock if the proceeds of the sale are used to purchase other qualifying small business stock within 60 days. The increase in the size of corporations whose stock is eligible for the exclusion applies to stock issued after the date of the enactment of this proposal. All other changes apply to stock issued after August 10, 1993.

Alternative minimum tax relief. The plan conforms the Alternative Minimum Tax depreciation lives to the depreciation lives used for regular tax purposes for property placed in service after 1996.

Individual Retirement Accounts. The proposal expands the number of families eligible for current deductible IRAs by increasing the income thresholds. In addition, the annual contribution for a married couple is increased to the lesser of $4,000 or the combined compensation of both spouses. Penalty-free withdrawals are allowed for first-time homebuyers, catastrophic medical expenses, higher education costs and prolonged unemployment. The plan creates a new type of IRA which can receive after-tax contributions of up to $2,000. Distributions from this new IRA would be tax-free if made from contributions held in the account for at least 5 years.

Estate tax relief. The plan provides estate tax relief for family-owned businesses by excluding the first one million dollars in value of a family-owned business from the estate tax and lowering the rate on the next one and one-half million dollars of value by 50 percent. To preserve open space, the plan excludes 40 percent of the value of land subject to a qualified conservation easement.

Other provisions. The proposal contains a revenue neutral package extending the expired tax provisions. The plan also calls for increasing the self-employed health insurance deduction to 50 percent.

Loophole closings and other reforms

The plan includes a package of loophole closers and other tax changes designed to reduce the deficit by $25 billion over seven years. Changes include, for example, phasing out the interest deduction for corporate-owned life insurance, eliminating the interest exclusion for certain nonfinancial businesses, and reforming the tax treatment of foreign trusts. In addition, the Oil Spill Liability tax and the federal unemployment surtax are extended as part of the plan.

CONSUMER PRICE INDEX (ESTIMATED SAVINGS $110 BILLION)

The plan includes an adjustment to the Consumer Price Index to correct biases in its computation that lead to it being overstated. The proposal reduces the CPI for purposes of computing cost of living adjustments and indexing the tax code by one-half of a percentage point in 1997 and 1998. The adjustment is reduced to three-tenths of a percentage point in 1999 and all years thereafter.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS $268 BILLION)

The plan holds discretionary spending to an amount that is slightly below the fiscal year 1995 level for each of the next 7 years. This is $81 billion less than the cuts proposed as part of the Balanced Budget Act and $29 billion less than the cuts proposed by the Administration.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS $52 BILLION)

Housing. The proposal reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the federal government. It also limits rental adjustments paid to owners of Section 8 housing projects.

Communication and spectrum. The plan directs the Federal Communications Corporation to auction 120 megahertz of spectrum over a 7-year period.

Energy and Natural Resources. The proposal call for the privatization of the US Enrichment Corporation and the nation's helium reserves. It extends the requirement that the Nuclear Regulatory Commission collect 100% of its annual budget through nuclear plant fees. The proposal allows for the sale of the strategic petroleum reserve oil (SPRO) at the faulty Weeks Island location and leases the excess SPRO capacity. Under the plan the Alaska Power Market Administration, various Department of Energy assets, Department of Interior (DOI) aircraft (except those for combating forest fires), Governor's Island, New York, and the air rights over train tracks at Union Station would be sold. The plan raises the annual Hetch Hetchy rental payment paid by City of San Francisco and authorizes central Utah prepayment of debt.

Civil Service and related. The plan increases retirement contributions from both agencies and employees through the year 2002, delays civilian and military retiree COLAs from January 1 to April 1 through the year 2002, and reforms the judicial and congressional retirement. Finally, the plan denies eligibility for unemployment insurance to service members who voluntarily leave the military.

Transportation. The proposal extends expiring FEMA emergency planning and preparedness fees for nuclear power plants, vessel tonnage fees for vessels entering the U.S. from a foreign port, and Rail Safety User Fees that cover part of the cost to the federal government of certain safety inspections.

Veterans. The plan extends seven expiring provisions of current law and repeals the ''Gardener'' decision thereby restoring the Veterans Administration's policy of limiting liability to those cases in which an adverse outcome was the result of an accident or VA negligence. Pharmacy co-payments are increased from $2 to $4, but not for the treatment of a service-connected disability or for veterans with incomes below $13,190. Also, the increase applies only to the first 5 prescriptions that a veteran purchases per month. The proposal authorizes a veteran's health insurance plan to be billed when a VA facility treats a service-connected disability.

Student loans. The proposal caps the direct lending program at 40 percent of total loan volume. It imposes a range of lender and guarantor savings. The proposal does not include fees on institutions, the elimination of the grace period, or any other provisions negatively impacting parents or students.

Debt collection. The plan authorizes the Internal Revenue Service to levy federal payments (i.e. RR retirement, workman's compensation, federal retirement, Social Security and federal wages) to collect delinquent taxes.

Park Service receipts and sale of DOD stockpile. The proposal raises fees at National Parks. It directs the Defense Department to sell materials in its stockpile that are in excess of defense needs (i.e., aluminum and cobalt)—but not controversial materials such as titanium.

Long-Term Federal retirement program reforms. The plan increases the normal civil service retirement eligibility to age 60 with 30 years of service, age 62 with 25 years of service, and age 65 with 5 years of service. Military retirement eligibility for active duty personnel is increased to age 50 with 20 years of service, with a discounted benefit payable to a person retiring before age 50. No changes are proposed for the retirement eligibility of reserve servicepersons. These changes would not apply to current or previously employed federal workers or anyone who is now serving or who has previously served in the military. Although these changes will not produce budget savings in the coming seven years, they do provide significant savings over the long-term.

Mr. BREAUX. Mr. President, I reserve the remainder of our time.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 4 minutes.

Mr. JEFFORDS. Mr. President, I rise today to speak on one of the most critical issues of this Congress—balancing our Federal budget. I support the effort to balance the budget over the next 7 years. It is a task that is long overdue, one that we should have tackled long before the Federal debt began to escalate in the early 1980's. Our carelessness in financial planning is a terrible legacy to leave our children and grandchildren.

First, I want to commend the two Johns, Senator JOHN CHAFEE and Senator JOHN BREAUX. The ability to develop a budget structure agreeable to enough Senators in the middle to become a model for passage is a daunting task. It has taken hundreds of hours. It has a real chance to be the model to end the balance the budget deadlock. It is probably unrealistic to expect we can get the 1996 reconciliation package revised, but there is a real chance it can be used for the soon arriving 1997 budget.

When I voted in the House in 1986 against the balanced budget constitutional amendment I stated at the time we could not wait the number of years required to get it approved by the States. However 10 years later the situation has become much worse. Now I also realize that it is imperative we move forward without the amendment. Any further delay will greatly increase the damage to national economic stability.

The basic problem is the increasing cost of entitlement programs. These are programs outside of the appropriations process. They have increased well beyond the growth of revenues and population. In addition it appears through generosity or otherwise they have increased at a rate greater than the actual cost of living created by inflation. Our proposal recognizes this for the future. This will make additional cuts in discretionary programs such as education less necessary. But it does so in a way which may actually protect from a greater decrease which will be recommended this June by a panel of experts.

The entitlements that have provided the greater problems are in the area of health care. The increasing projected costs in Medicaid and Medicare represent about one-half of the increasing cost problem. We cannot continue to run a Federal-fee-for service system. Trying to control costs without controlling utilization has not worked. There are too many ways that costs can be shifted to these programs. Progress in this area will be controlled by more State responsibility. But those of us on committees of relevant jurisdiction must work to move to a Federal capitated system combined with utilization of private insurance methodologies and Federal guidelines to get these costs under control. It is interesting to note that in 1954 the Eisenhower administration introduced legislation along these lines when it recognized some Federal system was required. This was H.R. 8356. The purpose of the bill was ''to encourage and stimulate private initiative in making good and comprehensive services generally accessible on reasonable terms through adequate health prepayment plans, to the maximum number of people * * * (b) by making a form of reinsurance available for voluntary health service prepayment plans where such reinsurance is needed in order to stimulate the establishment and maintenance of adequate prepayment plans in areas, and with respect to services and classes of persons, for which they are needed.'' I believe this gives us a possible route implemented through individual choice to get us out of our preset health care cost mess. We must find the way to control uncontrolled cost shifts and to spread the cost of the sick over the widest base. Hopefully the Finance Committee and the Labor and Human Resource Committee will join in achieving this goal.

Mr. President, like my colleagues in this bipartisan coalition, I want a Federal budget that is balanced in an equitable manner. In reaching a balanced budget we must be careful not to cut those programs which could be counterproductive to balancing the budget. In other words, cuts in one program can result in increased costs in other programs, thus making it more difficult to balance the budget.

The bipartisan budget proposal accomplishes this goal by making the tough decisions necessary to balance within 7 years and still maintain a strong commitment to discretionary and mandatory spending. Unlike other budget proposals, this plan provides for cuts to the overall discretionary spending that are both achievable and modest. If we are successful in getting health care costs under control it should be possible to actually make needed increases in such accounts.

Mr. President, there are many important programs within the discretionary accounts that need to be maintained. The centrist group realizing the importance of discretionary spending provided modest cuts to the discretionary account.

I would like to highlight just a few examples of the importance of maintaining the discretionary accounts. One example can be seen in Federal health research spending. We are nearing discoveries and new treatments to the causes of many illnesses and diseases, such as Alzheimer's and Parkinson's. The centrist coalition provides the flexibility to maintain spending on medical research. It is well known that for every dollar spent on health research, several dollars are saved by the Federal Government. This spending on health research could allow for the potential to eliminate tens of billions of dollars in Federal health care costs over the next decade or more.

Another example of this group's commitment is in providing adequate education funding. As a group we understand that this Nation faces a crisis—a crisis which is costing us hundreds of billions of dollars in lost revenues, decreased economic productivity, and increased social costs, such as welfare, crime, and health care.

Mr. President, business leaders warn us that unless improvements are made in our educational system, our future will be even bleaker. The rising costs of higher education combined with the lower income levels of middle-income families is causing thousands not to finish college, and fewer to attend graduate school in critical areas such as math, science, and engineering. As chairman of the Education Subcommittee, I am particularly concerned about maintaining funding for education, and I have worked with my colleagues in this centrist group to ensure that adequate funding will be protected within education programs.

Finally, in order to help solve the deficit problem, and as importantly, to prevent unnecessary hardship to individuals, this group's plan protects the Federal commitment to education, health research and many other discretionary spending areas by providing the least amount of cuts of any plan yet offered.

Mr. President, I am committed to balancing this budget, but not on the backs of the poor, the elderly and our children. This budget proposal is the only plan that protects the neediest Americans while balancing the budget.

THE IMPORTANCE OF PROTECTING EDUCATION UNDER A BALANCED BUDGET

The Federal role within education is vital to the continued health of this Nation's economy. Therefore, I want to highlight the importance of providing adequate education funding. Recently, the U.S. Bureau of the Census released a report which states that increasing workers' education produces twice the gain in workplace productivity than tools and machinery. This simple but powerful finding shows that the importance of educational investments cannot be ignored. In another economic study, entitled ''Total Capital and Economic Growth,'' John Kendrick corroborates this finding. He shows that education alone accounts for over 45 percent of the growth in the domestic economy since 1929.

Americans understand intuitively that investing in education is the key to our future success, and the best possible national investment that we can make as a country. The evidence is clear: Countries which spend more on education per pupil yield higher levels of per capita GDP. Economists estimate the returns to investment in college education at over 30 percent in the 1980's. And some institutions, such as Motorola University, report corporate savings of $30 to $35 for every $1 spent on training. That is a 3000 to 3500 percent rate of return.

Several studies have concluded that a more highly educated work force is key, if we are going to balance the budget without substantially raising taxes. It is a crucial factor for increasing the Federal resource base.

People, as rational consumers, also realize that investing in their own education leads to substantially higher lifetime earnings. A person with a bachelor's degree earns over 1½ times the income of a person with a high school degree only. A professional degree brings over 350 percent higher lifetime earnings than a high school diploma in itself.

A recent study shows that over the past 20 years, only college graduates have increased their real earning potential, while everyone else lost ground. College graduates have earned 17 percent more in real wages, while the earnings of high school dropouts fell by one-third. Thus, it is clear that education is an important investment for personal as well as national competitiveness.

As our economy continues to shift from a manufacturing base toward information and services, education becomes the single most important determinant of economic success, for the individual and the country at large.

Finally, the plan recognizes we must delay tax cuts until we have taken the above actions to insure getting entitlements under control, and our priorities reordered so they are not counter productive in their results. This is end increasing the deficit, not reducing it.

Mr. President, I yield the floor.

Mr. President, this has been a wonderful experience for those of us who have participated with, as they have been referred to, ''the Johns,'' JOHN BREAUX and JOHN CHAFEE, that so many of us can get together from each party and deal with the very difficult issues that we are faced with and come up with a compromise proposal for the budget that will reach the goals took a lot of hard work. Let me just run through some of the areas that we have tackled and have hopefully come up with some solutions.

As hard as the vote was on the balanced budget amendment—and I suffered through that, having voted for it. Before, in 1986, I voted against it, then, because I said there is no way we can wait for the length of time for a balanced budget amendment to go through the States—we have to do it now. It is 10 years later and we are worse off than we were, so I voted for it. That was the easy part. Now it comes down to how to balance the budget.

The main problems that we have to deal with are the toughest ones—the entitlements. How do you take entitlements that people have depended upon and bring them in so that you can possibly get through the budget process without totally devastating the discretionary spending?

The basic one, and the most important one, is health care reform. If we do not have health care reform—and I am dedicated to working to do that—there is no way we can get the budget under control. That is half the problem. But we can get it under control if we get it out of the fee-for-service system and get it back to where it ought to be, with the regular private efforts with respect to the insurance and coverage and working with providers and ensuring that there are adequate funds for people in Medicaid and Medicare.

Other entitlements have to be brought under control, there is no question about it. Willingness to face that also requires a willingness to face the fact that we overstate the CPI and, therefore, create a worse problem every year.

But the impact upon discretionary spending—and I serve on the Appropriations Committee as well as the Labor and Human Resources Committee—makes it clear to me we also have to reorder priorities, because if we just mindlessly cut, we will make the problem worse rather than better.

I have been working very hard and working with Senator SNOWE. We brought this to the Senate this year. We convinced the Senate that you cannot cut education because one-half trillion dollars of costs in our budget right now are due to a failing of our educational system. So we have been successful working together. The moderates, I believe, on both sides have brought that one under control. We have agreed not to cut education.

Other types of things that we have to look at are training and all the other things that go into the losses because of our poor position in this world with respect to our competitiveness.

Let me just stop and point out that the priorities we must have is health care reform, and this can be done and we have to work on that, and education must be frozen. We have to start making sure that we do not destroy the base any further than it already is. Finally, we have made the difficult decision that you have to put your tax cuts in after you have brought the budget under control, not before, as we did in

the failure to bring the budget under control in 1981.

I am proud to have worked with this group. I know there are many more to come forward and support us when they examine what can be and must be done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 4 minutes to Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KOHL. Mr. President, I thank Senator BREAUX.

The balanced budget we are presenting today is balanced not only on the bottom line, but it is balanced in its political support, balanced in the sacrifices it asks from all of us, and balanced in the benefits it bestows.

Balance and fairness has not been the hallmark of previous budget plans presented to this Senate. Let me put this on a more personal level. I could not ask the people of Wisconsin to support a budget that cut their benefits while it was giving me a big tax break, and I could not ask them to support a budget designed to improve my party's chances in the 1996 Presidential election rather than their children's chances in the world economy of the 21st century. But I can ask them to support the plan we are releasing today because it is fair, it is smart, and it is bipartisan.

The budget we present today contains almost $600 billion in proposed savings over 5 years, and that is without calculating the savings in interest costs from reduced debt. Those savings are spread across almost every group in society and almost every Government program. Medicare, Medicaid, welfare, Federal retirement programs, and even Social Security are slated for spending reductions. Corporate welfare is cut. Payments to chronic individual welfare recipients are eliminated. Defense and domestic spending are brought below a freeze. Savings proposals from both Democratic and Republican balanced budget offers, affecting areas from banking to veterans, commerce to communications, are incorporated in our plan. If our plan was to be enacted, most of us would contribute an amount so small that we would not even notice, but our small contributions will add up to a big chunk of deficit reduction.

Aside from the CPI adjustment, the spending cuts laid out in our plan are approximately 60 percent from entitlement programs and 40 percent from discretionary programs which we pay for through our annual appropriations bills. According to the President's budget, our actual spending in 1996 was 60 percent for entitlement programs and 40 percent for discretionary programs. So our plan distributes the cuts in exact proportion to the size of these programs in the budget. It favors no group, no special type of program, and no political sacred cow. Again, the cuts are evenhanded, unbiased, nonpartisan—in other words, fair.

We believe that the fairness evident throughout our plan is necessary in a balanced budget if it is going to win popular and political support. We need to seek the balance in our fiscal policy that I am afraid is too often missing in our economy.

It is now a generally accepted fact that our economy is growing more unequal. What that means for the average family is that they are working harder, longer hours, and tougher jobs just to maintain the standard of living that their parents enjoyed. Between 1973 and 1993, the productivity of the American worker grew by 25 percent, and over the same period, the hourly compensation of the average American worker was flat.

That is not the story of an American opportunity that I, or any of my colleagues, grew up with. We know an American economy that values a fair day's work with a fair day's pay, and we know an America that comes together to solve big problems by sharing our burdens. We know an America where each generation has the opportunity to leave to their children a better standard of living.

Mr. President, our budget is true to that vision of America. It calls for fair and equal sacrifice. It provides for a small amount of fairly distributed benefits and, most important, it brings our deficit down to zero and stops the accumulation of debt that has buried the economic opportunities of the next generation.

So I ask all my colleagues to take a good look at this plan. Let us take this last, best chance to put aside politics and adopt a balanced budget that is real, bipartisan and fair.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Ms. SNOWE. Mr. President, I rise this morning to join more than 20 of my colleagues in presenting our bipartisan balanced budget proposal—the only bipartisan budget plan in Congress. Over the past 5 months, we have all observed the on-again, off-again budget negotiations, the two Government shutdowns, and several close calls on the debt limit.

In the wake of these fiascoes, the unveiling of our budget offers reassurance and hope, because, despite everything you have seen or heard, this package proves that Republicans and Democrats can work together and find common ground on this—the most important issue facing our Nation.

I would like to join my colleagues in thanking Senators CHAFEE and BREAUX for their leadership in bringing this group together. Without their efforts, it would not have been possible to present this bipartisan plan today.

Mr. President, we are in danger of becoming the first generation in the history of our Nation that will not leave a better standard of living for the next generation. For nearly 200 years, we took it for granted in this country that those who followed us would have a better life than we did. Well, that is simply not the case anymore.

The fact is, the United States has not balanced its budget since 1969. And today—27 years later—our unwillingness to address its problem in a meaningful way is the ultimate example of politics as usual and status quo governing. And as a result of our Government's continuing failure to live within its means, we are bequeathing a legacy of debt and darkness to our children and grandchildren.

Mr. President, the Members of this body who are presenting this bipartisan budget plan today believe that this reckless disregard for our children's future is unacceptable.

Our bipartisan group has been working today with an eye on tomorrow, because as Herb Stein of the American Enterprise Institute notes, ''The problem is not the deficit we have now, it's the deficit we will have in the next century.''

Well, Mr. President, the next century is only 3½ years away. And every day we wait, deficit spending continues, interest on the debt accumulates, and our economy moves closer to the brink. Consider these numbers:

Under current economic policies, the debt will reach $6.4 trillion by the year 2002. And according to estimates from the President's own Office of Management and Budget, the deficit will double in 15 years, then double again every 5 years thereafter. And by the year 2025, OMB estimates that the deficit in that year alone will be $2 trillion. OMB also forecasts that if we continue our current spending spree, future generations will suffer an 82-percent tax rate and a 50-percent reduction in benefits in order to pay the bills we are leaving them today. With those numbers, it's no wonder babies come into the world crying.

When six Republicans and six Democrats first gathered in Senator CHAFEE's office last December, it was out of a shared conviction that this Government has no right to leave such a crushing burden of debt to the next generation. We believe that balancing the budget is not an option, it's an imperative.

We wanted to show that if we put the interests of the American people first, our system could work, that we could produce results. And with that vision in mind, we have come together, split the differences between the President's budget and the Republican plan, and have reached agreement on a plan that balances the budget while still maintaining the priorities shared by all Americans.

Mr. President, the benefits of passing a balanced budget are enormous: Some economists estimate that a balanced budget would yield a drop in interest rates of between 2.5 and 4 percent. In practical terms, this means that the average family with a home mortgage,

a car loan, or student loans would save about $1,800 a year. And real income for the average American would increase by an astounding 36 percent by the year 2002.

Furthermore, the Joint Economic Committee projects that a 2.5-percent drop in interest rates would create an additional 2.5 million jobs. And in terms of economic growth, CBO estimates that balancing the budget would lead to a 0.5-percent increase in real GDP by the year 2002, and that over time, national wealth would increase by between 60 and 80 percent of the cumulative reduction in the deficit.

More than 20 Republicans and Democrats have already agreed that this proposal is an acceptable way to reach balance. Bipartisanship was the key to turning our shared commitment for a balanced budget into a plan—and bipartisanship will be the key to Congress moving forward and enacting a balanced budget proposal this year. And, frankly, our plan represents perhaps the last, best chance for passing a balanced budget in this Congress.

As with any balanced budget plan, there are provisions in this proposal that can be opposed by just about any person or any group. But the difference between our plan and any other plan being put forward is that this plan has bipartisan support.

Our proposal has strong bipartisan support because—unlike some other proposals on the table—our plan does more than pay lip service to providing realistic, long-term protection to our shared commitments to education, the environment, and economic growth. While other proposals rely on unrealistic cuts in discretionary spending to reach balance, our proposal does not.

Specifically, at the time our proposal was crafted, our bipartisan plan contained $30 billion less in discretionary spending cuts than the President's budget offer, and $81 billion less in discretionary spending cuts than the Republican proposal.

As a result, while other proposals would leave future Congresses with the choice of providing adequate funding for some programs while utterly eviscerating others, our proposal does not.

Mr. President, no issue is more critical to the economic future of our Nation—and the economic future of our children and grandchildren—than that of balancing the budget. In the words of John Kennedy, ''It is the task of every generation to build a road for the next generation.''

Mr. President, this bipartisan budget plan is the road toward fiscal responsibility that will give our children and grandchildren a better tomorrow. We cannot let this moment pass us by. We cannot allow the forces of politics to overcome the forces of responsibility. We must act now.

I am very pleased to rise and express my appreciation to both Senator CHAFEE and Senator BREAUX for their outstanding leadership. Without their efforts, it would not have been possible to not only assemble this bipartisan group but also to present the only bipartisan balanced budget plan in this Congress.

I think over the past 5 months, we have all observed the on-and-off-again budget negotiations, the close calls on the debt ceiling and also the two Government shutdowns. In the wake of all those fiascoes, the unveiling of our budget offers reassurance and hope that despite everything you have seen and heard, that Republicans and Democrats can come together and reach common ground on one of the most important issues facing this country.

Frankly, Mr. President, there is no more important issue to the economic future of this country than that of balancing the budget. There is no more important issue to the future of our children and our grandchildren than that of balancing the budget.

Our unwillingness to address this issue really represents, unfortunately, the ultimate example of politics as usual and status quo governing. We, as a bipartisan group, look to the future. As Herb Stein of the American Enterprise Institute said recently, the problem we have with the deficit is not now. The problem is the deficit in the next century, and the next century is 3½ years away.

Just consider the numbers. The debt will be $2.4 trillion in the year 2002. It will double in 15 years. Then it will double every 5 years. Then at the point in 2025, in that year alone, the deficit will be $2 trillion. It will require future generations to pay a tax of 82 percent and see a reduction in their benefits of 50 percent based on our current spending and economic policies of today. Our bipartisan group considered that a reckless disregard for future generations by bequeathing them that legacy of debt.

I want to point out, as far as this bipartisan budget plan, a very significant factor and one which Senator JEFFORDS touched on, and that is the issue of discretionary spending. We have been paying lip service to the most important programs we have embraced in this institution, ones that everybody talks about. That is education and the environment, for example.

Take a look at this chart, for example, on discretionary spending. We propose very realistic spending levels for discretionary spending. We took a hard freeze, which is $258 billion, and only proposed $10 billion more than that in terms of discretionary spending over the 7 years.

But if you look at the GOP offer in January and the President's offer in January, we have, for example, the January offer by GOP, $258 billion, and beyond that $90 billion in cuts beyond a hard freeze.

The President's offer is $258 billion in a hard freeze and $40 billion beyond that in terms of discretionary spending cuts. It is unrealistic. What is worse is that they postpone many of these cuts for discretionary spending to future Congresses, not even in the next Congress. It will be in the year 2001 or the year 2002 that most of those cuts will occur.

I do not think it is fair to expect that any future Congress in the year 2001 or 2002 is going to have to cut anywhere between $40 to $90 billion in additional discretionary spending in order to reach their goal of a balanced budget. You know exactly what will happen. It will not happen.

So we propose a very realistic level of discretionary spending on the very programs that we consider important to the American people, the very programs that already have been cut significantly over the last 10 years. So I hope that the Members of this Senate will look very carefully at this budget, recognizing that this is a major step forward, that it is achievable, that we split the differences to reach this common ground.

I hope furthermore that we in this Congress will not allow the forces of politics to overcome the forces of responsibility. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I yield 4 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 4 minutes.

Mr. GRAHAM. I thank the Chair.

Mr. President, I strongly concur in the statements that have been made by each of my colleagues this morning.

This is the time for public officials in Washington to stop the procrastination, bickering, the confrontation, to start the process of governing for the benefit of the people of America.

I am encouraged from reports this morning that indicate that we may be on the verge of reaching a resolution to the budget for fiscal year 1996. I deplore the fact that it took until the 25th of April to reach a budget resolution which should have been realized prior to October 1st of 1995. But later is better than never at all.

Mr. President, we are at a historic moment in terms of our opportunity to balance the Federal budget. The leadership of the House and the membership of the House want a balanced budget. The same is true in the Senate. The President wants a balanced budget. We are on the verge of producing the first balanced budget that we have had in almost two generations.

Missing this premier opportunity, muddling along into the election beyond, is a sure path for continued public disdain of our commitment and our ability to achieve an important national purpose. It would be a tragedy to let this opportunity drift away. In some ways it would be more than a tragedy, it would be a disgrace and an outrage.

It is for exactly the avoidance of those negative perceptions that the Centrist Coalition was formed, to see if

it was not possible to put together a reasonable plan to bring our Federal budget into balance and to keep it there and to do so on a bipartisan basis.

One of our principles was that if you are going to have sustained Government programs at the domestic or foreign level, that it is critical that they be premised on a foundation of bipartisanship.

Let me just mention what I think are a few of the principal aspects of this Centrist coalition budget. The budget is honest. It brings us into balance with a reasonable annual movement towards that balance. It does not postpone all the tough decisions to the last year. The budget also sustains this balance by making critical structural changes. It will help assure we stay in balance into the future.

This balanced budget will produce broad economic benefits for the Nation. Virtually every economist agrees that if we can have a balanced budget plan that we are committed to realizing that it will result in noticeably lower interest rates over the next period than those interest rates will be if we fail in this effort.

That will mean every month in the wallets of American families additional dollars that they can spend—rather than spending on interest—for their home mortgage. It will mean for young people coming out of colleges, universities, that they will have lower interest cost student loans. Virtually every American will benefit by this contribution.

Mr. President, just briefly in the moments left to me, let me say that I particularly worked on the section of this budget plan that relates to Medicaid. It is a complicated area, which our recommendations will be explained in more detail later.

But basic principles that will be preserved in this important area include the safety net for low-income and elderly Americans. A continuing Federal role in assuring that safety net is maintained. But substantial additional flexibility is given to the States in order to innovate and to assist in realizing the significant savings which we think are possible in this program.

This balanced budget will help preserve access to health coverage to 37 million Americans. It gives Medicaid a shot in the arm—while at the same time reducing costs by $62 billion dollars.

Some reformers have seized upon this budget debate as a way to abolish the Federal role in Medicaid. Others steadfastly defend the status quo, saying that Medicaid needs no medical attention whatsoever. Both approaches are wrong. Medicaid doesn't need major surgery. But it could use some preventative care to continue its efforts into the 21st century. Our budget does that.

Several months ago, the National Governors Association proposed a bipartisan plan to tend to Medicaid's infirmities. We share many of the Governors' goals.

First, we agree that mending Medicaid—and balancing the budget—depend on using aggressive therapy to control rising Medicaid costs. Our plan's savings will go a long way toward making Medicaid more efficient and balancing the budget.

We agree that one of the best ways to reduce costs is to give states more freedom to design, create, and innovate. In our plan, that means no more waivers for managed care, home care, and community based care. It means repeal of the Boren amendment. And it means dozens of other measures to encourage flexibility and state innovation.

Like the Governors, we feel strongly that the basic health care needs of our Nation's most vulnerable populations must be guaranteed. That means protecting the Federal-State partnership that has so successfully provided for the health care needs of low-income Americans.

But we take this goal one step further. Thanks to Medicaid, 18 million children have access to hospital, physician care, prescriptions, and immunizations. We can't throw that away.

So even though the Governors' plan scales back coverage to children under 133 percent of the poverty line, we maintain Medicaid's historic guarantee to cover children under 185 percent of the poverty line. Our children deserve healthy and safe lives.

We also agree with the Governors that Medicaid must lose its addiction to old budgets and old demographics. Most of the Medicaid officials who created the program are no longer around. But their 30-year-old statistics and funding formulas still serve as the basis for Medicaid policy decisions.

In this new era, we must adopt new thinking. Medicaid funds should follow health care needs. States must be protected from unanticipated program costs resulting from economic fluctuations, changing demographics, and natural disasters.

Because our centrist plan is all about balancing the budget, we adopt an additional principle. We protect the Federal Treasury from Medicaid fraud and abuse.

In the 1980's Medicaid created the Disproportionate Share Hospital [DSH] Program to assist hospitals with large numbers of low-income patients. Some States saw this as a way to reduce their contributions to Medicaid. Others saw it as an opportunity to transfer Federal Medicaid dollars to other priorities.

As a result of this abuse, Federal Medicaid costs exploded. Congress implemented aggressive defensive therapy and cracked down on Medicaid abuse. Yet incredibly, Congress is now considering the repeal of those laws we passed to crack down on abuse. That won't help to control costs. It won't help us balance the budget.

It is high time for us to produce the balanced budget the American people deserve. For more than 20 years, Washington has been asleep at the wheel while the Federal budget has headed over the cliff.

Let's stop being modern-day Rip Van Winkles. Now is the time for reasonable, bipartisan compromise. Now is the time to balance the budget.

So, Mr. President, I conclude by commending my colleagues who have joined in this effort who have provided such effective leadership. We do not purport that this is Biblical. This is the product of men and women, fair-minded, trying to develop a compromise in the best traditions of democratic government. We hope that this will serve to stimulate others to move forward and bring a plan for a balanced budget to the American people in 1996.

I thank the Chair.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, first I would like to pay tribute to Senator JOHN CHAFEE of Rhode Island. Whether the issue is health care reform or indeed dealing with a balanced budget, JOHN CHAFEE has been in the forefront. He has demonstrated the kind of leadership that he demonstrated many years ago at Guadalcanal.

He has continued to take the lead on tough issues, joined by Democrats who show a similar amount of courage. I am thinking of JOHN BREAUX, BOB KERREY of Nebraska, and so many others who are here on the floor today. Without that kind of leadership, we would not be able to forge this bipartisan consensus. I take my hat off to Senator CHAFEE for the courage he has shown over the years.

People are disenchanted with politics and politicians today. I think there is a good reason for that. Because we have been drawing profiles in cowardice. We have failed to tell the people, in Walter Lippmann's words, ''What they have to know and not what they want to hear.'' As a result, we have misled them over the years by promising them more and more without the corresponding obligation they have to pay for those promises.

We are where we are today because we have misled them. And so this represents a break in that particular tradition. The role of success in the past has been to keep promising more and more and never having to pay for it. Borrowing from our children, sacrificing their future, all the while paving our way to electoral success. What this group is saying is that has to stop.

I was looking at an article last evening in the Atlantic Monthly. I call all of my colleagues' attention to it. It was written by Pete Peterson, the president, founder of the Concord Coalition. He has been writing about this for years now. The article—I will just quote a couple of things from it. It is one of the most powerful and persuasive cases one could possibly make about the need for this kind of proposal.

He quotes from Herbert Stein saying: ''If something is unsustainable, it tends to stop.'' Or, as the old adage advises, ''If your horse dies, we suggest you dismount.''

Then he goes on to cite some really overwhelming statistics. My colleague from Maine, Senator SNOWE, mentioned some of them. I am just summarizing it. Basically it says that if the Social Security trust fund and the Medicare hospital insurance, if they remain as they are, the combined cash deficit in the year 2030 will be $1.7 trillion. In other words, the horse will be quite dead. By 2040 the deficit will probably hit $3.2 trillion, and by 2050, $5.7 trillion; and even discounting inflation, without counting inflation, the deficit that year for these two senior citizen programs will approximate $700 billion or nearly four times the size of the entire 1996 Federal deficit.

The numbers are staggering. The demographics are overwhelming. Consider the fact that in just 4 years 76,000 Americans are going to live to be 100 years old, the baby boomers, out of the baby boomers more than 1 million will reach the age of 100. In just four decades one-fourth, 25 percent of our population, is going to be over the age of 65 and our nursing home population is going the double. The demographics are simply overwhelming.

If we are looking at tax increases, while both parties are talking about tax cuts, tax increases by the year 2040, the cost of Social Security as a share of worker payroll, is expected to rise from today's 11.5 percent to either 17 or 22 percent. If you add the Medicare Program, the workers will be paying between 35 and 55 percent of their payroll just for those two programs, not counting anything else in the entire Federal budget.

The numbers are overwhelming. It is as if, Mr. President, we were told by our scientists that a giant meteor is rocketing its way toward Earth. It will arrive in about 10 or 15 years. When it strikes, it will destroy all life in the United States—maybe the entire planet. What would our reaction be? Ignore it? Say it is a lie? Or it is inevitable and nothing can be done? Besides, we will be dead and it will not matter. It is our children and our grandchildren's problem; let them contend with it. Or would we exercise the kind of courage and vision that, say, a John F. Kennedy did when he said, ''In the next decade, we are going to put a man on the moon.''

That is the kind of courage and vision we need to start exercising now. We need to say there is a giant meteor coming and we need to build something that will destroy it before it destroys us. That is the reason we are here today. I commend my colleagues, Senator CHAFEE, Senator KERREY, who has been a leader in facing up to the issues of the needs of reform in our Social Security system, which is a third rail of politics, and all the other colleagues on the floor. I commend each of you for your effort to reach a bipartisan consensus on what we have to do to destroy that giant meteor that is out there heading this way.

Mr. BREAUX. I yield 4 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I, like my other colleagues, want to praise both Senators CHAFEE and BREAUX for keeping this group on task and hope that this proposal, this bipartisan proposal, equally divided between Republicans and Democrats, will provide a foundation upon which this Congress can act to enact a balanced budget plan sometime yet this year.

I will focus my attention on the reforms in this proposal that address the unsustainable growth of entitlements that the distinguished Senator from Maine earlier referenced. There are three pieces to this proposal that will be regarded by many as controversial and by many as impossible to do.

This chart is not a birthday cake here to my left, as the Senator from Louisiana joked earlier. This represents the kind of cuts that are going to be required in discretionary spending over the next 7 years. In the agreement just announced last night between the White House and the Congress, rather than cutting or raising taxes, we essentially sold 4.7 billion dollars worth of assets in order to be able to balance the budget—in order to be able to get an agreement, because nobody wanted to cut any deeper. Very few people want to cut deeper in discretionary programs. Next year, we will have to do 28 billion dollars worth of asset sales. By the time you get down to the seventh year under the President's balanced budget plan—let me applaud the President, I appreciate very much that he has a plan on the table because I think it is helpful—$91 billion in discretionary spending, defense and nondefense. It is impossible.

I do not think there is anybody in this body that can come up with a list of things they would cut today of $91 billion. What that means is we are kidding ourselves. What it means is if you do not want to raise taxes, you have to go under the entitlement programs to be able to take the pressure off of discretionary spending. Even still, as the bipartisan proposal shows, even still we are suggesting substantial cuts in discretionary programs that will be very, very difficult to implement.

My guess is these modest changes in entitlements that will be regarded as draconian and difficult, and there will be a wail of protest to change the CPI down one-half of 1 percent. That saves $100 billion over 7 years. We will hear all kinds of rationales and reasons why that cannot be done. All kinds of numbers will be put forth, and horror stories will be told as to why this change in the Consumer Price Index should not be enacted.

In the alternative, you will have to do this sort of thing, or even worse. For those who oppose it, those who say, ''No, I do not want to do it,'' the first question for the citizen needs to be, then, does that mean you support these deep cuts in education, these deep cuts in investment, deep cuts in defense, deep cuts in law enforcement? Is that what you are supporting?

You cannot merely oppose this. You have to come up with something that you will substitute in its place. Perhaps, the Member of Congress or the citizen supports a tax increase. Let them. Let them say so. Do not just stand and say, ''Gee, I do not want to adjust the Consumer Price Index because I will have an interest group or individual who says I do not want to take less.'' That is basically the formula here.

We are on a course, as the Senator from Maine described, as a meteorite. We are converting our Federal Government into a transfer machine. We have an unprecedented event that begins in the year 2008: The largest generation in the history of the country, the baby boom generation, begins to retire. It is not like anything we faced in the past. We cannot afford to wait until we reach crisis.

The second and third things that are done, we adjust the Medicare eligibility age to correspond with Social Security eligibility age, and we adjust civil and military service retirement age for future employees of the Federal Government of the armed services.

I hope to have a chance to come back as the coalition builds. I urge colleagues who will hear from citizens saying ''do not support the Consumer Price Index change, do not support Medicare eligibility change, do not support adjusting civil and military service prospectively,'' I urge my colleagues to keep the powder dry. In the alternative, this is the sort of thing you will end up having to support.

I applaud the junior Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, for their leadership.

Mr. CHAFEE. I yield 3 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, with a modest degree of courage and a generous share of good will, this bipartisan report may well be remembered as a landmark in political and economic history of the 1990's.

Personally, I never believed that we would reach the goal of a balanced budget except during the first 6 months of a new Presidency, in which that President made it his highest priority. In spite of that belief, last year we almost did so with a Republican proposal that would, in fact, have balanced the budget. That proposal was rejected by the President, but, nevertheless, it moved us forward on the right road. It was followed by a proposal by the President, and another by Democrats in this body, that moved the two sides closer together but still left a great gulf between them.

Now, working together, we do have a proposal before the body this day for a very real balanced budget, a very real balanced budget based on the reform of entitlements which are both expensive and expansive and which will ultimately destroy the financial security of this country. Modest in some areas, dramatic in other areas, yet, nevertheless, will do the job.

Now, Mr. President, to many people in the United States, all of whom basically support a balanced budget, it is, nevertheless, something of an abstraction—a good to be sought but not one well understood. Perhaps the most important part of this budget proposal is the dividend that it will pay not just to the Government of the United States but to the people of the United States. Perhaps as much as a quarter of a trillion dollars will end up being saved by the Federal Government in lower interest payments on the national debt and in greater revenue collections from a more healthy and vibrant American economy.

At least three times that much will be paid in a dividend to the American people in lower interest rates on their homes and on their automobile purchases and in higher wages from more and better jobs. A good estimate will be that every family, the average family in the United States, will be $1,000 a year better off if we do this than if we do not do it. Of course, if we do not do it, the downside over the decade will be immense.

We owe a great debt of thanks to the two JOHNS, Senator CHAFEE and Senator BREAUX, who have led this effort, but leading it to success will require that courage and that good will.

Mr. BREAUX. How much time on our side remains?

The PRESIDING OFFICER. The Senator has 9 minutes and 40 seconds.

Mr. BREAUX. I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Louisiana and my friend and colleague from Rhode Island for the leadership of this group.

Mr. President, it has been an honor and a pleasure to participate in this bipartisan group to achieve a balanced budget.

This group has been meeting for nearly 6 months in an effort to come up with a budget that balances in 7 years.

We started with the premise that coming to balance in a bipartisan way is not an impossible task. But, it certainly was painful at times. The cost of not pressing ahead to come to balance will hurt even more in the long run. And I very much believe the economic benefits of trying to come to balance make those tough decisions about slowing spending that much easier.

I am particularly pleased with the efforts this group has made to address the growth in entitlement programs in both the short and the long term. Some of these changes will produce no savings in the 7-year budget window we are talking about. But they are much needed reforms and they will save a lot of money in the longer run.

The package we are discussing here today contains smaller cuts in discretionary spending than any of the other major budget balancing plans that have been presented to date. The discretionary spending cut number contained in this plan is far more realistic than the numbers that have been floated in other plans. As we all know, these spending cut targets will need to be met year by year through the appropriations process. As any member of the Appropriations Committee can tell you, making dramatic cuts in discretionary spending is like trying to get water from a stone. There is just not a lot of slack there anymore.

We need to go where the money is and that is in the explosive growth in entitlement spending. If we don't get a handle on this spending, we can forget about doing all of the things we believe the Federal Government ought to do. Things like improving education and building roads. Like providing for a national defense. Like keeping our air and water clean. As Matthew Miller observed in the New Republic, ''At this rate, by 2010, when the baby boom retires, entitlements and interest on the debt will take up all available revenue, meaning there won't be a cent left for the FBI, the Pentagon, (or) the national parks . . . Nor will there be a dime to bolster our lagging R&D, education and infrastructure investments, where we've trailed Germany and Japan for years.'' That is just the beginning. As Miller points out, ''Then if it's possible, things get worse.''

The critical need to control entitlement spending in this bill is growing. We learned earlier this week that Medicare's Hospital Insurance Program lost $4.2 billion in the first half of this fiscal year. This trust fund, which pays hospital bills for the elderly and disabled, lost money for the first time last year since 1972. But the loss last year was $35.7 million for the year, not $4.2 billion for half the year.

The bipartisan plan adds an element of fairness to the voluntary portion of Medicare. We ask those who have more to pay more for this valuable benefit. The group has looked at recommendations made by the Boskin Commission on adjusting the consumer price index. That commission believed the adjustment should be in the neighborhood of 0.7 to 2. By this measure our proposal is cautious in its recommendation of less than a 0.7 change in the CPI.

We have also consolidated the existing welfare programs into a block grant to States which will give States the flexibility they need to come up with innovative ways to help get the poor out of the welfare system and into the capitalist system.

This budget package also contains a number of important tax provisions. We have included $130 billion in tax cuts in our package as well as $25 billion in corporate loophole closers. It is no secret that not everyone believes we need a tax cut at this time. Indeed, not everyone in the bipartisan group believes now is the time for a tax cut but we all recognized the need to compromise if we intended to put together a package that could actually pass. Personally, I think it important to include tax cuts, particularly in the broader context of why we want and need to balance the budget. Probably the most compelling reason for us to balance the budget is to minimize the dissaving which budget deficits represent. With an unsettlingly low savings rate in this country, the last thing we need is to add to that problem through government deficits. We very much need to boost savings and make that money available for investment which is essential to improving productivity, competitiveness and ultimately to creating jobs and increasing real wages in this country. I am delighted that the tax package we have put together contains genuine incentives for savings and investment and I think such a package adds to, not detracts from, this budget proposal. In the interest of full disclosure, I should also reveal that my home State of Connecticut labors under the highest per capita tax burden in the country, making tax relief all the more important to me.

In particular, the bipartisan tax package contains a variation on a proposal that Senator BOB KERREY and I have been working on, called ''KidSave.'' The bipartisan package allows parents to take a $250 credit for each of their children under the age of 17. However, if a parent agrees to set aside their credit in a retirement savings account for their child, that credit is doubled to $500. These retirement accounts would follow virtually all IRA rules with one exception: We would allow children to borrow against them for their higher education.

Thanks to the wonders of compound interest, $500 a year invested for 17 years in a child's name at 10 percent growth a year, the average growth over the last 70 years, will yield over a million dollars by the time the child reaches age 60. That's great news for parents and kids. And it is also great news for our economy since we need to take strong steps to increase our drastically low savings rates. The bipartisan proposal would also allow parents whose income exceeds the income limits on the credit to set aside up to $500 in after-tax dollars in a KidSave account and reap the benefits of the tax-free build-up of these dollars. Under current law, it is very difficult to set up an IRA for a child since most children do not have the earned income needed to qualify for a retirement account.

The bipartisan proposal also contains a 50-percent reduction in the capital gains tax for individuals as well as a drop in the corporate capital gains rate to 31 percent. This section also allows for the deduction of a loss on a personal residence sale and a 75-percent capital gains exclusion for qualified small business stock. These proposals are very similar to those contained in S. 959, a bill I have cosponsored with Senator HATCH from Utah. We should all keep in mind that the benefits of a capital gains cut will flow to millions of Americans of all income groups—to anyone who has stock, who has money

invested in a mutual fund, who has property, who has a stock option plan at work, who owns a small business. That represents millions of middle class American families. And these are just the direct beneficiaries, not even counting the many middle and lower income people who will get and keep jobs thanks to the investments spurred by a capital gains tax cut.

In addition, our proposal expands the availability of tax deductible IRA's and allows for penalty-free withdrawals from those accounts for a number of reasons. We have also included two higher education tax incentives, some significant AMT relief, estate tax relief, an increase in the self-employed health deduction to 50 percent and an extension of the expiring tax provisions.

Taken together, these tax cuts will encourage investment and savings which will in turn stimulate economic growth in this country. That growth will generate jobs and those jobs will generate greater revenues. And of course, that revenue will make it easier for us to balance the budget.

When all is said and done, I believe this is a thoughtful and meaningful set of tax provisions. They are part of a larger budget package which is thoughtful and meaningful as well. I hope that this Chamber will consider taking up this package, or something quite similar to it, in the weeks and months ahead. To not do so, would be passing up a tremendous opportunity. I hope we won't do that and I would encourage my colleagues to join us in our effort to move this bipartisan budget forward.

Mr. President, it is April 25, 1996, and we are pleased to note this morning that our respective leadership and the White House have agreed, 7 months into fiscal year 1996, on a budget for fiscal year 1996.

This is unprecedented and obviously regrettable. It has been tumultuous for those who work for the Federal Government. But, on the other hand, I would like to think that all of us have learned something from the travails of this year, the long and twisted path that we have followed, to finally be at a point where we can adopt a budget for fiscal year 1996. I hope we will take what we have learned and apply it to the broader challenge and opportunity we have to adopt a program to take us to real balance by a date certain.

Can we do it? Well, 22 of us are here this morning, Republicans and Democrats who worked side by side, dropping our party labels and agreeing that we are all Americans, and that we have a common problem here, which is to take our country out of debt and to thereby help our economy grow. This group of 22 was able to do it. And we hope that this proposal that we are presenting this morning will filter out to our colleagues in both parties and up to the leadership of the Congress and the White House to give them the confidence that they, too, can work together to bring our budget into balance. This is exactly not only what America's future demands, but what the American people want today.

Mr. President, I want to focus for a moment on the provisions of this package that deal with tax cuts. Tax cuts are controversial. Some people say—particularly on my side of the aisle—''Why have tax cuts if you are trying to balance the budget?'' But this group, wanting to present our colleagues with a package that had a chance of passage, included substantial tax cuts—$130 billion in tax cuts over the 7 years. I believe very strongly that these tax cuts are consistent with our aim of balancing the budget and, particularly, consistent with the desire that drives the movement to balance the budget. And that is the desire to get America growing—to create and protect jobs for average working Americans.

We have in here a capital gains tax cut, a 50-percent cut on the individual side, one that I think will unleash billions of dollars of capital in the private sector and create the kind of momentum that can raise our national rate of growth from the anemic place we have been, up a half point, up a full point, to create millions of new jobs and greater wealth in our country.

Mr. President, we have some incentives here for greater savings, expanded individual retirement accounts. And, Mr. President, we have some relief for the middle class. People talk about wage stagnation of the middle class. What is the best way to help overcome that wage stagnation? Put a little more money in the pocket of working families with children. Under our plan, parents can take a $250 credit for their children or agree to set that money aside in a KidSave account for that child's higher education and retirement and receive $500.

Mr. President, this is a good, strong program. These tax cuts are a vital part of it.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as I stand here today with my colleagues discussing a new plan to balance the budget, I can guess what many Americans are probably thinking: ''Here they go again.''

The budget has been the catalyst driving our agenda for more than a year, from our vote on the balanced budget amendment to the debates over the budget resolution, budget reconciliation package, and annual spending bills. Haven't every one of us, Republican and Democrat, stood up on this floor and professed—repeatedly—our support for a balanced budget? Why then don't we have a balanced budget?

I can guess something else Americans are thinking, because I hear it from many Kansans: We should run Government as we'd run a business, and balance our books. I agree, Mr. President, but it is more complex than that, for better or worse, and it is part of the reason we still do not have a budget agreement.

When we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or their consequences. Finding middle ground becomes a challenge of its own. Yet we cannot allow the enormity of our task—or the controversy surrounding it— to scare us away from trying to restore sound fiscal policy.

Because we are discussing an endeavor of broad national significance, I do not think we can overemphasize the importance of fairness. The vast majority of Americans say they are in favor of balancing the budget, whether or not they realize what it means for programs they might like. We all talk about tough choices here, but I think we have seen that Americans are not likely to accept those tough choices unless they are convinced they also are fair. And that is what this budget is—tough but fair.

It is tough on welfare, placing a 5-year lifetime limit on benefits. But it also keeps a safety net in place for children. For example, we would allow States to ease work requirements for parents who cannot find child care for children who are not yet school-aged. In my mind, Mr. President, that's fair.

Neither is the plan selective in its toughness. One thing we all hear when we talk to constituents is that Congress must not exempt itself from these tough choices. I agree, and have been pleased to see us turn a discerning eye on ourselves—foregoing, for example, our automatic cost-of-living increases for 3 years running, as well as reducing overall spending for the legislative branch by 9 percent last year. This budget proposal, which calls for increases in retirement contributions from Federal agencies and employees, also reforms judicial and congressional retirement by conforming their accrual and contribution rates to those of all other Federal employees. Once again, a necessary and fair step.

This budget is tough but fair when it comes to discretionary programs as well. By holding discretionary spending to a level slightly below fiscal year 1995 for the next 7 years, we can achieve savings without crippling important programs, from education and crime control, to housing and transportation. In any case, it is not discretionary spending that poses the real long-term challenge to balancing the budget. That challenge comes from rapidly growing entitlement programs.

We do not ignore that challenge in this budget, making significant reforms to small and large programs, including Medicare and Medicaid. Both of those vital programs would continue to grow, but at a more manageable pace. And the way we would find savings would be fair. From Medicare, for example, we have found a balance between reforms that affect providers and those that affect recipients. Throughout this process, I have said that we

should not go too far in cutting provider payments. If we do, we cannot expect that Medicare beneficiaries will continue to have access to high-quality health care services, especially in rural settings.

Our budget proposal is tough on taxes, too, eliminating unnecessary deductions and making other tax reforms to save $25 billion. We would give the Internal Revenue Service authority to deduct payments from the Federal wages, retirement checks, or Social Security checks of delinquent taxpayers. That is a tough proposal, Mr. President, but it is only fair to millions of conscientious Americans who faithfully pay their taxes.

Those reforms and others in our package allow us to propose modest but important tax cuts to middle-class families in the form of a $250-per-child tax credit. The credit could be increased to as much as $500 if parents contribute to an individual retirement account in their child's name. The package includes deductions for educational expenses and the interest paid on student loans, and it also offers important incentives to investment and growth.

A few years ago, I worked on another bipartisan piece of budget legislation, that time with Senator GRASSLEY and Senator BIDEN. You might recall that we would have frozen all Federal spending for 1 year. We did so knowing at the time that such a proposal might be viewed as austere or even rash, but then, as now, our budget crisis warranted a bold step. The idea of fairness, of every program contributing its share toward a goal that eventually would benefit them all, was appealing to me, as it was to many Americans.

This budget proposal, while not taking the shape of a formal freeze, retains that appeal for me. It is a budget that calls for shared responsibility, that neither heaps the burden of that responsibility on a single group nor exempts others from doing their share.

Moreover, the shared responsibility will pay off in the end. The tough choices we make today will preserve fundamental programs for the future. But the longer we delay, the more drastic the steps will become to keep even the most essential services viable. Senator SIMPSON talked about this on the floor earlier this week, as he and Senator KERREY have many times before. If we do nothing, in less than 20 years our choices will be made for us, because by then, all of our revenues will be consumed by mandatory spending. We will be forced to react with huge tax increases or draconian entitlement spending cuts. Then, our choices will not be tough—they will be impossible.

We can avoid that impossible situation. There is no denying that this bipartisan budget is tough, but it is fair—fair to seniors, fair to working families, fair to people struggling to get back on their feet, and above all, fair to our young people and our future. For them, the ultimate in unfairness is inaction. Let us be fair to them and consider this budget proposal as a serious step toward fiscal responsibility.

Mr. President, I commend Senator CHAFEE and Senator BREAUX, who have long been guiding lights in attempting to pull together a bipartisan effort for a balanced budget. I am sure there are many eyes that glaze over at this point as we talk about a budget once again and a balanced budget and say, ''Here they go again.'' But I would like to suggest, Mr. President, that this was a missed opportunity. We must pull together to lay out a roadmap for our country in the future, because everyone desires sound fiscal policy and wants to see our goal of a balanced budget. A budget is a catalyst that really sets our agenda. It establishes our priorities. It provides a roadmap.

Some people say, ''Well, why can you not get to a balanced budget? We have to balance our budget in our businesses. We attempt to balance our budgets in our homes. Why, then, do we not have a balanced budget?''

I think that one of the reasons is that when we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or the consequences. Finding middle ground becomes a challenge to everyone. Yet, we cannot allow the enormity of our task or the controversy surrounding it to scare us away from trying to restore sound fiscal policy.

What I believe the initiative does that we have before us in this budget presentation is fairness and tough choices. It touches everybody, and that, perhaps, is one of the reasons that I think we can come together and say we have not set one group or another group aside. It makes changes that will affect everyone. This takes us to a balanced budget.

Is it important to us today, as we struggle with many issues, but all issues really are reflected in our budget. I think, most of all, what it says is that we can accomplish something here and accomplish it in a fair way, a tough way, and a bipartisan way. It will be in the best interest not only of today, as we provide priorities and initiatives in our policies, but for the future.

I suggest, Mr. President, that if we fail now, we will have failed for the future generations. That is why I think this is a monumental opportunity and a challenge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to add my words of thanks to the Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, who led this effort to address what I believe is the most important question facing America.

What we do here will largely determine the economic future for us and for our children. That is the stakes of the debate that we have embarked upon.

Mr. President, the hard reality is that we are facing a time bomb in this country. It is a demographic time bomb. It is the time bomb of the baby boom generation. The baby boom generation begins to retire very soon now. They are going to double the number of people who are eligible for Social Security, for Medicare, and the other entitlement programs.

We know what that means. There is no mistaking the future if we fail to act. The Entitlements Commission told us clearly, if we stay on our current course, by the year 2012, every penny of the Federal budget will go for entitlements and interest on the debt. There will be no money for roads. There will be no money for defense. There will be no money for parks. There will be no money for item after item that is important to the American people.

Mr. President, the Entitlements Commission also told us that if we fail to act, future generations will face either an 80 percent tax rate—an 80 percent tax rate—or a one-third cut in all benefits. Mr. President, that is a catastrophe. We have a window of opportunity—a narrow window of opportunity—to get our fiscal house in order before that calamity occurs. Our generation will be judged based on how we respond.

Mr. President, future generations will curse our generation if we fail to act. What this group has said is there is a way. We can do it. We have demonstrated the way. On a bipartisan basis, 22 Senators came together and wrote a plan that will strengthen the economic future of America.

Mr. President, it will mean more savings, more investment, stronger economic growth, more jobs, and a brighter economic future for our children. We can do it. We must do it. We have the opportunity to do it, if we have the courage to escape our narrow, political, partisan trenches that have prevented us from doing what must be done.

I thank the Chair and yield the floor.

Mr. CHAFEE. Mr. President, I have a little bit of time. Whatever time I have left I yield to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield 2 minutes to the Senator from California. We are going to do this again, I say to my colleagues, hopefully on Tuesday morning,

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, having been in this body for 3 years, one thing has become a truism for me with respect to a balanced budget. If it is a Republican plan, the Democrats are going to oppose it. If it is a Democratic plan, the Republicans will oppose it.

We have traveled various roads to get there over the last year, but we have

stumbled in our efforts to make some very difficult choices and there will be a heavy price to pay for these mistakes.

But the ultimate price will be paid by the American people—our children and grandchildren—if we do not put our economic house in order.

Therefore, it seems to me that, if we believe what the distinguished Senator from North Dakota just pointed out—and I do—that for the sake of our future and our children's future, we must act and act now. If we fail to take this opportunity to change the unsustainable present course, the next generation will face either an 82-percent tax rate or we will be cutting benefits by 33 percent across the board.

What is clear to me is that the only way to solve the problem is in a bipartisan way. Therefore, I, too, want to salute the Senator from Rhode Island and the Senator from Louisiana for their leadership because without it you would not have a document to which 11 Republicans and 11 Democrats now subscribe.

The U.S. Government has not balanced its budget since 1969. Since then, the Federal debt has risen to $5 trillion. Interest on the debt alone is over $260 billion a year.

By one measure, all the personal income tax paid by people living West of the Mississippi wouldn't even pay the interest on the debt.

Today, the two fastest growing parts of the budget are: First, entitlements, such as Medicaid, Medicare, Social Security and Federal retirement programs, and second, interest on the debt.

I think all one has to do is take a look at expenditures of the Federal Government. In 1969, entitlements were 27 percent of the budget. In 1995, entitlements were almost 52 percent of the budget. Therefore, in the future, entitlements by the year 2003 and net interest on the debt alone will total more than 70 percent of the outlays.

Discretionary spending—the budgets for the Department of Justice, NASA, Veterans' Affairs, the Environmental Protection Agency, to name just a few—has shrunk from 21.3 percent of the budget in 1969 to 18.2 percent in 1995, and we are continuing to cut. Our discretionary spending has been brought under control, but entitlement spending has not.

What these charts tell you, is that, if we don't reign in the cost of entitlement programs, we could not cut enough discretionary spending to balance the budget.

Even if we eliminated the entire Departments of Justice, Health and Human Services, Education, Agriculture, Veterans Affairs, Transportation, the Environmental Protection Agency, and NASA—we couldn't balance the budget without cutting entitlements.

So this is the problem we have been trying to solve. And it's not academic—the budget deficit is a problem that affects people.

Increases in the Federal deficit mean higher interest rates. It means buying, or refinancing a home costs more. It means borrowing money for business, school or a new car is more expensive.

It saps the private sector's ability to borrow funds in order to grow and create jobs and when businesses can't borrow money to modernize or expand productivity—the economy and employment suffer. Small businesses, who don't sell stock to raise money and may have to borrow to fuel growth, are the ones who suffer the most.

The Centrist Coalition proposal balances the budget from the middle, drawing from Republicans and Democrats alike.

The Centrist plan provides targeted tax cuts of $130 billion—not as much as the Republicans wanted, but more than the administration offered—aimed at helping families, such as a ''KidSave'' a child tax credit coupled with an IRA, other IRA reforms, and tax breaks for education.

It includes tax provisions to encourage economic growth, like capital gains reform for businesses and individuals, and the extension of the R&D tax credit.

It provides an estimated $154 billion in savings from Medicare—again, not the steep cuts in the Republican proposal, but farther than the Administration was willing to go.

It saves an estimated $62 billion in Medicaid, and $54 billion in welfare spending—providing more latitude for States to further our goals of reform, but retaining Medicaid as the health insurance safety net for elderly, the disabled, AIDS patients and low-income Americans.

The Centrist plan maintains Federal quality standards and enforcement mechanisms in nursing home care, such as required staff-to-patient ratios and commitments for patient privacy.

Balancing the budget is an exercise in setting priorities. This plan may not have everything I want. It includes some things I do not support. However, this plan achieves our goal of balancing the budget in 7 years, and represents a strong, bipartisan effort to do what s right—reigning in spending, protecting our most vulnerable citizens, and investing in our future. This is a fair and good plan. I am very pleased to support it.

I thank the Chair.

Mr. BREAUX. Mr. President, I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will try to take less time than that.

I congratulate Senator CHAFEE, Senator BREAUX, and others who have worked on this proposal. It is truly a bipartisan proposal. This is the last train in town. If this does not go, if we do not get people to rally around this, then we are not going to get a deal this year. It does not have to be every word of this. But this is a framework, and I think our colleagues recognize that.

Mr. President, I will add one other word. If we get the balanced budget for 7 years, as this proposal would do, we have still a long way to go. This Congress and this country has to look at a 20- to 30-year fiscal picture. We will have to set in motion things now that can be implemented very gradually and very slowly. We have to reform Social Security. We have to reform Medicare. We can do it very gradually where people do not get hurt, and also for those who are near retirement and certainly for those who are already retired. But we have to address it for generations. To balance the budget by the year 2002 is not enough because it can get out of balance right after that and be back in the same picture.

I thank the Chair. I particularly thank Senator CHAFEE and Senator BREAUX for their sterling leadership.

Mr. BRYAN. Mr. President, as one of the original 22 members of this bipartisan coalition, I support of the Centrist Coalition's 7-year balanced budget proposal as a sound, moderate approach to a problem begging for a solution.

Mr. President, this balanced budget proposal came about because evey member of the bipartisan coalition took it upon themselves to find a solution to the budget impasse that grips this country. During last year's budget cycle, responsible spending decisions were buffeted about by the winds of political rhetoric. This group of Senators is concerned about the future of this country, and about what failure to balance the budget today can do to burden the lives of our children and grandchildren tomorrow.

Our coalition considered a number of balanced budget proposals. We looked at the President's budget proposal, the National Governors Association's budget recommendations, and at the House and Senate versions of the budget bill. We included elements of each proposal in our final plan.

We took the time to hammer out a bipartisan compromise on every facet of the Federal budget. I believe this plan represents the greatest chance this country has to enact balanced budget legislation.

Our burgeoning Federal debt is the greatest crisis facing our Nation today. It is gobbling up our savings, robbing our ability to invest in infrastructure and education, and saddling our children with an enormous bill that will eventually have to be paid. The interest payments on the debt consume dollars that could otherwise go for urgent needs such as infrastructure and education.

As late as 1980, our national debt was less than a trillion dollars. A decade later it had more than tripled and today exceeds 4.9 trillion. Simply limiting the Government's ability to borrow is not enough to achieve deficit reduction or to control the compounding interest on the national debt. According to CBO, ''significant deficit reduction can best be accomplished by legislative decisions that reduce outlays or increase revenues.''

When I took the oath of office in 1983 as Governor of the State of Nevada, the Nevada State Constitution required a balanced budget. The necessary, excruciating task of balancing the State budget took strong executive and legislative leadership. Those tough decisions were made, and each year the State budget was balanced.

Nevada is not alone in requiring a balanced budget; in fact, many States across the Nation require Governors to submit, and legislatures to pass, budgets that reconcile revenues and expenditures. It is time that the Congress and the President come together and make the tough decisions that are required for fiscally responsible governance.

Not only is the Federal debt itself a problem, but annual interest payments on the national debt are devouring precious Federal dollars. For more than a decade, Congress and the President have had a credit card mentality—buy goods and services today, worry about the payment later. The public must share some of this blame as well, because there are constant objections to cutting Government programs. When the bill comes due, make that minimum payment and keep charging away. As any consumer knows, if you only make the minimum payment and continue to charge, you will never pay off the balance. The finance charges will just keep accruing. Unlike real life, however, the use of this Government credit card is never denied and the amount of debt continues to grow unchecked.

History has shown that nothing is more desired and nothing is more avoided than the will to make tough choices. The last time our Federal budget was balanced was 1969.

The Centrist Coalition's balanced budget plan is fair; it restructures and reforms Federal programs that are inefficient, in addition to scaling back spending. We want to make sure we get the most bang for the Federal buck.

For instance, our balanced budget plan preserves Medicare and protects its long-term solvency. We expand the choices for Medicare beneficiaries by allowing them to remain in the traditional fee-for-service Medicare Program or to choose from a range of private managed care plans. By creating a new payment system for managed care and by slowing the rate of growth in payments to hospitals, physicians, and other service providers, our plan extends the solvency of the Medicare trust fund.

Our Medicaid reform plan protects the most vulnerable in our Nation. We incorporated a number of the National Governors Association's recommendations regarding enhanced State flexibility, while maintaining important safeguards for the Federal Treasury and retaining the guarantee of coverage for beneficiaries. Our Medicaid funding is based upon the population of covered people in each State, thereby ensuring adequate Federal funding in economic downturns. Our plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly, and the disabled. We allow States to design health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, States can determine provider rates, create managed care programs, and develop home and community-based care options for seniors to help keep them out of nursing homes.

Our welfare reform language includes strong work requirements and child protections. The welfare reform package includes many of the National Governors Association's recommendations; it is also based on the welfare reform bill that passed the Senate overwhelmingly last year by a vote of 87 to 12. This package calls for tough new work requirements, a time limit on benefits, a block grant to provide maximum State flexibility while ensuring recipients are treated fairly, increased child care funding to enable parents to work, and a contingency fund to backstop States during recessionary times. Finally, our plan preserves the important safety net of food stamp and foster care programs.

Included in our plan are provisions for tax relief to hard-working families. Our plan establishes a new $250 per child tax credit for every child under the age of 17. We have expanded the number of families eligible for tax deductible IRA's. We also provide education incentives, the first of which is an income tax deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an income tax deduction for qualified education expenses paid for the education or training of the taxpayer, the taxpayer's spouse, or dependents.

We have cut the capital gains tax by 50 percent for individuals, and reduced the current maximum rate for corporations to 31 percent. We provide needed economic assistance to small businesses by an estate tax exclusion on the first $1 million of value in a family-owned business; and by increasing the self-employed health insurance deduction to 50 percent. Furthermore, our plan closes 25 billion dollars' worth of unjustified tax loopholes.

Our plan reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the Federal Government. It also limits rental adjustments paid to owners of section 8 housing projects.

This budget plan provides for discretionary spending reductions that can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a hard freeze in these programs, ensuring adequate funds for a strong defense and for critical investments in education and the environment.

Finally, this plan provides for an increase in Federal retirement contributions from both agencies and employees through the year 2002. This plan adopts the judicial and congressional pension reform provisions that were based on a bill I introduced, and that were included in last year's reconciliation bill.

I fully support the Centrist Coalition's 7-year balanced budget plan. While I may not agree with every provision in it, I have accepted those provisions in the interest of the greater good to come of its passage. After the disastrous budget standoff of the past year, it is readily apparent that compromise is the only game in town when it comes to getting real work done in Washington. I am proud of the efforts and sacrifices may colleagues have made to put this balanced budget together.

Mr. BREAUX. Mr. President, I yield the remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BREAUX. I ask unanimous consent for 1 additional minute and that I be able to yield that minute to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Thank you, Mr. President.

I am delighted to join my colleagues on both sides of the aisle in presenting this particular balanced budget today. I think it is a clear, good-faith attempt to make responsible but difficult choices that are going to have a very significant impact on the future of this country. If we are not willing to make those choices, those difficult choices honestly, the protracted debate and the gridlock that we have experienced is simply going to continue.

I commend Senator CHAFEE, Senator BREAUX, and all of those who have worked with them in attempting to deal with this extremely difficult and challenging matter.

I am pleased to be a part of that effort.

Mr. President, I am pleased to join my colleagues in discussing the merits of this bipartisan plan to balance the Federal budget. I believe this plan is an example of what can be accomplished when we put aside partisan politics and focus instead on serious questions of public policy.

Late last year, in the midst of a prolonged Government shutdown and a breakdown in budget negotiations between the Republican leadership and the Democratic administration, Senators CHAFEE and BREAUX convened a bipartisan meeting of Senators who were committed to finding enough common ground to balance the Federal budget.

Finding common ground required Democrats in the group to accept larger entitlement reductions and Republicans in the group to agree to a smaller tax cut. We had hoped that our coming together on a budget outline we could all support would jump-start the stalled negotiations.

When it became clear that the Republican leadership and the Democratic administration could not bridge

their policy differences, we dedicated ourselves to translating the budget outline we had developed into a full blown legislative plan, and that is what we have presented to our colleagues today.

We are not here to suggest that this is the only way to balance the budget. We're here to illustrate that a balanced budget plan can be drafted from the middle of the political spectrum and driven by policy. Regardless of the outcome of the balanced budget debate, I think it is important that we demonstrate to the administration, the congressional leadership, and the American people what a bipartisan budget compromise would encompass.

One of the biggest differences between this bipartisan plan and either the Republican or Democrat plans is that both of their last offers reached balance on paper by relying on deep cuts in discretionary spending—cuts that would require future Congresses to make far tougher choices than any recent Congress has been willing to make. You only have to look at this year's appropriations process to realize that future cuts of the magnitude proposed by the current plans are both unwise as a matter of policy and unattainable politically.

There's no question that if we make these cuts on the defense side of the ledger, we can't possibly maintain our ability, as the world's sole remaining superpower, to protect our own shores, much less help defend freedom, and maintain peace throughout the world.

Yet, if these reductions can't be made in defense—far and away the biggest item in discretionary spending—where can we make responsible reductions of this magnitude in discretionary spending? In transportation infrastructure? In research and development? In education? In job training? In medical research funding? Do we cut mine safety inspectors, or air traffic controllers or those who ensure the safety of our food and maintain the quality of our air and water?

Fortunately, the members of our group have not only chosen a more realistic and achievable discretionary path over the next 7 years, but we have done so to protect these types of important investments, investments which are critical to raising future productivity, growth, and incomes. We are dedicated to the belief that we should not sacrifice these investments at the expense of taking on politically popular entitlement programs.

And protect discretionary spending we must, since entitlements and interest on the national debt are rapidly edging out discretionary programs in the battle for scarce federal dollars. Entitlements and interest on the national debt are projected to account for 70 percent of our budget by the year 2002, up from 30 percent in 1963. Most disturbing of all, it is projected that entitlements and interest on the debt will consume the entire Federal revenue base by the year 2012.

With such staggering expansions of entitlements on the horizon, significant entitlement reform has to be at the heart of any serious balanced budget effort. This budget makes meaningful—but fair—reductions in entitlements like Medicare, Medicaid and welfare while also seeking to protect our most vulnerable citizens. And it requires Medicare beneficiaries who can afford to pay more to make a larger—and more reasonable—contribution to the Medicare Program.

For many of us, the most important part of this plan is its downward modification of the consumer price index, which controls cost-of-living adjustments for entitlement programs and tax bracket indexing.

A report of the Senate Finance Committee indicates that the present value of the CPI overstates the actual rate of inflation by somewhere between 0.7 and 2.0 percent. By making a CPI adjustment, we are better able to control the future costs of entitlement programs, including Social Security, which has up until now been left off the table by both Republicans and Democrats alike.

From a policy perspective, a CPI modification is absolutely the right thing to do since it restrains future entitlement costs, thus helping to protect the discretionary side of the budget from unwise reductions in the future. But it is understandable, given the approaching political season, that the modification has become a political hot potato for both sides, subject to an attack from Republicans as a backdoor tax increase and from Democrats as a Social Security cut.

As I look back on the events of the last 6 months and ahead to the Presidential campaign, I sense that political considerations are again costing us an important and historic opportunity to begin to address our long-term budget problems.

And if we are ever to make serious headway on these matters, I am more convinced than ever that the American people don't need to see important issues of public policy demogogued anymore. They don't need to see interest groups fired-up to wage war against responsible change. The American people need to hear and understand the truth about the sources and seriousness of our long-term budget problems.

Patrick Henry once said, ''for my part, whatever anguish of spirit it may cost, I am willing to know the whole truth—to know the worst and provide for it.''

Only by separating the truth from the rhetoric can we balance our Federal budget the right way. And the anguish will be a lot less if the sacrificed is shared—and if we summon the courage to act now. For if we fail to act—and if we continue down the path of cowards—we will guarantee for our children, not the bright future we inherited, but the dark responsibilities we refused to accept.

I thank my colleagues for the time to speak and the chance to be a part of the Centrist Coalition. I hope that this will be the start, not the end, of our efforts to bring bipartisan and commonsense solutions to the legislative issues of our day.

With that, Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1702 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Colorado.

Mr. BROWN. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. That is correct.

THE CHAFEE-BREAUX BUDGET PROPOSAL

Mr. BROWN. Mr. President, I rise to make very brief comments, and I will make them extremely brief because I know my friend from Connecticut has been here waiting, with regard to the Chafee-Breaux budget proposal.

Mr. President, as I see it, the simple facts are these. This country urgently, desperately needs legislative action to ensure the soundness of the Medicare funds, to ensure the soundness of a variety of other trust funds. I do not think anyone objects to that. I should say more precisely I do not know that anyone disputes that fact, that we need strong and urgent action to put those on track.

Second, I do not think anyone doubts that we have an enormous problem with the deficit. We are not just the world's biggest debtor, but we see a problem that seems very difficult for Congress to solve.

Third, I think it is quite clear to everyone involved that we need a bipartisan budget. The simple fact is this Congress acted in what I thought was a responsible way, in I think a moderate way, in trying to address the budget problems. We passed a budget last year. We passed a reconciliation act that had enormous progress for the country in moving these funds into solvency, and it was vetoed by the President. We have been unable to reach an agreement with the President.

Whichever side you take in that controversy, the reality is nothing got done in terms of long-term reconciliation. It is my belief that nothing is going to get done unless we have a bipartisan approach. So I rise to speak for that budget, not because I like it better than what this Congress did. I do not. I think what this Congress did in reconciliation is much better and much more responsible. As a matter of fact, I

do not think it went near far enough. But the only way we are going to have progress in that area, the only way we are going to begin to address these problems with this Congress and this President is to go with a bipartisan budget. It is my belief that will put the President in a position where he has to go along with the Congress if we have a budget that has strong bipartisan support.

The Chafee-Breaux budget's value is it is real. The numbers are real, and the savings are real. Second, it has a very significant long-term effect in dealing with the trust funds, perhaps even better than other alternatives we have looked at. And third, Mr. President, it is the only game in town. It is the only bipartisan effort that we have on the table. It is the only way we are going to make progress.

Is it less than what I would like to see? Absolutely. I do not think it goes near far enough in dealing with our problems. It is clear, significant progress. And without it, without moving that bipartisan budget, I suspect we will find that we have put off dealing with one of our most serious problems.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

THE PRESENT SITUATION IN HAITI

Mr. DODD. Mr. President, last Friday, the majority leader, Senator DOLE, took to the floor and made a rather critical speech of our present policy in Haiti. He introduced at that time a report which was prepared by a Republican staff delegation that had gone down to Haiti during the Easter recess. I think the report probably could have been written a week or two in advance of the trip and the trip might not have even been necessary since there was not any real effort to examine the issues in Haiti and what has happened there over the past 18 months or so.

This morning I wish to take a few minutes to apprise my colleagues of how I see the present situation in Haiti. Where we have come over the past number of months in making real progress there. The good news is, of course, that Haiti is not in the headlines on a daily basis but there has been significant progress.

I think it is important that my colleagues and others who have heard Senator DOLE's remarks have an opportunity to hear another point of view, and that is what I would like to do this morning.

I am no stranger to Haiti. I have visited the country many times over the years. When I was a Peace Corps volunteer 30 years ago, I lived very close to the Haitian border in the Dominican Republic. I visited Haiti often in those days and still have many close friends in the country of Haiti.

Most recently, I visited Haiti this past January to make my own first-hand assessment of the political situation. Based upon that visit, and the many others that I have made over the years, one thing is crystal clear. President Clinton's decision in September 1994 to support democracy in Haiti was the right thing to do. Whatever else one might say about United States policy, Haiti is a far, far better place today than it was 19 months ago.

Remember what those days were like. The reign of terror was the order of the day. Murder, rape, and kidnaping were daily occurrences in Haiti, all in an effort to intimidate the Haitian people. Those days are gone now. And, despite the fact that Haiti is a long way, a long way from becoming a Jeffersonian democracy, we are not going to rewrite almost 200 years of Haitian history in less than 2 years—I believe that today the Haitian people are one step closer to fulfilling their aspirations of living in freedom and dignity without fear of their Government.

An important phase of our Haiti policy came to a close just a month or so ago. U.S. forces are no longer participants in the United Nations mandated mission. In fact, last week the final contingent of United States forces left Port-au-Prince, Haiti.

When President Clinton dispatched United States forces to Haiti in the fall of 1994, he set a deadline of February 29, 1996, as the date when United States military participation in the mandated mission of the United Nations would terminate. He has stood by that situation and it has been fulfilled.

The goals of the United States policy have been clear from the outset, that is, to restore the democratically elected President of Haiti to office, to provide a secure and stable environment within which Democratic elections could be conducted, to protect international personnel and installations, and to facilitate the creation of a Haitian national police force.

Despite what some might have you believe, we have made tremendous strides toward fulfilling those goals. The duly elected president was restored to office. Municipal, congressional and presidential elections were successfully conducted. A civilian national police force has been established. The army no longer exists. The dreaded Haitian military has been dissolved.

During my January visit to Port-au-Prince, Mr. President, it became very apparent to me that there was a shared consensus across the broadest segment of Haitian society for a continued United Nations presence after February 29. President Aristide, then President-elect Preval, members of the Haitian Congress, the business community, the United States Embassy, U.N. officials, virtually everyone with whom I met, expressed the strong view that a follow-on presence by the United Nations was vital to solidifying the very real gains that have been made in Haiti over the last many months. Fortunately, the United Nations Security Council concurred with the prevailing wisdom in Haiti and extended the U.N. mission for an additional 4 months until June 1 of this year. The Canadian Government, not the United States Government, has assumed the leadership role in the extended, albeit smaller, United Nations mission. I for one have expressed my appreciation to Canadian authorities for their willingness to do so.

No one is saying that the job is complete in Haiti. Far from it. Much remains to be done on the economic front, on the judicial front, on the human rights front, and on the migration front.

Public security, for example, continues to be a major challenge to the current Haitian administration, as it was to its predecessor. In that regard, some critics of Haiti have singled out the performance of the newly formed Haitian national police as an example of how United States policy has failed. That was included in the majority leader's remarks last Friday.

Mr. President, I could not disagree more. It does a great injustice to the real progress that has been made in this area in less than a year's time. Let us remember that until last June a civilian police force did not exist in Haiti. It had to be built from scratch while dissolving the army, the dreaded military.

In less than 8 months, a force of 5,000 freshly recruited and trained Haitians has been deployed throughout the country. Yes, they are green. They have made mistakes. But it is really quite a remarkable feat, when you think of it. Can you imagine establishing something like a 5,000-person force from the ground up, going through all the training, in a major city in this country overnight?

Haiti is not the only place we have endeavored to support the creation of a new professional civilian force to replace corrupt and brutal militarily justice. In Panama and in El Salvador, we joined with their government leaders to do something similar. In those cases, we had bipartisan support. Unfortunately, bipartisanship seems to be absent in the case of Haiti.

Some of the same problems in Haiti did, in fact, existed in these countries as well, Panama and El Salvador, and continue, I point out, to confront us to today.

Continued international assistance and support at this juncture is terribly important for this little country. These are critical to ensuring the strengthening and permanency of still fragile democratic institutions in Haiti. I believe the United States must remain engaged in Haiti.

U.S. humanitarian and democracy-building programs will continue to be important to future progress in a wide array of areas: the national police, the judicial and legislative branches, economic reforms, human rights and migration. If we do not remain engaged, I predict the previous problems that confronted both the Bush and Clinton administrations with respect to Haiti will

be right back in the laps of some future administration, and much more so.

Last Friday, in the course of his remarks, Senator DOLE stated it would be wrong to make Haiti a political football. Mr. President, I could not agree more. In that regard, the endless congressional holds that have been placed on purely humanitarian assistance—we have had holds, now, in some cases that have been in place since late last year, on proposed humanitarian assistance to Haiti. These holds in my view threaten to make Haiti the political football that the Majority leader has warned about. These United States assistance programs for vaccinations, for AIDS prevention, for textbooks, for primary schools, are targeted at the weakest and most vulnerable sectors of Haitian society. It is deplorable that we have held up these funds that were voted and appropriated by this Congress.

In my view, the administration has more than adequately addressed the questions about specifics of most of these programs—in briefings of congressional staff and written responses to questions submitted from the Congress. If the Republican majority mean what they say about not making Haiti a political football, then the time has come for these congressional holds to be lifted so the continuity of these programs can be maintained.

Again, I do not mean to suggest that all of the questions and concerns raised about the implementation of certain U.N. and U.S.—sponsored programs have not been without merit. There is merit to those questions. But let us remember that when the President and the international community decided to restore democracy to Haiti, they were navigating in unchartered waters. After all, this was the very first time in our history that international action would be utilized in an effort to restore a democratically elected government to power following a military coup.

United States officials, United Nations officials, and most especially Haitian officials had to learn on the job. So, not surprisingly, mistakes were made. But I would also say that administration, United Nations and Haitian officials have bent over backwards to answer questions and to make adjustments in programs as necessary.

Despite those efforts, criticism continues and the holds persist. As I mentioned earlier, these Republican holds placed on United States aid programs are jeopardizing some terribly important programs. One wonders if these aid programs have been put on hold, not so much because answers are wanted, but in the hope that policy successes that have occurred to date will be undermined. If so, this is very cynical and shortsighted and most certainly contrary to United States interests.

While I acknowledge that some criticism about events in Haiti have had merit, others have been far off the mark. For example, some have charged that last year's Haitian elections have produced a one-party state in Port-au-Prince. Nothing could be further from the truth. I can tell you from my meetings with leaders of the Haitian Parliament that they are no rubber stamp for an executive branch. In fact, during my visit in January, the Haitian Senate overwhelmingly rejected President Aristide's controversial nominee to head the national police force. President Preval subsequently nominated, and the Haitian Senate confirmed, a very able individual to head the police force in the country. All that to say the political process is working.

Turning to another area of concern, the possibility of politically motivated killings. There has been a great deal of misinformation, I would say, Mr. President, about these so-called politically motivated murders. The number is much smaller than the 20 to 25 that some have alleged. As to the lack of Haitian cooperation, it is my sense that the FBI did not make a lot of friends in the manner in which it first went about conducting its initial investigations in Port-au-Prince. I was amazed to find out the FBI never bothered to meet with the members of the U.N./OAS civilian mission, the mission that had been monitoring cases since 1993. This is particularly troubling, I would say, since representatives from the civilian mission would have been of enormous assistance to the FBI's investigation. You will recall that most often they were the first ones at the crime scene to gather evidence and interview onlookers.

Nor, apparently, did the FBI seek advice from the U.S. Embassy or utilize its expertise and local contacts. Do not misunderstand what I am saying. I am not condoning these or other acts of violence in Haiti. One politically motivated killing is one too many. But I did not notice quite the same level of outrage in some quarters when the military dictatorship of Haiti was killing hundreds—hundreds—of Haitians, many them prominent political figures, in plain view of international journalists and cameras. Certainly, Haitian authorities need to confront the problems of impunity head on and to put together a credible investigation of the various suspicious murders and bring the matter to closure, but this should not become an excuse for walking away from Haiti or putting every other initiative in the deep freeze.

There has been a great deal of focus on the police and the security situation in Haiti, and rightfully so. These are important areas of concern, but they are not the only ones that will determine Haiti's future. Haiti, like many developing countries, suffers from serious brain drain, with many of its most talented citizens leaving the country. We need to try to redouble our efforts to help them find capable people to fill upper and middle management positions throughout the government, particularly with respect to the police force. Haitians living abroad need to take some responsibility for their country's future as well.

The economy is also pivotal to Haiti's future. In fact, what happens with respect to the Haitian economy is perhaps more important than any other single issue we could mention. Economic growth and investment create jobs. Jobs mean hope and opportunity for the Haitian people. That is what gives people a stake in their country and their government. The economic policies that the Preval administration decides to implement will determine whether the Haitian economy will rebound and grow or simply stagnate.

Privatization of certain key State-owned enterprises—power, telecommunications, flour and cement—can play an important role in creating a favorable economic climate in Haiti as well, and should serve, I would add, to attract badly needed foreign investment in critical sectors.

Last month, the Committee on Foreign Relations had the honor of hosting a working coffee for the recently inaugurated President of Haiti, His Excellency Rene Preval. We had a very useful and, I think, candid discussion about issues of mutual concern to our two countries. It was a very helpful session. Surprisingly, many of those who have been the harshest critics of Haiti did not bother to attend this meeting or to give President Preval an opportunity to address some of the concerns that they have raised. I wonder why?

Among other things, they would have heard President Preval——

The PRESIDING OFFICER. The Chair advises the Senator his 15 minutes has expired.

Mr. DODD. I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Among other things, they would have learned from President Preval about his commitment to helping keep Haiti on its course toward democracy and about the high priority he accords to implementing significant economic reforms.

President Clinton has fashioned our policy toward Haiti as he has because he wants to give the Haitian people a chance, a chance to live without intimidation and fear, a chance to make choices and decisions about their own destiny. Our policy is making that possible, perhaps for the first time in Haitian history.

As I said earlier, I could not agree more with our distinguished majority leader that Haiti should not become a political football. Sadly, for most of that country's history, it has been somebody's political football. The people of Haiti deserve a lot better.

Mr. President, President Preval seems determined to do whatever he can to ensure the people of Haiti have a brighter future, but he alone cannot make that happen.

He needs and deserves the support of the United States in that endeavor, and I hope that he will receive it.

MENTAL HEALTH AMENDMENT

Mr. SHELBY. Mr. President, I am extremely gratified that the Senate has unanimously approved the Health Insurance Reform Act, S. 1028, with the inclusion of Senator DOMENICI's amendment relating to mental health coverage. Specifically, this amendment prevents insurers from imposing limits on benefits for mental illness that are not imposed on benefits for physical illness. This bill requires insurers to treat consumers fairly. It guarantees that insurers do not drop people's coverage when they change jobs or for preexisting health conditions. It also prevents insurers from imposing arbitrary coverage limits on persons who need services for mental illness.

I have long been a strong supporter of nondiscriminatory coverage for persons suffering mental illness. In the last Congress, I sponsored, with Senators DOLE and SIMON, a resolution, Senate Concurrent Resolution 16, that called on Congress to ensure that persons with mental illness receive equitable coverage with that afforded for physical illness. Our resolution received strong bipartisan support, and the Senate has included nondiscriminatory coverage for mental illness in S. 1028.

Americans with mental illness deserve to have equitable access to health coverage. Because these Americans often cannot find adequate coverage under private coverage, they are frequently forced to resort to coverage in public programs. Without jobs and coverage, many are not adequately treated. This legislation will permit many mentally ill persons to have the coverage they need to hold down jobs and to lead productive and fulfilling lives.

Mr. President, it is no secret that mental illness can strike at any time, to anyone. Many of us know someone who has suffered mental illness. This amendment will provide nondiscriminatory coverage for a range of mentally ill disorders, including schizophrenia, manic depressive disorder, or panic disorder.

I believe that this amendment will make for a more productive and efficient work force. American businesses lose more than $100 billion per year due to lost productivity of employees because of substance abuse and mental illness. We can reduce this drain on employers by permitting employees access to nondiscriminatory mental illness coverage.

I strongly support S. 1028 with inclusion of nondiscriminatory coverage for persons with mental illness. Inclusion of this provision is not only the right and compassionate thing to do, but it will also reduce overall mental health spending and make our health system more accessible for persons with mental illness. I urge my fellow Senators to support this provision in conference.

CENTRIST COALITION BUDGET PLAN

Mr. SIMPSON. Mr. President, I am very pleased to join Senators CHAFEE and BREAUX and the rest of the Centrist Coalition in announcing this bipartisan proposal for a balanced budget. This is a comprehensive plan that confronts our budget problems head on. I encourage all of my colleagues to take a serious look at it.

I am particularly pleased that our plan partially corrects the inaccuracy of the Consumer Price Index [CPI]. What we propose is to reduce the CPI by one-half of a percentage point in 1997 and 1998—and by three-tenths of a percentage point thereafter—for purposes of computing cost of living adjustments [COLA's] and for indexing the Tax Code.

While the AARP and other seniors groups will shriek and wail to the high heavens about this being some backdoor effort to cut Social Security benefits, that is not what is driving this issue. What we are striving to do is to have a more accurate CPI that reflects the true level of inflation.

Last year, the Senate Finance Committee heard compelling testimony from Alan Greenspan, the Chairman of the Federal Reserve, and others who believe the CPI may be off the mark by as much as two percentage points. A commission appointed by the Finance Committee issued an interim report which estimates the CPI to be overstated in the range of 0.7 to 2.0 percentage points.

The Coalition has selected the figure of 0.5 percentage points—which is a conservative estimate of how much the CPI is overstated—precisely because we want to avoid any perception that we are being unfair or unduly harsh. This modest step achieves $110 billion in savings over 7 years. This is not a popular proposal, but it is understood by us as a critically important component of our plan.

Before I discuss other elements of our plan, let me join my colleagues in underscoring the importance of our product being received as a total package. Any balanced budget plan will have elements that we do not like. But we will all have to accept some of the undesirable in order not to lose all that is so necessary.

Accordingly, this bipartisan budget plan also includes some very appropriate first steps toward slowing the growth of Medicare spending. These reforms would achieve $154 billion in savings over 7 years. From a long-term perspective, the most important reform is a provision that would conform the Medicare eligibility age with the Social Security retirement age. By gradually increasing the eligibility age to 67, this plan acknowledges that life expectancies are certainly higher now than when Medicare was first enacted in 1965.

We also impose an affluence test on Medicare Part B premiums, beginning with individual seniors who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000. I personally believe we should begin this affluence test at much lower income thresholds, but I realize that we simply do not have the votes to do that at this time.

The Coalition plan also limits the future growth of Medicaid spending, saving $62 billion over 7 years. While our plan does not give the States as much flexibility as I would like to give them, I am willing to swallow these Medicaid reforms in the context of this comprehensive budget package, even though I might not be able to support them if they were to be considered separately in isolation from the broader package. I am absolutely convinced that the positive aspects of the total package are so critically important that they overwhelmingly outweigh certain concerns I have about the Medicaid provisions.

On another front, our plan also calls for meaningful welfare reforms, including tough work requirements for welfare recipients and a 5-year time limit on cash assistance. At the same time, we include additional funds for child care assistance—thereby recognizing the importance of child care in helping recipients make the transition from welfare to self-sufficiency. Overall, these welfare reforms achieve another $45 billion in savings.

In the area of taxes, many of us had to bite the bullet—and hard—on specific issues in order to reach consensus on the broad package. What we have here is a tax package that provides $130 billion in tax cuts. On the child tax credits, I have a personal concern about just giving away $250 for every child under the age of 17. But in the spirit of cooperation and consensus, we were able to address some of my objections by offering a real savings incentive if parents contribute $500 toward an individual retirement account established in the child's name.

The tax package has something for everyone to like—and to dislike. I urge my colleagues to look at this package in its entirety. If we start picking it apart, the package will fail and the Coalition that worked so hard to bring this all together will collapse. This plan brings us to the goal we have all been working so hard to achieve—a balanced budget and tax cut package that ends deficit spending by the year 2002.

Again, I urge all of my colleagues to consider this plan. Those who automatically reject the notion of a bipartisan budget will have no trouble finding one or two reasons to oppose it. But I am convinced that anyone who approaches this plan with an open mind—and a recognition that bipartisanship always requires some degree of compromise—will conclude that this is an impressive plan. It does not rely on gimmickry or smoke and mirrors. Instead, it makes the tough, politically unpopular decisions that Republicans and Democrats alike have been putting off for too long. It deserves our earnest support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. MURKOWSKI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for an inquiry?

Mr. BRYAN. I yield for an inquiry, but I do not lose the floor; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thought it was customary that we went back and forth in a manner that is traditional with the Senate. I have seen this occur from time to time. All I can ask the Chair is to recognize and view the entire Chamber, because the Senator from Alaska had been advised to be here at 9:50. The Senator from Alaska was here and was not recognized, even though the Senator had been standing up.

The PRESIDING OFFICER. It is the Chair's understanding of the rules of the U.S. Senate, the Chair is to recognize the Member who first addresses the Chair. In this case——

Mr. MURKOWSKI. The Senator from Alaska addressed the Chair in a timely manner.

The PRESIDING OFFICER. If the Senator will suspend——

Mr. MURKOWSKI. Well, I am very disappointed. If the Chair——

The PRESIDING OFFICER. If the Senator will suspend, the Chair will finish the statement. It is the Chair's understanding of the rules of the U.S. Senate the Chair is to recognize the first Member who addresses the Chair.

It was the Chair's opinion, and still is the Chair's opinion, that the first Member clearly to address the Chair was the Senator from Nevada. The Chair, therefore, recognized the Senator from Nevada.

Further, it is the understanding of this Chair that there is no rule in the U.S. Senate that provides for alternating back and forth. That can be accommodated between the Members themselves, but it cannot be done by the Chair. The Chair has no authority to do that. The Senator from Nevada has the floor.

Mr. BRYAN. I would like to accommodate——

The PRESIDING OFFICER. If the Senator will yield.

Mr. BRYAN. I would like to accommodate. I think the Senator from Alaska and I both have had time set aside during the morning business. I had time and I know he had time. It is going to require unanimous consent that time be extended. I will offer to extend time for him as well.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. I ask unanimous consent that morning business be extended for a period of 20 minutes, so I might be accommodated for my 10 minutes and the distinguished Senator from Alaska may be accommodated for his 10 minutes.

Mr. SIMPSON. Mr. President, I shall not object. I do not think there is any need for all this activity, and I have the greatest respect. I am supposed to be up at 10 o'clock. So I am not going to lose any sleep on that. Let us proceed and then we will go to the regular order. Senator MURKOWSKI can have 5 minutes and certainly Senator BRYAN. There is no rule in the U.S. Senate in morning business, in any sense, that there be an accommodation on both sides. That is not morning business. It is the first one present and the first one seeking recognition. Really, I hope there will not be any acrimony with regard to that decision.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the request? If not, it is so ordered. The time is extended for 20 minutes. The Senator from Nevada still has the floor.

Mr. BRYAN. I thank the Chair.

TENTH ANNIVERSARY OF CHERNOBYL ACCIDENT

Mr. BRYAN. Mr. President, tomorrow, April 26, is the 10th anniversary of the most dramatic ecological disaster of the 20th century—the explosion of reactor No. 4 at the V.I. Lenin Atomic Power Plant in Chernobyl, Ukraine.

On that day, 10 years ago tomorrow, a combination of poor design, human error—or, more accurately, human negligence and incompetence—led to a massive explosion within the core of reactor No. 4—an explosion that blew off the 2,000-ton reactor chamber roof, spewing massive amounts of radiation into the surrounding area and the Earth's atmosphere in a radioactive cloud that eventually reached as far away as California.

It was not until several years after the disaster occurred that the truth about Chernobyl, the crown jewel of the Soviet nuclear power industry, began to emerge—that following the explosion, reactor No. 4 experienced what has long been considered the worst-case scenario in nuclear power—a full reactor meltdown. The core material burned, exposed to the atmosphere, for nearly 10 days, and resulting in a total meltdown.

Our colleague, Senator KENNEDY, summed it up shortly after the disaster, when he said ''The ultimate lesson of Chernobyl is that human and technological error can cause disaster anytime, anywhere.'' That has particular residence for us in Nevada.

The ecological and economic consequences of Chernobyl were massive, immediate, and will last for tens of thousands of years.

Thirty-one people died as an immediate result of the explosion, 200 were hospitalized, and 135,000 were evacuated from 71 nearby towns and villages. High doses of radiation spread over at least 10,000 square miles, affecting 5 million people in Ukraine, Belarus, and Russia. The explosion spread more than 200 times the radiation released by the Hiroshima and Nagasaki blasts combined. Anywhere from 32,000 to 150,000 people could eventually die as a result of the blast. Millions of people have had their lives permanently disrupted by the accident. Belarus and Ukraine now report a broad rise in respiratory illness, heart disease, and birth defects. Scientists are still waiting to see what the role may be of the radiation exposure in leading to the many cancers that take longer than 10 years to develop, but expect it to be significant.

The children of Belarus have been particularly hard hit. Seventy percent of the Chernobyl fallout landed in Belarus—a nation that itself has no nuclear reactors. Huge tracts of land in Belarus were contaminated with radioactive cesium, strontium, and plutonium. Prior to 1986, Belarus's thyroid cancer rate for children under 14 was typical—2 cases in a nation of about 10 million. By 1992, the rate was up to 66, and by 1994, the rate had increased to 82—an increase that can only be explained by the Chernobyl fallout.

One quarter of the land of Belarus, home to one-fifth of the nation's population, has been severely contaminated by the Chernobyl explosion.

The power plant complex is surrounded by an 18-mile radius exclusion zone—an area of very high contamination that is off-limits to for residence and entry without a special permit.

Lying outside of the exclusion zone is a much larger area with lesser, but still very high, contamination. Despite official government pronouncements that this area is unsafe, it is still home to 237,000 residents of Ukraine, Belarus, and Russia, who simply cannot afford to live anywhere else.

The remains of reactor No. 4, still highly radioactive, are contained in a hastily erected sarcophagus—a highly unstable structure, considered by many the most dangerous building on earth. As concerns regarding the possibility of collapse of the sarcophagus or the reactor entombed inside increase, it is unclear if the technological or financial challenges of stabilizing and cleaning up reactor No. 4 can ever be met.

Mr. President, If Chernobyl has taught us anything, it is that when dealing with such high-risk matters as nuclear power, or nuclear waste, small mistakes can have enormous consequences.

Next week, the Senate may turn to a bill aptly dubbed the ''Mobile Chernobyl Bill''—S. 1271, the Craig nuclear waste bill.

As many of my colleagues are aware, this establishes, on an accelerated schedule, a so-called interim high-level nuclear waste dump in Nevada.

I want to be clear on what this interim storage program means. Tens of thousands of tons of high-level nuclear waste will be removed from reactors, loaded on over 16,000 trains and trucks, and shipped cross country to Nevada, a State with no nuclear power. The

waste will travel through 43 States on transportation routes that bring the waste within one mile of over 50 million people.

Mr. President, I know the nuclear power industry is lobbying hard for this bill. I know there is a lot of pressure on Senators to support this legislation. I also know that the nuclear power industry has spread a massive amount of disinformation about the bill.

By any objective evaluation, this legislation is completely unnecessary. In fact, the Nuclear Waste Technical Review Board, a Federal agency created by the Nuclear Waste Policy Act, and comprised of the Nation's most respected scientists, said just 1 month ago that there is simply no need for an interim storage facility at this time.

This is not the first time the industry has cried wolf. In 1980, a supporter of the industry asserted:

> We are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage, another type of interim storage, and begin soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Of course, Mr. President, no U.S. reactors have closed due to lack of storage. Thirteen years have passed since the prediction that in 1983 there would result the closure of reactors.

Despite the crisis mentality created by the nuclear power industry, there is no nuclear reactor in America that will be forced to close down due to lack of storage. Every nuclear utility, if it so chooses, can take advantage of existing, NRC licensed, off the shelf dry cast storage systems to meet its spent fuel storage needs. Should the mobile Chernobyl bill come to the floor next week, I will have a lot more to say about the lack of any compelling need for this legislation.

There are, however, plenty of other reasons to oppose this bill. The bill preempts nearly every local, State, or Federal environmental protection. It creates a taxpayer liability of billions of dollars to solve the private industry's waste problem. It eliminates EPA authority to protect the health and public safety.

Mr. President, I do not know when the Senate may consider this bill. It is my hope that it never comes up. Nevertheless, I urge my colleagues to fully consider the many legitimate public health safety consequences raised by this legislation, particularly as they relate to their own constituents, and to oppose the mobile Chernobyl bill. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak in morning business for up to 10 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1703 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good day. I thank the floor managers for allowing additional time in morning business.

Mr. SIMPSON. Mr. President, I believe we are at the order of business under the previous order.

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Which is to go to the illegal immigration bill, is that correct?

The PRESIDING OFFICER. That is correct.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. SIMPSON. Mr. President, I have business to do that has nothing to do with this bill before the Senate. I want everyone to be alert. No need to alert your staff that I am up to some giant caper.

I understand there are two bills due for their second reading.

The PRESIDING OFFICER. The clerk will read the first bill.

The legislative clerk read as follows:

> A bill (S. 1698), entitled the "Health Insurance Reform Act of 1996."

Mr. SIMPSON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—H.R. 2937

The PRESIDING OFFICER. The clerk will read the second bill.

The legislative clerk read as follows:

> A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will announce that morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States, and so forth and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3722 (to amendment No. 3669), in the nature of a substitute.

Simpson amendment No. 3723 (to amendment No. 3670), in the nature of a substitute.

Simpson amendment No. 3724 (to amendment No. 3671), in the nature of a substitute.

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Simpson amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Coverdell (for Dole/Coverdell) amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed.

AMENDMENT NO. 3739 TO AMENDMENT NO. 3725

(Purpose: To provide for temporary numerical limits on family-sponsored immigrant visas, a temporary priority-based system of allocating family-sponsored immigrant visas, and a temporary per-country limit—to apply for the 5 fiscal years after enactment of S. 1664)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk to amendment numbered 3725 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3739 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(A) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

"(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

"(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad."

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000.''

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) IMMEDIATE RELATIVES OF CITIZENS.—Qualified immigrants who are the immediate relatives of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c).

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

''(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

''(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

''(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) through (4).

''(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5).''

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

''(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

''(ii) the amount specified in subparagraph (B).

''(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States.''

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after ''in a manner so that'':

''visa numbers are made available first under section 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5).''

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

Mr. SIMPSON. Mr. President, this is the first of two amendments that are in order this morning that will make the very modest and very temporary reduction in legal immigration to the United States. This first amendment deals with family immigration. The other amendment concerns employment-based immigration.

Under these amendments, legal immigration to the United States will, for 5 years, be held at a level of 10 percent below the current total of regular nonrefugee admissions. This does not have anything to do with refugees or asylees. Under the amendment I am proposing there will be immediate family numbers of 480,000—27,000 for diversity visas under a previous proposal we passed in 1990, with a reduction from the original 55,000 the House has accepted this figure of 27,000. Mr. President, 100,000 on employment-based visas. That is a total of 607,000 per year. That is the total of regular nonrefugee admissions under the amendment. Under current law it is 675,000. So, 607,000 under the amendment, a reduction of 68,000, a reduction of 10.1 percent.

The first amendment will also, during the 5-year breathing space, establish what is really a true-priority system for family immigration categories, giving visas first to the closest family members. I cannot tell you how many times I have heard in the last months, ''We should first take care of the family.'' That is exactly what this amendment does, giving visas first to the closest family members who are the most likely to live in the same household with a U.S. relative who petitions for them. Only if there are visas unused by these closest family members will the visas then go down or fall down to the next lower level priority family category and so on.

Under this amendment, all 480,000 family visas will be available first to the immediate relatives of U.S. citizens. I think everyone would want that. That is a spouse and minor children, the so-called nuclear family, plus parents. After this highest category and priority is established, the remaining visas will be available to the second-priority category.

Unlike current law, there will be no guaranteed minimum number for the lower priority category. That is what we established in 1990 with the so-called pierceable cap, that we had to do a certain amount for those in those categories.

According to the INS estimates, immediate relatives—and we do think we can rely on the INS estimates, but after yesterday it makes one wonder a bit if we can believe them in totality—but they are telling us that immediate relatives will range from 329,000 to 473,000 in the next 7 years with an average of about 384,000.

Under my proposal, if immediate relatives are admitted at that level in a particular year, there will be about 100,000 visa numbers available for the other family category. We are not shutting them out. The visas available after admission of immediate relatives of U.S. citizens will flow down to the second priority—that is the nuclear family of lawful permanent residents. In other words, going to their spouses and minor children.

We have 1.1 million people in America who are here under our laws and totally legal who are unable to bring to this country their spouses and minor children, while we continue to give visas to adult brothers and sisters. I hope that people will understand what we do here while we talk about spouses and family and the categories of family values and all those things. So they

will go to lawful permanent residents—in other words, as I say, spouses and minor children. Any visas that are not needed in that category will flow down to the third priority, which is then the unmarried adult sons and daughters of U.S. citizens, then to the fourth priority, this is married sons and daughters of U.S. citizens, then to the fifth priority, unmarried adult sons and daughters of permanent residents, and finally to the sixth and last priority, brothers and sisters of citizens.

Now, you have just heard something which sounds like Egyptian. Actually, it is English, but much in the INA, the Immigration and Nationality Act, is not in English. It is a most difficult system to understand for the layman because it then gets into situations where people can play upon it and use emotion, fear, guilt, and racism. They have done it magnificently in this instance—magnificently.

So, here we have a situation where the only ones that really strive in the present language of preference systems and the confusion in the INA are actually the immigration lawyers of America. They are very adept, I can promise you that and they have been very adept here, very, very adept.

Under my proposal, family admissions will continue to be 480,000 per year. That is the current level. No reduction. That is over the next 5 years. Remember, after the next 5 years, it spikes right back up. We are not doing anything 5 years out. Back to business.

So the INS estimates that family admissions under the committee bill for fiscal years 1997 through 2001 are 723,000, 689,000, 643,000, 620,000, 579,000, an average of 651,000, which is a substantial increase over the current level.

I want to be very clear about these numbers. Immigration will not be reduced under the committee bill. If anyone in this country or this Chamber is interested in reducing legal immigration, which 70 percent of the American people say they favor, it will not be under the committee bill that is at the desk.

Let us be absolutely clear of another thing. I am not here to recombine anything. I have not combined or recombined anything. I am not here to join or link. I am here to do a single amendment, which was the work product of the Barbara Jordan commission. That is my mission—to see that the American people deal with an issue that has been dealt with now for 20 years, which was the Select Commission on Immigration and Refugee Policy, and the Jordan Commission. And to completely ignore the work of that remarkable woman is something that I was not going to see happen. So there will be two amendments by the Senator from Wyoming—one on legal immigration and a very short one on employer-based immigration—and that is it.

So whatever has been expressed to the colleagues about this ''sinister'' effort of recombining—I have never understood the meaning of it, actually. It has always been together. We have dealt with it together in all the 18 years I have been dealing with it. Sometimes we would divide it for certain purposes. Sometimes we would not divide it. But always, it was very clear.

So under the committee bill there is no reduction on legal immigration. It will increase under the Kennedy-Abraham amendment, which the committee agreed to by a rollcall vote. Immigration will increase at a very slightly lesser rate than under current law. I hope you can hear that. It will increase at a very slightly lesser rate than under current law. But it will increase substantially. There will be no reduction for at least the next 10 years.

Now, blend into that what happened with the figures that were given to us by the INS. We are now confronted with news reports and information that we have a 41-percent increase. Here is the morning line—and not at the track, but the Washington AP. ''New projections anticipating a whopping 41 percent increase in legal immigration to the United States this year are bound to heat up debate as the Senate considers its immigration bill.''

I think it will heat up the debate because you are going to have to go home and tell people that you sat by and watched legal immigration go up 41 percent. The Immigration and Naturalization Service's projections of a boom this year follow a 10.4-percent decline in lawful immigration last year. My good colleague from Texas—and how I admire LAMAR SMITH and his ranking member, too—said, ''We have all been duped. I take this as an intentional misrepresentation to the public, and, to Congress. It is inexcusable.''

The interesting thing about that is it came about the day we were debating this bill in the Senate with regard to the committee action. At that time at the press conference, which in essence was very clear, it was said simply that you do not need to do anything about legal immigration because we are doing it already. You can count on us. We know you are interested in it. The President is interested in it. The President is interested in the Barbara Jordan commission report. And I hope you can understand that, too.

This is not a partisan issue. Anyone, at the end of this debate, who says that somehow this is going to be the destruction of the Republican Party must find new work somewhere. This is not about the destruction of the Republican Party. You are going to see votes today that will make you scratch your head until you have less hair than I have. You will say, ''I never dreamed that I would be voting on that issue with that person.'' So join the fun. You will find it to be so.

Here we are trying to do something with illegal immigration. Let me tell you, we are going to do something with illegal immigration. I mean, we are really going to do something with illegal immigration. We will have these two amendments, and we will not be splitting or blending or pureeing anything—nothing. But we will be dealing with something that is not the concoction of the Senator from Wyoming but is the work product of the Jordan Commission on Immigration Reform, consisting of a remarkable group of Democrats and Republicans.

So there we are with some figures which certainly concern all of us, who are trying to use honest numbers as we deal with a very complex issue. I think that does taint the previous debate.

But during the 5-year breathing space created by my amendment, visa applications will not be accepted for any priority category if fewer than 10,000 visas were provided for that category in the prior year. That provision is intended to avoid any further build-up in the backlog.

There are more than 3.7 million persons on the family waiting list today, and 1.7 million are in the brother and sister category alone. Now, those long waiting lists, those backlogs, in some cases, arrive and result in a wait of over 20 years for a visa. It is believed by some experts to encourage illegal immigration. Why would it not? Because a person on the waiting list that is told they are going to have to wait 12, 14, 16 years is going to come here illegally. They are not going to wait because somebody has petitioned for them. That person is here, and they are going to say, ''Why should I wait? I am going to go and join them because I love them and I want to be with them.'' Does anybody believe that is not happening? So they live illegally in the United States while waiting for their name to come up.

In the second amendment—I will address that briefly, and I have a brief chart, and then we can get on with the debate—the employment-based visa limit will be reduced to 100,000, which is still well above the number of visas now being actually used for employment-based immigration. The employment visas will continue to be allocated under the preference system in current law.

We will look, also, at the issue of unskilled numbers, which we took care of in the committee bill, on legal immigration, which is not before you today, but is at the desk, and which is not to be incorporated into it by an amendment by me or anyone else. There are a lot of things in that legal immigration bill. When we are through with this caper here, whether it goes or does not go, we might deal with that, since that passed the Judiciary Committee by a vote of 13 to 4. I would think that might well be addressed by us at some future time, with appropriate unanimous-consent agreements, or whatever may be, so there would not be too much chicanery involved.

The committee bill reduced diversity visas from 55,000 to 27,000. My amendment retains the committee provision of the 27,000 diversity visas. At the end of 5 years, under these amendments,

the temporary reduction will end and terminate, and the immigration numbers and the priority system will automatically return to current law.

You say, ''Well, what is the purpose of that? You are going to lower it 10.1 percent for 5 years, and at the end of 5 years, it is going to go right back where it was—same heavy numbers.'' That is right. That will give the Congress an opportunity to look at where we are going, because, obviously, people are not paying attention to where we are going, and we watch these continual frustrations arise and finally come to a volcanic ferocity like proposition 187.

If anybody believes that you do not deal with this issue and pretend that there will not be more of those in every State in the United States, we are all somewhat remiss.

If the Congress does not pass a bill that includes a reduction in immigration, then our refusal to address the very real and very reasonable concerns of our constituents will contribute even more to the general cynicism about Congress and our detachment to what the people who elected us think.

Mr. President, this is not merely a problem of how Congress is perceived, of our reputation, because, if we ignore what the people think and feel, we are not likely to legislate in ways that have a favorable real-world, commonsense impact on the people's lives.

It is very interesting. As I look at the material circulated by those who do not concur with my view, there are, remarkably, only two or three things outlined in there. The one that is most interesting is that it will shut out nearly 2 million relatives of U.S. citizens—relatives of voters. Get the word underlined ''voters.'' Let me tell you, ladies and gentleman, there are a lot more voters out there who want to do something with illegal immigration than voters who want to protect a certain group in society. If you are missing what voters do here, do not miss that one. I can promise you that is the way that is.

So I do not see any other way to be sure we are reforming immigration policy in a way that will actually make the American people better off as they themselves judge to be better off than to try to find out the extent to which they actually like and embrace what is happening.

As I noted earlier, I proposed a very modest reduction—only 10 percent for the next 5 years. But this would be in sharp contrast to the substantial increase that would otherwise occur during this period under either the committee bill or current law.

This first amendment will provide a true preference in the granting of visas to those family members most likely to live with their relatives in the United States. That is what people say they want. We want the nuclear family. We want the numbers to go to the nuclear family. It will do that. It will assure that that occurs. It will reduce the availability of visas for relatives who are likely to have their own separate households. That is the source of so much of the phenomenon of chain migration.

Let me conclude my remarks by showing you, since we seem to be so enamored of charts—especially charts which I think have some devious value that I have noticed in the past months—but since we like charts, then you are going to be fascinated with this one.

Here is what is happening in our country with regard to legal immigration. I am not talking about illegal immigration. This is a hypothetical illustration of chain migration which I have been speaking about now for about a year. This is what the Jordan Commission was speaking about for much longer than that—chain migration through the family preference system for two generations of parents and their children. Here the process begins when the immigrant arrives. The immigrant arrives with a spouse and a child. All of them become citizens after 5 years—father, mother, child. These people are immediate relatives, and they come without ''number.'' Under my legislation, there would be a cap at 480,000, which has never been achieved as yet.

So then this person, the father, has brothers who wish to come, one of whom is married. They then immigrate as siblings of a citizen. This person has siblings who are married. She also has a widowed mother. They petition to come to the United States when she becomes a citizen. So when a spouse becomes a citizen, he petitions for his siblings who are married who wish to come.

From this branch we go here to a spouse petitioning for her parents. Now go back to the man, the husband. His mother immigrates after she becomes a widow.

Go then to this spouse. Her parents immigrate as immediate relatives of a U.S. citizen. That is very valid. She has married siblings who wish to immigrate. They immigrate as adult children of U.S. citizens after the parents naturalize.

Go on up from that. Their spouses have siblings who wish to come, some of whom are married.

This is all under the current preference system—two generations. They ultimately petition to immigrate as siblings of citizens. When some of these immigrants naturalize, they petition for their parents.

But here is the one you want to watch if you are talking about family and bloodlines, this kind of thing that has a good ring. Right here, I am going to circle the people who have no blood relationship with the original petitioner—none, no blood relationship. They are not uncles, aunts, nieces, nephews, married brothers, sisters, unmarried. This person is not is not related by blood. This person is not related by blood. This person is not related. This person, nor this person is related by blood to this petitioner. This person is not related by blood. This one, this one, this one—all of them not related by blood to the petitioner. These two persons are not related by blood to the petitioner. We hear this about the immediate family, family, brothers, sisters, on and on.

This one is not related by blood. This one, nor this one not related by blood. These two are. This one is. These here—this person is not related by blood. This one, this one, nor this one. None of these are related by blood. Not one of these are related by blood. Not one, not a single one, and down here two are not related by blood. These two are.

You are wondering what is happening? If that is not as graphic as I can give it to you, I do not know how it can be presented any more clearly.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. SIMPSON. You are going to hear the story about joining the family, keeping the family together, and all of this. I think it is important to see what happens with the phenomenon of chain migration.

Yes, I will yield for a question.

Mr. SIMON. How long does it take this to take place?

Mr. SIMPSON. It is clear here—two generations; about 45 years; two generations. This is it. That is happening now.

But you ought to remember what we did. We did legalization. The Senator from Illinois was part of that. I always appreciated his remarkable interest in that. We then ''legalized'' people who were here illegally living in a subculture of America. That was in 1986. Then there was a temporary period. Those people have now begun a full range of petitioning. They are U.S. citizens. They are filing, and they are filing under the present system. They are big numbers down the road. But we also have big numbers on the road right now, according to the INS, where they short-informed us, or short-sheeted us by 100,000 to 150,000 in number this year.

So when I get up—and I have a tendency to rant lightly from time to time. But when I say what we are trying to do is eliminate the issue of persons bringing in 30, 40, 50, 60, the all-time record was 83 persons on a single petition, that is what we are trying to do.

So, if we are going to continue to talk about family and treating those fairly who are here and those who play by the rules—I understand that and all of those things—then this is where we are. Even the most ardent proimmigration advocates cannot with credibility oppose legislation to control illegal immigration. That will not happen. But this, at least for me, is a presentation of where we are in this country, and we will just see where the amendment goes.

If it is gone, it is gone. But I do not intend to come this far in the immigration debate in the United States and

not deal with something that the Jordan Commission report felt was very much a concern. Others have different views. But if you are talking about reducing immigration, you cannot just talk about illegal immigration.

The reason I am talking about it here so I will not hear about combining and pureeing and splitting again is—and you must hear this—half of the people in the United States who are illegal came here legally. Over half of the people in the United States who are here illegally came legally. So how in God's name do you pretend that you can separate the issue? You cannot separate the issue. They came here on tourist visas and they came here on student visas or they came here on any kind of legal visa. They went out of status. They went into the communities. They went with their relatives, and they are here.

That is the way it works. The length of time—and I will throw it open—the length of time for chain migration, I say to my friend from Illinois, does not change the effect. It displaces the entry of spouses and unmarried minor children. If you continue this ritual—and it is already at 1.1 million. Remember, 1.1 million permanent resident aliens cannot bring their spouses and minor children because the numbers are going here, to someone who is not part of the blood line, not part of the ''immediate family'', and that is what is happening.

And the mystery—that this is something that is anti-American, we are doing something to those who play by the rules—is extraordinary.

But there are some players out in the land, not in this Chamber—I have had the greatest and richest regard for Senator ABRAHAM and Senator DEWINE and Senator FEINGOLD. They are doing yeoman work on the position they feel very strongly about. But there are some groups in the United States that are doing yeoman distortion, groups that send out stuff like this.

Oh, I love this one. You must see this one. This is big Grover Nordquist. He is really a dazzler. We hope Grover will come into the Chamber with us on this ghastly exercise. This is the Simpson-Smith bar code tattoo, compliments of Uncle Grover, who is getting paid 10,000 bucks a month by Mr. Gates of Microsoft to mess up the issue. And he has done a magnificent job of messing up the issue and should for 10,000 bucks a month. I think he should be very active.

So here is Grover. This is the Lamar Smith-Simpson tattoo. This is on illegal immigration.

How to do your tattoo.
Clean skin with alcohol pad.
Place tattoo ink side down on skin.
Dab with pad until design shows thru.
Lift paper off while still wet.
Dust design with baby powder for longer wear. Stays for days.
Remove instantly with alcohol or oil.

That is Uncle Grover's little caper, and for 10,000 bucks a month you can afford to do a lot of those, which they have. They are in a deceptively difficult looking packet, I will admit that. I will not go into that.

Well, now, there we are. The situation on this chart is a hypothetical situation. It says right here, so that you do not be deceived: ''Hypothetical illustration * * * chain migration through the family preference system for two generations.'' No tricks. It is what can and frequently does occur as a result of our current preference system. And my proposal will change that temporarily—and horribly—for 5 years so that we can stop the action, stop the carousel, let everybody get on and get off, and in 5 years decide what we are going to do. If we do nothing, the spike goes right back into existence.

I will yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We start off on our second day, really the third day on the issue of illegal immigration, and we want to be able to move through this process. We went through yesterday with a rather peculiar procedure by which individuals were denied recognition if they were going to deal with any issue that was not going to be relevant to the matter at hand.

Generally, we have to invoke cloture to follow that procedure. That is a time-honored process for this body. And so we circumvented that time-honored process, and the only matters that we could vote on would be those that were going to be understood or cleared beforehand not to include, for example, the minimum wage. So even if you stood on your feet, prior recognition and the way that the proposals are at the desk virtually excluded that possibility.

As I mentioned last evening, and I wish to mention to all of those who will be involved in the course of the day, just as the minority leader mentioned, that issue is still of currency, perhaps more so today, after the statements that have been made by Mr. GINGRICH and Mr. ARMEY that there will not be any vote on the minimum wage in the House of Representatives this year.

The idea that there has somehow been some willingness to try to work the process, to try and find some common ground, compromise on this received its answer yesterday with the clear statement of Mr. GINGRICH and Mr. ARMEY that there will not be a vote in the House of Representatives.

That does not surprise us because that has been their position for some period of time, although as recently as 2 days ago Mr. ARMEY thought they might be willing to consider the effective elimination of the earned-income tax credit that reaches out and provides help and assistance to children and workers at the lower levels of the economic ladder, and that some new entitlement that would be administered by the Internal Revenue Code would be set up by which the taxpayer would subsidize a number of the industries that hire $4.25-an-hour Americans, that would be costly to the taxpayers. It would be an entitlement program, a new entitlement program with new bureaucracy, I think completely unworkable, as a way of helping and assisting the industries which are employing the minimum wage worker.

Mr. President, I make this point now and then I will move toward the issue at hand, that we are still intent upon offering this amendment. We have an opportunity to offer it. We will during the course of this day and every day. So we want to just make sure that our friends and colleagues are aware of that. That is our intention. I am quite confident that sometime in the very near future we will have the opportunity to do so.

The bottom line is our Republican friends honor work. They say they honor work. They want to encourage Americans to work, and yet they refuse to provide them a living wage so that they can receive a just compensation to keep them out of poverty. That is the issue. That is the issue. No matter how you slice it, that is the issue.

That issue is a matter of fundamental justice and fairness in our society, and the fundamental issue of justice and fairness will not go away.

I see a number of our colleagues on the floor who wish to address this issue, but I want to try to put this whole issue into some perspective. The question that is before the Senate deals with illegal immigration. That is the matter of greatest concern. These are individuals who violate the laws, effectively take American jobs, come here unskilled and, in many instances, take scarce taxpayer dollars to support their various activities in this country. That is an entirely different profile from those who are legal immigrants.

We will have an opportunity to debate that issue when we address the legal immigration. But I can tell you, the studies that have been done about what happens with legal immigration demonstrate these are hard-working people, overwhelmingly successful. They are contributors to our society. We ought to be debating today illegal immigration.

The issues of families go to the core of legal immigration. The basic concept, in terms of what immigration policy has been about since the McCarran-Walters Immigration Act is, No. 1, the reunification of families. The reunification of families—that has been No. 1. It has only been in recent years that we have talked about the issues of bringing in special skills.

I still support the special skills that will enhance American employment. To me, it makes sense. I think, when we have the opportunity to talk about legal immigration we will find there is a difference here between the very special skilled and others who are coming in, but that is the heart of legal immigration.

It is illegal immigration here, which is burdening many of our States, eight States that have the 85 percent of the illegal immigration, taking American jobs. In too many instances, they are individuals whose lives have been complicated by crime and violence. That is the major concern. In order to address that issue, we ought to focus on that issue and just that issue today.

If we are going to get off on the legal immigration, which this amendment is all about—because what we are talking about are total numbers, the numbers we are going to be seeing here. We will have a good opportunity to talk about that during the time we have legal immigration. Some of the provisions that were on the Simpson amendment about reducing the numbers of skilled workers and the diversity issues may have some appeal at some time, but not as a part of this particular legislation. I urge my colleagues to reject the Simpson proposal.

Senator SIMPSON talks about who is closer to the Jordan Commission. The fact of the matter was, when Senator ABRAHAM and I offered the amendment in the Judiciary Committee, we were closer to the Jordan numbers than the author of this amendment. We were closer.

One of the important points my friend from Wyoming left out in his presentation was the fact that the Jordan Commission said we ought to address the backlog of children and loved ones, members of the family who have been trying to be reunited with their families—permanent resident aliens.

She suggested we have some kind of process and procedure to permit those families to be reunified. But not this proposal—absolutely not this proposal. This proposal effectively excludes and cuts out all of those. But this proposal would go even further. It would say, if you are a permanent resident alien and you have a son, that individual might not come here to the United States for 5 more years; let alone the hundreds of thousands of people who have been playing by the rules, who have signed up, their relatives signed up to be able to take their turn to come to the United States, to be reunified with their family—they are off the charts.

Now you have a new group. I am interested about that red pen going around those individuals. What about, do I care less about my son's wife than I do about my son? We will have an opportunity to talk. We are talking about real people, real people who are going to be affected, and real families. It is not just the ones who are under that roof. The nuclear family you talk about includes the brothers and the sisters and the fathers and the children of those families.

With all respect to my colleague, talking about chain migration, it is a problem, but it is not the problem that has been described here on the floor of the U.S. Senate.

If you look back at the GAO report on chain migration—and we address the issue of chain migration in the Abraham amendment. We are committed to addressing it when we have the legal immigration issues. But one other important fact that has been missing is that we here in the U.S. Senate passed one bill in 1986 and another one in 1990, one to deal with illegal, one to deal with legal. We had two separate commissions, under Father Hesburgh, one to deal with legal, one to deal with illegal, and that is the way we have proceeded.

The Jordan Commission had one report for legal and another for illegal. Interesting. Why? Because she understood, and the commission understood, that you should keep those issues separate. That is what we are doing here on the floor of the U.S. Senate.

Let us debate the issues on illegal and then debate the issues on legal. Barbara Jordan recommended it. Barbara Jordan suggested it. Barbara Jordan suggested we deal with the backlog of family members, but that has not been included in the amendment of the Senator from Wyoming.

On the issues of chain migration, which we address in our amendment and which we will continue to address, we have to put this in some proportion. Senator SIMPSON solves it, all right, but is hitting a tack with a sledgehammer. How much of a problem is this?

Here is the GAO: ''64 percent of petitioners who were exempt-immediate-relative immigrants * * * were native-born United States citizens. Among the remaining 36 percent of petitioners who were once immigrants, the average time between their arrival and the arrival of their exempt-immediate-relatives was about 12 years.'' Twelve years. The way this was presented is they come in the morning and they bring everybody else in in the afternoon—12 years.

Let us look at how much of a problem this really is. ''Only about 10 percent of former immigrant petitioners were admitted under the numerically restricted fifth preference category, brothers and sisters.'' Ten percent, total numbers, 12 years. We ought to address it. We did address it in our program. We will address it when we have the opportunity to deal with the legal immigration.

This amendment, as I mentioned, is basically about families. It is important that we not lose sight of that particular issue. What this amendment does to American families is exactly why we should separate legal and illegal. The key difference between the proposals of Senator SIMPSON and what Senator ABRAHAM and I propose in the committee is that Senator SIMPSON's amendment does not allow for fluctuation in family immigration.

We have heard about the changes that have taken place as a result of the 1986 act, where we provided a period of amnesty in order to clear up the problems with illegal that we had in this country at that time, and then we put in the employer sanctions provisions to try to start with a clean slate.

Now, what we have here in the United States as a result of that amnesty of 1986, we have some bump because of that one particular action. That will mean, over the next 5 years, some increase beyond what we expected and beyond what was testified to by Doris Meissner, although Doris Meissner did indicate, in September of last year, that there would be further naturalizations and was unable to detect exactly at that time what that increase might be. As a matter of fact, Barbara Jordan did not know what that increase would be. Barbara Jordan had the same figures that Senator ABRAHAM and I had, and others had, in terms of this. Those are the same thing.

She had a staff of experts that have complete access to all of these studies and figures, and she basically had the same kind of figures that all of us had when we were dealing with this issue in the Judiciary Committee. Now we have the blip that will come for the period of the next 5 years, and we will offer the amendments at the time we get to legal immigration. We do not have that opportunity now. I thought we were going to do just the illegal immigration, but now we have the legal immigration issues, in terms of family, that we are faced with.

So we have been operating in good faith. We are committed to act responsibly with a reduction that also respects the members and children of the families, in a very limited program, in terms of the reunification of brothers and sisters.

Mr. President, I want to point out a few other items. I see others are on the floor who want to address this issue. The effect of this program on families will be in 1997 a 33-percent reduction below the current law; in 1998, 28 percent; 23 percent in 1999; 18 in the year 2000; 12 percent in the year 2001.

It basically will say that adult children of American citizens will get no numbers for the next 5 years—of American citizens, adult children will get none.

Let me give you what this has meant in terms of some of those in my own State. This means someone who immigrates to the United States while his daughter is still studying abroad, marries an American, becomes a citizen in 3 years and then wants his daughter with him once she finishes college abroad, and he cannot bring her here.

That means the Bosnian refugee I met in Boston who left his adult children behind because of the conflict in Bosnia could not bring them here once he becomes a citizen. It says to brothers and sisters of citizens that you will effectively be zeroed out. It says, ''Take a hike,'' to those Americans who paid money to the Government to get their brothers and sisters here and have been waiting patiently for years.

Under the Abraham-Kennedy proposal, we at least try to reduce part of the current backlog; not all of it, but

part of it. For some Americans, a brother or sister is all they have. There is a Cambodian woman in Lowell, MA, who thought her entire family was wiped out by Pol Pot's terror. She then found out she had a sister who survived. That is her only family left, and she wants her sister with her in America, but this amendment says no brothers or sisters for the next 5 years.

The other evening, we adopted a proposal by Senator CONRAD for doctors to come to medically underserved areas. It was unanimously accepted here. Last week, we accepted 20 foreign doctors per State to go into underserved areas. This amendment says they cannot bring their children and they will not have their adult children here or brothers or sisters. They just cannot do it, and it ignores the big priority the Jordan commission gave to reducing the backlog of spouses and children of permanent residents.

Mr. President, I believe the final point I want to make is we have to look at what is happening in the House of Representatives. The House Judiciary Committee bill capped families at 330,000, and the conferees will be itching to make the cuts in this category. We are going to see significant reductions on whatever we do over here based upon what is happening over in the House. The U.S. Senate should not fall into that kind of a situation.

We are saying that we want your skills and ingenuity, but leave your brothers and sisters behind. We want your commitment to freedom and democracy, but not your mother. We want you to help rebuild our inner cities and cure our diseases, but we do not want your grandchildren to be at your knee. We want your family values but not your families.

Mr. President, this amendment should not be on this bill. We should have an opportunity to debate these issues when legal immigration comes up, and I hope the amendment will not be accepted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I hope by the tenor of this debate this morning that further amendments are not being closed out. I would be very upset and very concerned if they are, coming from a State that handles 40 percent of the immigration load, whether it be illegal or legal, in the United States and 40 to 50 percent of the refugees and 40 to 50 percent of the asylees in the United States of America. It would seem to me that the voices of the two Senators from California and amendments that they might produce in this area are worthy of consideration by this body. If I judge the tenor of the debate, it will be to close out other amendments, and I very much hope and wish that that will not be the case.

In any event, I am going to take this time now to explain what I have in mind and to explain that I would like to send a compromise amendment to the desk. This compromise amendment is between the Kennedy proposal and the Simpson proposal.

The debate has been changed. I appreciate what the distinguished Senator from Massachusetts said, that this debate is not about legal immigration. But the fact of the matter is that we have received in committee incorrect numbers on legal immigration, and those numbers are so dramatically different from the fact of what is actually happening, we learned from the press, that it does, by its own weight, changes the debate.

When we hear in committee—and I serve on the Judiciary Committee and on the Immigration Subcommittee—that legal immigration numbers have been going down and will continue to go down—and that has been the testimony—and then yesterday I read press that says, ''Immigration Numbers to Surge,'' and from one of the most distinguished journalists, Marcus Stern of the San Diego Union Tribune: ''Border Surprise, Outcry Greets INS Projection of Soaring Legal Immigration,'' and when the Department's own numbers indicate that immigration in fiscal year 1995 was 1.1 million and in fiscal year 1996 will be very close to that 1 million mark, what we thought we were dealing with in the vicinity of 500,000 or 600,000 is clearly not the reality.

Now, reports are one thing, numbers are another. Numbers affect classroom size, they affect housing markets in States that have major impact from legal immigration. California is on a tier of its own in this regard.

So I am very hopeful that this body will not make it impossible for the Senators from California to put forward a compromise proposal. I am having copies of that proposal at this time placed on the desk of every Member of this House.

Essentially, what the proposal would do is control increases in total family numbers and control chain migration. We would allow reasonable limits in family immigration totals for the next 5 years by placing a hard cap at the current law total of 480,000, without completely closing out adult-children-of-citizen categories and providing for the clearance of backlogs without creating chain migration.

Every Member will shortly have a chart which will show the difference between the Feinstein proposal with the hard cap of 480,000 and the Simpson amendment with a hard cap of 480,000 and no backlog reduction.

Also distributed to you will be a chart which will show current law. We now know that although current law is 480,000, it is going to be close to 1 million. The Kennedy proposal of 450,000, which is in the bill, with increases in the immediate family with an anticipated additional increase of 150,000—the Kennedy proposal numbers will be close to 1 million. It will be a major increase in legal immigration, if one is to believe the figures that INS has just put out.

We will also distribute to each Member the new figures of the Immigration and Naturalization Service. Under current law, INS projected 1,100,000 family immigration last year; and what they say will be in fiscal year 1996, is 934,000, similar to the figures under the Kennedy proposal which is now in the bill.

I voted for the Kennedy proposal in committee. I did so with the assurance that the numbers were not going to be increased. The first time I knew that was not the case was when I saw a New York Times article saying that in fact these numbers swelled legal immigration totals. And then of course yesterday we saw that the numbers were off as given to us by INS by 41 percent.

Current law has increased the numbers, due to the naturalization of 2.5 million people whom are legalized under IRCA. The spouse and minor children of citizens is going to increase for the next 4 years, increasing an anticipated average of between 300,000 and 370,000 or more per year for the next 4 years. I would suspect that even these numbers are going to be higher.

Under current law the spouse and minor children of citizens are unlimited. The family total of 480,000 is a pierceable cap, which means the additional increases in this category due to IRCA legalization, pierces the cap and increases family immigration numbers over the 964,000 in fiscal year 1996.

So that number, even the projected numbers, are going to be low. Also under current law, another source of increase in family numbers is the spillover from unused visas in the employment base category. In fiscal year 1995, 140,000 visas were available and only 85,000 were used. This means 55,000 spilled over to the family category.

What my compromise amendment does, what the Feinstein amendment would do, is stop the pierceable cap, place a hard cap on the 480,000 that are theoretically allowable today. That is the current law, but without the anticipated increases, because the hard cap would stop that. It would also stop the spillover from the unused employment visas, the loophole in the current system that no one talks about.

Fairness, I believe, dictates that we do not close out the preference categories. Let me tell you why. I think Senator ABRAHAM and others, Senator FEINGOLD, understands this. Under our present system, if you close out the family preferences, there is no other way for these members of families to come to this country—no other way—not in the diversity quotas, no other way. So if you close them out, you foreclose their chances of ever coming to this country. And they are on a long waiting list now. So I think the fair way to do it is to place a hard cap on the numbers and then allocate numbers within each of the preference categories.

So I do that. I do not close out the preference categories. I would have

parents and adult children guaranteed to receive visas every year, remaining consistent with the goal of family reunification.

I would allocate visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category. However, they must always remain within that 480,000 hard cap.

I would allow the backlog clearance of spouses, minor children of permanent residents by allowing 75 percent, with any visas left over within the family total to be allocated to this category's backlog clearance.

I would also control chain migration, where one person ends up bringing in 45 or 40 other people, often not blood relatives. Commissioner Doris Meissner has told me that what permits chain migration is the siblings of the citizen category. I would place a moratorium for the next 5 years on this category. However, if there are any visas left over within the hard cap of 480,000 our family amendment allows 25 percent of the leftover to be used for backlog clearance of siblings, those who have been waiting for many years.

The problem with the Simpson amendment is that in its operation it would provide no visas for adult children of citizens. It would provide no guarantee of visas for children of citizens. All the numbers left over from Simpson's hard cap family numbers go to spouses and minor children of permanent residents, where the 1.1 million backlog remains. This means no one else who has been waiting to reunite with their children will be able to do so in the next 5 years.

The Simpson amendment provides no backlog reduction plan. The amendment is a simple, straight spillover, giving preference to permanent residents over U.S. citizens' families.

The problem with the Abraham-Kennedy provision, which is currently in the bill, is that there is no cap on the numbers. With an anticipated 2.5 million IRCA legalized aliens expected to naturalize in the next 5 years, the unlimited family numbers would result in a family immigration total of 1 million a year.

Recognize, 500,000 of these people are going to go to California a year. We do not have enough room in our schools. We have elementary schools with 2,500, 3,000 students in them, in critical areas where these legal immigrants go. There is no available housing. There is a shortage of jobs. So why would we do this, if the numbers are swollen 41 percent over what we were told when we considered this bill in committee?

The Kennedy-Abraham amendment also has a spillover provision from unused employment-based immigration visas. The current limit is 140,000. The actual use in 1995 was only 85,000, which means in addition to the increasing numbers in family immigration, there would be an additional 55,000 visas totaling up to 1 million in family immigration in 1996.

Third, the Kennedy-Abraham amendment increase chain migration by guaranteeing 50,000 visas for siblings of citizens in the next 5 years, which increases to 75,000 per year for the subsequent 5 years. INS Commissioner Doris Meissner has confirmed that the chain migration comes from the siblings category. Under Kennedy-Abraham, the bill would allocate 50,000 to 75,000 for siblings, more numbers in certain years than current law which allows 65,000 per year.

I believe that the Feinstein amendment is a reasoned balance between Simpson and the Abraham-Kennedy provision. It places a hard cap on the current level of 480,000 family total per year. It closes the loophole where the unused employment-based visas spills over to the family immigration numbers.

Third, it guarantees that close family members of citizens get visas each year with flexible limits, allowing increases in allocation of visas with decreases in the immediate family categories, which INS anticipates will flatten out in about 5 years.

The Feinstein amendment is about fair allocation of scarce visa numbers to protect reunification of close family members of citizens, while controlling the daunting increases in family immigration due to the increase in naturalization rates for the next 5 years.

Every member, Mr. President, has three pages. The first page would have current law, Feinstein and Kennedy; the second page, Feinstein and Simpson in the numbers in each of the categories. I can only plead with the chairman of the Immigration Subcommittee to please give me an opportunity to send this amendment to the desk so that the Senators, at least of the largest State in the Union affected the most by immigration, would have an opportunity to vote on it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I begin by clarifying a point here. I believe we are on the Simpson amendment here to the illegal immigration bill. References made by the Senator from California to the Abraham-Kennedy amendments being in this bill are not accurate. There is no provision related to the Abraham-Kennedy amendment in this bill because this is the illegal immigration bill we are dealing with.

The legal immigration bill, which we also passed in the Judiciary Committee, is at the desk and can be brought to the floor of the Senate. I believe and hope it will be brought to the floor of the Senate for discussions of the matters that pertain to legal immigration, including debate over how the allocation of visas ought to be made.

I am going to speak right now about the amendment that is pending, the effort by the Senator from Wyoming, the Simpson amendment, to inject legal immigration issues into this illegal immigration bill.

Mr. President, I have only been involved with this issue during my brief tenure in the Senate. I am very deferential to the Senator from Wyoming, who has worked on this issue for 17 years. I applaud his efforts. My efforts, which have been with a slightly different philosophical approach, are not meant to in any way suggest that what he has done has not been based upon sound thinking on his part.

However, I say from the outset, he indicated there were a lot of funny things that came up during immigration, a lot of intriguing twists and turns. I agree with him completely. The one thing that I learned more than anything else during our experience in the committee was the very real need to keep illegal and legal immigration issues separate rather than joining them together.

I also learned it was imperative that in discussing whether it was the illegal immigration issues or the legal immigration issues, they be done in a total and comprehensive way. Indeed, our committee deliberations on this lasted almost a full month, Mr. President.

That is why I think it is important that we continue the pattern which was set in that committee of dealing with illegal immigration issues in one context, the bill before us, and reserving the legal immigration issues, issues of how many visas are going to be provided, how those visas will be allocated, and so on, the legal immigration bill, which is also at the desk. It is wrong to mix these two.

As a very threshold matter in this whole debate about immigration, Senators should understand the very real differences between the two. Illegal immigration reform legislation, the legislation before the Senate right now, aims to crack down on people who break the rules, people who violate the laws, people who seek to come to this country without having proper documentation to take advantage of the benefits of America, people who overstay their visas once they have come here, in order to take advantage of this country. That is what this bill is all about. It does an extraordinarily good job of dealing with the problems surrounding illegal immigration. It is a testament, in no small measure, of the Senator from Wyoming's long-time efforts that such a fine bill has been crafted.

But there is a very big difference between dealing with folks who break the rules and break the laws and seek to come to this country for exploitative reasons, and dealing with people who want to come to this country in a positive and constructive way to make a contribution, to play by the rules, and, frankly, Mr. President, to make a great, great addition to our American family. It is wrong to mix these.

It would be equally wrong to mix Food and Drug Administration reform with a crackdown on sentencing for drug dealers. Yes, they both involve drugs, but one deals on the one hand

with people breaking the law and using drugs the wrong way, and the other deals with a reasonable approach to bringing life-saving medicines and pharmaceuticals into the marketplace. Those should not be joined together and neither should these. Anybody who watched the process, whether in our Judiciary Committee here or over on the House side, I think would understand that these issues have to be kept separate.

Let me say in a little bit more detail, let us consider what happened. In the Judiciary Committee, on the committee side, we had a vote. It was a long-debated vote over whether or not legal and illegal immigration should be kept together. The conclusion was very clear: a majority of Republicans and a majority of Democrats in the Judiciary Committee voted to divide the issues and to keep the legal immigration debate and issues separate from the illegal immigration issues. That, I believe, is what we should also do on the floor of the Senate.

It was not just at the full committee that that was the approach taken, Mr. President. It was also how the Immigration Subcommittee itself addressed these issues. It did not start with one bill on legal and illegal immigration. It recognized the very delicate and very complicated nature of each of these separate areas of the law. First it passed a bill on illegal immigration, and then it passed a bill on legal immigration. Only then did it seek to combine the two, which the Judiciary Committee felt was a mistake, and separated the two later on.

On the House side, Mr. President, we had the same thing take place. On the floor of the House of Representatives, a bill that included legal and illegal immigration reforms was tested. Overwhelmingly, the House of Representatives voted to strike those provisions such as the one or similar to the ones contained in the Simpson amendment which is before the Senate, provisions which dealt with legal immigration and dramatic changes to the process by which people who want to play by the rules come to this country and do so legally.

In the Senate Judiciary Committee, we have kept legal and illegal immigration separate. In the House of Representatives, they have kept them separate. The bill, which is sitting in the House side waiting to go to conference with us, does not have these legal immigration components that will be discussed today.

For those reasons, Mr. President, as a threshold matter, I think that the amendment that is being offered should not be accepted. I believe that it improperly puts together two very different areas of the law that should be kept and dealt with and considered separately, and I think we should not move in that direction.

I make a couple of other opening statements. I know there are other colleagues who want to speak, and I will have quite a bit to say on this and intend to be here quite a long time to say it. Even if there was a decision to somehow merge these together, Mr. President, I think the worst conceivable way to do it is to do it piecemeal as we are now talking about doing in this amendment.

If we were to consider these together, the notion of taking just one component—and a very significant one at that—out of the legal immigration bill and to try to tack it on to the illegal immigration bill before us, would be the worst conceivable way to address the issues that pertain to legal immigration in this country and the orderly process by which people who want to come and play by the rules are allowed into our system.

It is wrong, I think, as a threshold matter, to mix the two. It is even wronger to take a piecemeal approach to it as would be suggested by this amendment.

Mr. President, I say it would be wrong for this body to pursue this type of amendment offered by the Senator from Wyoming.

I also make another note. The Senator from Wyoming in his comments, as a threshold matter, suggested because visa overstayers constitute a large part of the illegal immigrant population in this country and because they at one time came to this country legally, we should somehow bring in the entire legal immigration proposal, misses the point.

With this legislation, once these folks have overstayed their visas, they are no longer legal immigrants. They are illegal immigrants. We have dealt with that effectively in the bill.

So, Mr. President, my initial comments today are simply these. As a threshold, it is wrong to mix the two. As a threshold, it is even wronger to mix them on a piecemeal basis. If we are going to consider legal immigration, the appropriate way to do so is to bring the full bill that was passed by the Judiciary Committee, which sits at the desk, to the floor of the Senate. I have no qualms about having a debate over that bill. I have a lot of different changes that I might like to consider, including some in light of the INS statistics that are being discussed. But that is the way to do it, not by tacking on this type of provision to a bill that should focus, in a very directed way, on illegal immigration and the problems we confront in that respect in this country today.

Mr. President, I know others are seeking recognition. I have quite a bit more to say, but I will yield the floor and seek recognition further.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I yield to my colleague from California temporarily. She wishes to introduce an amendment that will be held at the desk.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might send a substitute amendment to the desk on behalf of Senator BOXER and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I, with all due respect, differ with my colleague from Wyoming on this. Were I to vote on the Feinstein amendment regarding this, I would vote against that, also. I think our colleague from Michigan is correct that we have to keep legal and illegal separate.

Now, it is true, as Senator SIMPSON has said, that the majority of people who are here illegally came in legally. But we have to add that this amendment will do nothing on that. These are people who came in on visitors' visas, or student visas. This amendment does not address that.

A second thing has to be added that somehow has escaped so far this morning, and that is, the majority of the people who come in as immigrants to our society are great assets to our society. Illinois is one of the States that has major numbers in immigration. But a smaller percentage of those who come into our country legally are on various Government programs, such as welfare, than native-born Americans, with the exception of SSI. That is an exception. And there are some problems we ought to deal with. There are problems we ought to deal with in illegal immigration. But not on this particular bill.

Let me also address the question of the numbers. There is some conflict, apparently, in the numbers that are going around. I think, in part, it is because the Immigration Service—and I have found them to be very solid in what they have to say—are projecting what is going to happen. And there is a bubble because we have this amnesty period. And so there is going to be a period in which the numbers go up, and then they will go back down. I do not think it is a thing to fear.

And then, finally, Mr. President, yesterday on this floor, I heard that we are going to be facing real problems in Social Security. We all know that to be the case. The numbers who are working are declining relative to the numbers of retirees, in good part, because of people in the profession of the occupant of the chair, Mr. President, who have added to our longevity. One of the things that happens in the fourth preference, where you bring in brothers and sisters, is that you bring in people who will work and pay Social Security. It is a great asset to our country, not a liability.

So I have great respect for our colleague from Wyoming. I think he is one of the best Members of this body, by any gauge. But I think he is wrong on

this amendment. I think we should separate these two insofar as possible, the illegal and the legal immigration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in very strong opposition to the Simpson amendment. I thank the Senator from Michigan for his leadership on it.

First of all, I think that this amendment is an unfortunate attempt to circumvent the will of the majority of this Congress, which has clearly indicated its strong desire to keep the issue of legal immigration separate from the issue of illegal immigration.

The other body has already sent a very strong message on a strong, bipartisan vote not to have any cutbacks, Mr. President, in current legal immigration levels.

Just a few weeks ago, after a very, very long process, the Senate Judiciary Committee, again on a very strong, bipartisan vote, voted by a large margin to keep these two areas of law separate—legal and illegal immigration.

Groups and organizations from across the political spectrum have united behind the common goal of keeping legal immigration separate from the issue of illegal immigration.

This includes a lot of business groups, such as the National Association of Manufacturers; labor groups, such as the AFL–CIO; religious groups, such as the American Jewish Committee and the Lutheran Immigration and Refugee Service, and liberal and conservative groups ranging from Americans for Tax Reform to the National Council of La Raza.

They are all opposed to this attempt to rejoin the issues of legal and illegal immigration. That is why, Mr. President, with this immense amount of support for considering legal immigration reform as a separate piece of legislation, I am disappointed that the Senator from Wyoming has chosen to offer this amendment today.

Just to review, the Senate Judiciary Committee voted by a 12 to 6 margin to split the two issues. Nonetheless, that vote did not prevent the committee, nor will it prevent the whole Senate from considering both issues. Indeed, after the committee had dealt with, at length, the illegal immigration bill and disposed of it, the committee very shortly moved on to discuss and consider and vote out a separate bill on legal immigration.

Mr. President, I am also somewhat troubled by what has been suggested both privately and publicly, that cutbacks in legal immigration cannot pass unless they are riding the coattails of strong illegal immigration reform. I think that is a very troubling notion.

If there are not enough votes in this Congress to pass a bill that reduces legal immigration, it should not be piggybacked onto a separate piece of legislation that has far more support.

If a particular proposal cannot pass based on its merit, what other possible justification could there be for its passage?

We have heard the argument that the issues of legal and illegal immigration are intertwined because so many immigrants come here on temporary visas and remain here unlawfully after their visas have expired. Fair enough. This is known as the visa overstay problem. But before the Abraham-Feingold visa overstay provision was adopted by the Judiciary Committee last month, there was not a single word in this bill about that issue, about the significant number of people who are here illegally because they overstay their visas.

Let me emphasize that point, Mr. President. It is important for all Senators to understand that the visa overstay problem represents roughly one-half of our entire illegal immigration problem. We are not talking here about people who jump the fence along the Mexican border in the dead of the night and disappear into the American work force. We are talking about people who come here on a legal visa, usually a tourist or a student visa, and then refuse to leave the country when the visa expires.

That problem alone represents one-half of illegal immigration. The Senator from Wyoming is suggesting that the only way to combat that problem is to tie reductions in legal immigration to an illegal immigration bill.

Mr. President, that theory has already been discredited. The new visa overstayer penalties, authored by the Senator from Michigan and myself, are not contained in the legal immigration bill.

They are contained quite appropriately in this bill. They are in the illegal immigration bill and that is where they belong because the issue of visa overstay has to do with illegality. But this amendment offered by the Senator from Wyoming has nothing to do with illegality. It has to do with questions of levels of legal immigration and who should come in and when. But what was offered in committee—and what is a part of this bill—are targeted penalties and reforms against those legal immigrants who break the rules and, therefore, have conducted themselves illegally. It does not represent the approach of the Senator from Wyoming which is to clamp down on all of these immigrants whether they are playing by the rules or whether they are breaking them.

So the proposition that we need to tie the legal provisions to the illegal provisions so we can clamp down on the visa overstayer problem is just plain false. We have clamped down in visa overstayers, who are illegal aliens, in the illegal immigration bill.

As I indicated yesterday in my opening remarks, there has unquestionably been some abuse of our legal immigration system.

I will not, of course, deny that. But much like you wouldn't stop driving your car if you had a little engine trouble, we should not pass such harsh and unnecessary reductions in lawful immigration simply because a few have chosen to abuse the system.

Mr. President, let me be clear about my position on this issue; I will oppose any amendment that prevents a U.S. citizen from bringing a parent into this country.

I will oppose efforts to eliminate the current-law preference category that allows a U.S. citizen to reunite with a brother or sister.

And, I will oppose any proposal that would effectively prohibit a U.S. citizen from bringing their child into this country, whether a minor or an adult child.

And that is essentially what the proposal before us, offered by the Senator from Wyoming, would accomplish. It would redefine what a nuclear family is.

Supporters of this amendment assert that in terms of allocating legal visas, we should place the highest priority on spouses and minor children, both of U.S. citizens and of legal permanent residents.

I agree with this, Mr. President. And we can accomplish that goal and still permit sufficient levels of legal immigration of other family relatives. That is why a bipartisan amendment was adopted by the Judiciary Committee to place a stronger emphasis on the immigration of spouses and minor children while still providing visas to parents, adult children, and brothers and sisters.

That is what is currently in the bill. Unfortunately, the amendment before us would essentially terminate the ability of a U.S. citizen to bring these other family members into the country.

Parents would no longer be part of the nuclear family. Children, if they have reached the magic age of 21, would no longer apparently be children in the sense of being part of the nuclear family for purposes of the very strong desire of families to be reunited. The goal of wanting to be reunited with your children I do not think cuts off when the child reaches the age of 21.

Mr. President, in a sense that raises the question, What happened to family values? This proposal would turn the family friendly Congress into what in many cases would be a family fragmenting Congress.

So I think it is clear that we have two very distinct issues at play. We should not deal with this issue in a manner that suggests that those who abide by our laws are as much a problem as those who break them. I think that is an injustice to the millions and millions of immigrants who over the years have come to this country, and who have played by the rules and have become productive and contributing members to our society.

Mr. President, I join with the Senator from Michigan, the Senator from Ohio, and others in urging my colleagues to join the majority of the House, to join a majority of the Senate

Judiciary Committee, to join numerous business, labor, religious, and ethnic organizations, and to join the overwhelming majority of the American people who do not want to see such dramatic legal immigration cutbacks tacked on to a piece of legislation that seeks to punish those who break our laws.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise to oppose the amendment.

The first thing that I want to say is that I have the greatest respect for my colleague from Wyoming, and I know that no one has worked harder or longer on this issue. As he knows as well as anybody, it is not an issue that is very beneficial politically for anyone. But it has been something that the Senator has done out of a sense of duty, a sense of obligation to perform that function for the U.S. Senate, but more importantly for the people of this country for many, many years. He has done a very good job.

I rise, however, to oppose the amendment, and I rise to oppose it for two reasons.

First, I believe it is a fundamental mistake to mix the issue of legal immigration and illegal immigration. I will explain in a moment why I think that is a mistake.

Second, I rise to oppose the amendment because I believe on substance it is a mistake.

Let me start with the first reason. Let me start with why I believe it is a mistake to mix two very different issues.

As my colleague from Michigan has pointed out, this is an illegal immigration bill. That is what is in front of us today. It is important I think that we keep it that way. It is also important I think that we do what we said we were going to do, and that is after this bill is over with bring a legal immigration bill to the floor and battle that out and talk about that. But I think we need to keep the two separate.

Why? First of all, for historic reasons. These issues have always been divided by this Congress. Go back to 1986. The Simpson-Mazzoli bill was an illegal immigration bill. A few years later Congress dealt with the legal aspects of that, a legal immigration bill. And in fact, just this year when these bills started off in Senator SIMPSON's subcommittee they were separate bills. It was only at the end of the subcommittee's deliberations that they were combined. The full Judiciary Committee by a vote of 12 to 6 decided to separate them and to go back to the way this matter has always, or at least for the last 15 years or so, been dealt with.

So on historical grounds it is very clear this precedent is to keep them separate. There is absolutely no precedent to combine the two issues. It is interesting that the House of Representatives basically made the same decision when they deleted the significant portion, the portion of the illegal bill that had to do with illegal immigration, and they made that same decision. The House of Representatives did, and they did it by a fairly lopsided margin.

The second reason that it is important to keep these issues apart is I believe that a yes vote on this amendment does in fact merge the two issues and does in fact make it much more difficult and more unlikely that we will be able in this session of Congress to deliver to the President of the United States for his signature an illegal immigration bill.

If any of my colleagues who are in the Chamber or who are watching this back in their offices have any doubt about this, reflect on the debate of the last 2 hours and fast forward to later on today with more and more and more debate. I think the longer you observe this and how contentious some of these legal immigration problems are and the disputes are, it will be clearly understood that by taking a relatively clean illegal immigration bill and dump the legal issues into it makes it less likely that we will ever been able to pass a bill and send it on to the President of the United States.

I think there are clearly votes in this Chamber to pass a good illegal immigration bill. I am going to have an amendment later on to change a provision of the illegal bill. My colleague from Michigan is going to have a separate amendment to change it. We are going to vote those up or down. We are going to argue those out. But ultimately we are going to be able to pass the illegal bill.

If we start down this road of amendments that are clearly dealing with the legal aspect of this, I am not as confident that we are going to be able to pass a bill. I am not as confident that we are going to be able to do what my friend from Wyoming wants to do, and I think the vast majority of the American people want to do; that is, to pass a good illegal immigration bill and send it to the President of the United States.

The third reason I believe it is a mistake to combine these issues, these issues that we have historically not combined, is that once you begin to do that, it makes good analysis more difficult and we begin to confuse the two very distinct issues.

We have in this country an illegal immigration problem, and we all agree on that. I think there is pretty broad consensus about what to do about it. There are a lot of good provisions in this bill. I do not believe we have a legal immigration problem. Illegal immigrants are lawbreakers. They are lawbreakers. And no country can exist unless it enforces its laws. We absolutely have to do that.

Legal immigrants, on the other hand, are by and large great citizens. They are people who care about their families. They are people who work hard. They are people who played by the rules to get here, got here legally, and add a great deal to our society.

The linkage of the legal and illegal bills, which is what this amendment really is going to end up doing, brings about a linkage and I think many times a distortion of the correct analysis. Let me give two examples, two examples of what failure to keep the distinction between the illegal issue and the legal issue does.

I have heard many times the statement made that aliens use social services more than native-born Americans. They are on welfare more; they use up social services; they are a burden to society.

The reality is that statement may be technically true, depending on how you state it, but if you talk only about legal immigrants, that statement is totally wrong. In fact, the facts fly in the face of that because the facts show that legal immigrants are on welfare less than native-born citizens. Although I have not seen any studies or empirical data about this, just from observation—admittedly, it is anecdotal—it would seem to me that the legal immigrants, citizens now, care very much about their families and have intact families and work very, very hard. The fact is that they are on welfare less. The fact is that they do consume social services less than native-born citizens. That is the truth. So you can see how the mixing of the rhetoric and the mixing of the issues causes problems.

The second example of how mixing these issues causes a problem: The statement is made—and it is a correct statement—that one-half of all illegal immigrants came here legally. Let me repeat that. One-half of all illegal immigrants came here legally. That is true. That is a true statement. But these are not legal immigrants. ''Immigrant'' is a term of art. They are not legal immigrants. They did not come here expecting or being told that they could become citizens. These are, as my friend from Wyoming pointed out, students who overstay their visas. These are people who come here to work who overstay. As my colleague from Wisconsin correctly pointed out, the Simpson amendment does not deal with this issue. It does not deal with this problem. And it is a problem.

The bill does. We took action in the bill and in committee to try to rectify this problem. Again, you have a difficulty when you confuse the terminology. Yes, these individuals came here legally, but they were never legal immigrants. They never came here with the expectation they would become citizens. They have no right to expect that. So when we analyze legal immigrants and we talk about the burden they place on society, we talk about where the problem of illegal immigration comes from, it is important to keep the distinction correct and to watch our terminology.

Therefore, I believe for practical reasons, for historic reasons, and also for

reasons of good analysis, we should vote no on this amendment. A yes vote links these two issues. It takes an illegal immigration bill that we can pass and shoves into it issues that should be kept separate and dealt with distinctly, and I would say I clearly believe that they should be dealt with later on on this floor in a separate bill.

Let me turn, if I could, for a moment, Mr. President, to the merits of this bill, and I am going to return to this later; I see several of my colleagues who are patiently waiting to talk.

If you look at the merits, I think you have to look at the big picture. I believe that, unfortunately, the effect of the Simpson amendment is to go against some of the best traditions of our country. It really flies in the face of what our immigration policy should be and has been, at least has been throughout a great portion of our history. That immigration policy in its best days, most enlightened, has been based on two principles. One is that the United States should be a magnet, a magnet for the best and the brightest, yes, but also a magnet for the gutsiest, the people who have enough guts to get up, leave their country, get on a boat or get on a plane or somehow get here, come into this country because they want a better future for their children and their grandchildren and their great grandchildren.

The second basic tenet of our immigration policy at its best has been family reunification. We talk in this Congress a lot about family values. We talk about how important families are. They are important. Our immigration policy at its best has put a premium on family reunification. I believe that the net effect of this amendment, however well-intentioned, is to fly directly in the face of those traditions. It is antifamily. It is antifamily reunification and goes against the tradition of trying to attract the best people in this country, people who are the most ambitious, the people who are willing to take a chance.

Let me just give a couple of examples, and I will come back to this later.

The net effect of this amendment is to exclude adult children. Let me take my own example. We all relate things to our own lives. My wife Fran and I have had eight children. Let us assume that I just came to this country. Let us assume that I became a U.S. citizen. The effect of the amendment would be to say, some of your children, a part of your nuclear family—part of them are part of your nuclear family—our younger child, Anna, who is age 4, she could come. Mark, who is 9, could come. And Alice could come; she is 17. Brian, who just turned 19, he could come, too. But John, who is 21, he is not part of your nuclear family. You could not bring him over. He is going to college. You could not bring him. He could not become a citizen. It would say about my older children, Patrick and Jill, they could not come. I think that is a mistake. I think, again, it goes against the best traditions and the history of this country.

The amendment even goes further, the net effect of it does. It says, if you have a child and that child happens to be a minor, but if that child is now married, that child is not going to get in either. Again, I think that is a mistake. We hear talk about brothers and sisters. It is easy to say it is really not important that brothers and sisters come. My colleague from Massachusetts, Senator KENNEDY, has given a couple of examples of what impact that would have. Maybe you can argue the brothers and sisters issue either way. Let me make a couple of comments about it. One of the ways legal immigrants have been able to succeed when they come here—you see it, you certainly see it in the Washington, DC, area. You see it in other parts of the country, too. You see, in small businesses that have been started, you see whole families in there working, people who are hustling, people who are not looking to the State or Government for handouts, but rather people in there trying to make it. They are making it because everybody in the family is working. Somehow, I do not think that is bad. Somehow, I think that is really in the best tradition of this country. It is in our history, each one of us on this floor.

I will make another point in regard to this. Whatever you think about whether brothers and sisters should be able to come in, this amendment would close the door to brothers and sisters of U.S. citizens who have already—these are brothers and sisters of U.S. citizens—who have already paid their fees, applied for admission and been admitted; who waited in line, many times for years, who have done the right thing, who have done everything we told them to do—''Be patient, wait in line, your turn will come.'' They get right up to the door and with this amendment we will say, ''No, that is wrong, we have changed the rules.'' We can do that. We have every right to do that. I just do not think we should do it. I do not think it is the right thing to do.

Let me at this point yield the floor. I do want to address some of the issues my friend from Wyoming has brought up, but I see my friend from Alabama is on the floor. Several other Members are waiting. Mr. President, in just a moment I am going to yield the floor.

Let me briefly summarize by saying that any Member who thinks these issues should not be joined, who thinks we should keep the issues separate and apart and distinct, any Member who is really concerned about increasing the odds of passing and seeing become law an illegal immigration bill, should vote ''no'' on this amendment. You should vote ''no'' if you want to keep the issues separate. You should vote ''no'' if you want to increase the odds of finally getting an illegal immigration bill on the President's desk and signed into law this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to support the Simpson amendment which, I believe, is a first step in restoring common sense to our Nation's immigration system.

I ask unanimous consent I be added as a cosponsor of the Simpson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, there has been substantial debate recently regarding the connection between legal and illegal immigration. Those who favor increased legal immigration have argued there is no link between legal and illegal immigration. In their view, these matters are completely unrelated and should be treated separately, as you just heard.

I disagree. It is simply impossible, I believe, to control illegal immigration without first reforming our legal immigration system. One-half of all illegal immigrants enter the country legally and overstay their visa. No amount of effort at the border will stop this. The only way, I believe, to effectively prevent illegal immigration is to reform our legal immigration system. Thus, I believe there is a clear link between legal and illegal immigration. I support Senator SIMPSON's proposals to reform the legal immigration system, but I am concerned that even his efforts to reduce legal immigration do not go far enough.

With all the misinformation and misunderstanding surrounding this issue, it does not seem possible for this body to pass legislation which will, in my view, bring the number of legal immigrants into line with our national interests. The central question, as I see it, is not whether we should continue legal immigration; we should. The problem is not that legal immigrants or legal immigration are bad per se—they are not. We are a Nation of immigrants, and immigrants have made great contributions to our country, as you have heard on the floor. Immigration is an integral part of our heritage, and I believe it should continue. The real issues that Congress must face, however, are what level of legal immigration is most consistent with our resources and our needs. Yes, and what criteria should be used to determine those who will be admitted. I am convinced that our current immigration law is fundamentally flawed and I want to share with you some charts to illustrate this point.

First, the law has long been allowing the admission of excessive numbers of legal immigrants. Let me show you this chart. This chart here shows that the average number of immigrants in this country admitted per year has climbed to about 900,000. You can look at the chart. From the 1930's to the 1990's, it is just in an upward spiral.

Additional legal immigration levels averaged about 300,000 per year until the 1965 Immigration Act. As this chart

indicates, this is the bulk of immigrants in our country. Three-fourths of the immigrants are legal immigrants. This is three times our level of illegal immigration. There is no other country in the world that has a regular immigration system which admits so many people. Current law fails to consider if such a massive influx of foreign citizens is needed in this country. It also fails to recognize the burden placed on taxpayers for the immigrants' added costs for public services.

Excessive numbers of legal immigrants put a crippling strain on the American education system. Non-English speaking immigrants cost taxpayers 50 percent more in educational cost per child. Schools in high immigration communities are twice as crowded as those in low immigration areas, as this next chart indicates.

Immigrants also put a strain on our criminal justice system. Foreign-born felons make up 25 percent of our Federal prison inmates—25 percent, much higher than their real numbers.

Immigrants are 47 percent more likely to receive welfare than native-born citizens. In 1990, the American taxpayers spent $16 billion more in welfare payments to immigrants than the immigrants paid back in taxes. At a time when we have severe budget shortfalls at all levels of government, our Federal immigration law continues to allow aliens to consume the limited public assistance that our citizens need. Moreover, high levels of immigration cost Americans their jobs at a time when we have millions of unemployed and underemployed citizens, and millions more who will be needing jobs as they are weaned off of welfare. It is those competing for lower skilled jobs who are particularly hurt in this country. Most new legal immigrants are unskilled or low skilled, and they clearly take jobs native citizens otherwise would get.

Second, criteria to select who should be admitted does not incorporate, I believe, our country's best interests. As the next chart shows, who are the legal immigrants? Employment based is only 15 percent. Immediate relatives, 31 percent; other relatives, 27 percent; 4 percent is relatives of people who were given amnesty under other legislation. The others are refugees and asylees, 15 percent. The diversity lottery, 5 percent.

But look at it again: Immediate relatives, 31 percent; other relatives, 27 percent. Relatives predominate the immigration.

The 1965 Immigration Act provisions allow immigrants to bring in not only their immediate family, Mr. President, such as their spouse and minor children, but also their extended family members, such as their married brothers and sisters who then can bring in their own extended family. The brother's wife can sponsor her own brothers and sisters, and so forth. This has resulted in the so-called chain migration we have been talking about, whereby essentially endless and ever-expanding chains or webs of distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60, or more people. I believe this is wrong, and it must be stopped.

Immigrants should be allowed to bring in their nuclear family—that is, their spouse and minor children—but not, Mr. President, an extended chain of distant relatives.

Some opponents of reforming legal immigration who are fighting desperately to continue the status quo will say that only a radical or even reactionary people favor major changes in the immigration area. However, bringing our legal immigration system back under control and making it more in accord with our national interest is far from adequate, I submit.

Let me remind my colleagues that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, recommended fundamental reforms in the current legal immigration system, and the overwhelming majority of the American people want changes in our legal immigration system. I certainly would not consider mainstream America radical or reactionary.

The next chart shows that the results of a recently released national Roper Poll on immigration are dramatic:

More than 83 percent of Americans favor lower immigration levels: 70 percent favor keeping immigration levels below 300,000 per year; 54 percent want immigration cut below 100,000 per year; 20 percent favor having no immigration at all;

Only 2 percent—only 2 percent, Mr. President—favor keeping immigration at the current levels.

I believe we should and I believe we must listen to the American people on this vital issue. If we care what most people think, and we should, and if we care about what is best for our country, I believe we will reduce legal immigration substantially by ending chain migration and giving much greater weight to immigrants' job skills and our own employment needs.

Mr. President, I support the Simpson amendment, which I am cosponsoring, to begin reducing legal immigration.

ONLY INITIAL STEP

I emphasize ''begin'' because the amendment is but a first step toward the fundamental reform and major reductions in legal immigration that we need. I would like us to do much more now. Congress should pass comprehensive legal immigration reform legislation this year instead of adopting only a modest temporary reduction. Even as an interim step, I would prefer tougher legislation, like S. 160, a bill that I proposed earlier. That bill would give us a 5-year timeout for immigrants to assimilate while cutting yearly legal immigration down to around 325,000, which was roughly our historical average until the 1965 Immigration Act got us off track.

Nevertheless, I am a realist and have served in this body long enough to know that the needed deeper cuts and broader reforms cannot be adopted before the next Congress. This is a Presidential election year and the time available in our crowded legislative schedule is quite limited. Most attention has been focused until recently on the problems associated with illegal immigration, and many Members have not yet been able to study legal immigration in the depth that is needed to make truly informed and wise decisions. The House has already voted to defer action on legal immigration reforms. Moreover, the separate legal immigration bill recently reported by the Senate Judiciary Committee is controversial and fails to provide a proper framework for real reform. The committee's bill disregards most of the widely acclaimed recommendations of the bipartisan U.S. Commission on Immigration Reform made under the able leadership of the late former Congresswoman Barbara Jordan.

Let me take a moment to comment on the history of the committee's legal immigration bill, S. 1665, because it is relevant to this discussion. Originally, Senator SIMPSON, chairman of the Immigration Subcommittee, took many of the key recommendations of the Jordan Commission, which spent 5 years studying every aspect of U.S. immigration policy, and turned them into S. 1394, the Immigration Reform Act of 1996. The bill, as Senator SIMPSON drafted it, set out many very sensible reforms—reforms proposed by the Commission and which the American people overwhelmingly support. It would have instituted a phased reduction in legal immigration, ended extended family chain migration and placed greater emphasis on selecting immigrants based on their job skills and education while taking our labor market needs more into account.

Unfortunately, the legal immigration bill that has been reported to us is radically different than the original Simpson legislation and the Jordan Commission's recommendations. The American people want fundamental immigration reform, and yet the committee's bill gives us the same old failed policies of the past 30 years, albeit in a different package. Mr. President, supporters of that bill ought to be thankful that truth in advertising laws do not apply because what they are selling to the American people as immigration reform is anything but. That bill not only fails to make such much needed recommended systemic reforms, it actually increases legal immigration levels.

Given these circumstances, it is clear that major cuts and comprehensive legal immigration reform will have to wait until the next Congress. Nevertheless, I believe that it is important to begin the debate and to begin making at least some reductions in the numbers of legal immigrants. This amendment's modest temporary reductions in

legal immigration appear to be about all that might be done this year. Therefore, I am supporting this amendment.

REFORM IN 105TH CONGRESS

I want to make it clear, however, that in the next Congress I will fight very hard to ensure the enactment of the fundamental reforms needed to restore common sense to our immigration system and to best serve our national interests. I intend to push for legislation incorporating many of the changes recommended by the Jordan Commission and other immigration experts.

I believe that while we must allow immigration by immediate nuclear family members of citizens and legal permanent residents, we must significantly reduce legal admission levels by eliminating many preference categories, especially those for extended relatives, as proposed by the Commission. Most of our legal immigrants are admitted through the family preference system put in place by the misconceived 1965 Immigration Act. Admission is not on the basis of their job skills or our labor market needs. Only about 6 percent of our legal immigrants are admitted based on employment skills.

CHAIN MIGRATION

The 1965 act's provisions allow immigrants to bring in not only their immediate family members—such as their spouse and minor children—but after they become citizens they also may sponsor their extended family members—such as their married brothers and sisters—who then subsequently can bring in their own extended family. For example, the brother's wife can sponsor her own brothers and sisters, and so on. This has resulted in the so-called ''chain migration'' effect whereby essentially endless and ever-expanding chains or webs of more distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60 or more people. This is wrong, and it must be stopped. It creates ever-growing backlogs because the more people we admit, the more become eligible to apply. Immigrants should be allowed to bring in their nuclear family (e.g., spouse and minor children), but not an extended chain of more distance relatives. In addition, we must give greater priority to immigrants' employment skills and our labor needs when we reform admission criteria.

Proponents of high immigration levels argue that we must retain extended family admission preferences in order to protect family values. Well, let us remember, Mr. President, that when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family. Why does it become our responsibility to have a mechanism in place to undo what the immigrant himself has done? Why is it the responsibility of the American taxpayer who picks up the tab for so many legal immigration costs to have to let the immigrant bring more than his or her immediate nuclear family here? Where do our obligations to new immigrants end? Apparently they never do in the minds of immigrationists who advocate continuing an automatic admission preference for this ever-expanding mass of extended relatives. Each time we admit a new immigrant to this country under our present system, we are creating an entitlement for a whole new set of extended relatives. For most, this means being added to the admission backlogs.

CHAIN MIGRATION INCREASES BACKLOGS

In that regard I want to observe that proponents of bringing in backlogged relatives at an even faster rate claim that family chain migration is largely a myth. I find this an astounding contention. The very fact that in recent years we have developed a massive, ever increasing backlog of extended relatives proves the point that chain migration is a reality. As the committee's report on its legal immigration bill, S. 1665, notes: ''Backlogs in all family-preference visa categories combined have more than tripled in the past 15 years, rising from 1.1 million in 1981 to 3.6 million in 1996.'' Family chain migration is real, and it's a real problem.

CONFUSION BETWEEN LEGAL AND ILLEGAL IMMIGRANTS

Mr. President, even the very modest reductions made in the pending amendment are viewed as unnecessary by those who favor retaining high levels of legal immigration. They have been saying that legal and illegal immigration provisions should not be considered together because there is confusion between legal and illegal. They say that Congress might let concerns over illegal immigration taint its view on how legal immigration should be handled, and that this could lead unjustly to reductions in legal numbers.

Well, after talking about immigration with many citizens in Alabama and elsewhere, I must admit that I have found that there is in fact considerable public confusion about legals and illegals. Furthermore, I agree that this is affecting how Congress is dealing with these issues, but the effect is not what immigrationists think. Ironically, the confusion is greatly benefiting the special interest immigration advocates and their congressional allies and undercutting the efforts of those of us who believe that major cuts in legal immigrant numbers and other reforms must be made. Concerns and confusion over illegal immigration actually are keeping Congress from making the large cuts in legal admission that otherwise clearly would be made this year. Let me explain why.

What I have found in repeated discussions with citizens from all types of backgrounds is that they are overwhelmingly concerned about the high numbers of new immigrants moving to our country. However, most people are under the mistaken impression that almost all of the recent immigrants came here illegally. When you explain to them that in fact that about three-fourths of the immigrants in the last decade are legal immigrants they are shocked. At first, they can't believe that Congress has passed laws letting millions of new people come here legally. Then, I have found that the shock and disbelief of most individuals I talked to quickly turns to outrage and anger, and they start demanding that Congress change its policy and slash legal admissions.

Thus, Mr. President, what I have found convinces me that most of our constituents are really just as upset about legal immigrants as they are about illegal ones. However, they frequently have only been voicing their concerns in terms of illegal aliens because they did not realize that the people they are upset about actually were here legally.

LEGAL AND ILLEGAL IMMIGRATION ARE LINKED

High immigration advocates also have argued that there is no link between legal and illegal immigration and that amendments relating to legal immigration are not appropriate to the illegal reform bill we are now debating. I strongly disagree. Legal and illegal immigration are closely linked and interrelated.

LEGAL PROVISIONS NOW INCLUDED

First, with respect to the linkage of legal and illegal immigration, Mr. President, let me also remind my colleagues that the so-called illegal immigration bill that we are debating already contains important provisions relating to legal immigration like those imposing financial responsibility on sponsors of legal immigrants. Thus, it clearly is appropriate to consider the pending amendment to reduce legal immigration.

LEGAL FOSTERS ILLEGAL

Our current legal admissions system makes literally millions of people eligible to apply, and therefore causes them to have an expectation of eventual lawful admission. But, the law necessarily limits annual admission numbers for most categories and massive backlogs have developed. By allowing far more people to qualify to apply for admission than can possibly be admitted within a reasonable time under the law's yearly limits, the present law guarantees backlogs. It can take 20 years or longer for an immigrant's admission turn to come up. This then encourages thousands of aliens to come here illegally. Some come illegally because they know that under current law they either have no reasonable chance for admission or they will have to wait many years for admission given the backlogs.

ILLEGALS CAN LEGALIZE WITHOUT PENALTY

It is important to note that our current law does not disqualify those who come illegally from later begin granted legal admission. Therefore, illegals often feel they have nothing to lose

and everything to gain by jumping ahead of the line. In short, our legal immigration process has the perverse effect of encouraging illegal immigration. Even though we granted amnesty to legalize over 3 million illegal aliens in 1986, today well over 4 million—and quite possibly over 5 million—illegal aliens now reside in the United States Hundreds of thousands of the new illegal immigrants later will be getting a legal visa when their number eventually comes up through the extended family preference system. Many of these illegals—ho I remind you have broken the law, and who everyone in Congress seems to be so concerned about—thus will become legal immigrants. Magically, it would seem the bad guys become the good guys and all problems go away. Mr. President, how can this be? How can anyone honestly say the legal and illegal issues are not very intertwined and linked together?

ILLEGAL INCREASES LEGAL

In another paradoxical result of our current flawed system, illegal immigration also tends to increase legal immigration. How? Well, look at the situation under the 1986 amendments. The 3 million illegals who received amnesty were allowed to become legal, thereby increasing the number of legal immigrants. And, after becoming legal residents and citizens, what have these former illegals done? After being transformed into good guys by legalization, they have played by the rules, as flawed as the rules are, and petitioned to bring in huge numbers of additional legal immigrants who are the relatives of these legalized illegal aliens. This greatly increases the backlogs. The Jordan Commission found that about 80 percent of the backlogged immediate family relatives are eligible because of their relationship with a former illegal alien. And, as the backlogs grow, Congress is asked to raise admission levels by special backlog reduction programs, which will then increase the number of legal aliens.

Thus, we have an integral process here where the legal system works so as to guarantee backlogs which in turn lead to special additional admission programs and to more illegals who, after a while, may be legalized and then become eligible to bring in more relatives legally. Many of the new legal applicants in each cycle are then thrown into the backlogs so the process can repeat itself. Many of the applicant's relatives also will come here illegally to live, work and go to school while waiting to legalize.

LEGAL HAS SIMILAR IMPACTS

Legal immigration is also linked to illegal immigration because it has many of the same impacts. Both legal and illegal immigration involve large numbers of additional people, with legal in fact accounting for nearly three times more new U.S. residents every year than illegal immigration. Many of my colleagues have expressed grave concerns about illegal immigrants taking jobs from Americans, or these immigrants committing crimes, or costing taxpayers and State and local governments millions for public education and welfare and other public assistance. Well, as I will point out later in detail, it is time to recognize that legal immigrants often cause these same types of adverse impacts. Congress must stop overlooking or disregarding this patently obvious fact. Let there be no mistake we will not solve most of our national immigration problem by just dealing with illegal immigration. Legal immigration is in many ways an even greater part of the problem.

FLORIDA EXAMPLE

Often, the adverse impacts of legal immigration actually will be much greater than illegal because so many more people are involved. For example, consider the situation in the State of Florida. As my colleagues know all too well, especially those who are concerned with unfunded Federal mandates, the Governors of high immigration States like Florida have been coming to Congress for the last several years demanding billions of dollars in reimbursements for their States' immigration-related costs. Governor Lawton Chiles, a former distinguished Member of this body, presented testimony in 1994 to the Senate Appropriations Committee asking for such reimbursement. Governor Chiles' detailed cost analysis showed that in 1993 Florida's State and local governments had net—not gross—immigration costs of $2.5 billion. About two-thirds of this cost—$1.6 billion—came from legal immigration. That's right, listen up everyone, legal immigrants were responsible for two-thirds of Florida's immigration costs. Florida's public education costs alone from legal immigrants came to about $517 million that year. So, my colleagues, we must face the facts that many concerns being raised apply with equal or greater force to legal immigration and that legal and illegal immigration are interrelated.

NEITHER IMMIGRANT BASHING NOR GLORIFICATION

While I do not condone unjustified immigrant bashing, neither do I subscribe to much of the one-sided emotional immigrant glorification and mythology that so often permeates the legal immigration debate. Supporters of high immigration levels often appear to be saying that legal immigrants are much smarter than citizens and that almost all are harder working, more law abiding and have stronger family values than native-born Americans. They imply that we do not support family values if we do not support allowing every immigrant who comes here to later bring his or her entire extended family of perhaps 50 or more relatives. Immigrationists also tend to see only positive benefits from legal immigration and to disregard or downplay any negatives.

BOTH POSITIVE AND NEGATIVE IMPACTS MUST BE WEIGHED

Well, Mr. President, this Senator believes that Congress has the responsibility to weigh both the positive and negative aspects of immigration and to factor in our national needs and citizens' interests when setting legal admissions levels and procedures. Yes, we should consider the positive contributions made by immigrants, and the fact that legal immigrants pay taxes to help defray some of our immigrant-related costs. However, we also need to consider the impacts on American families when one or both parents loses job opportunities to legal immigrants, or when a parent's wages are depressed by cheap immigrant labor. We need to consider the impacts on American schoolchildren of having hundreds of millions of dollars diverted from other educational needs to pay for special English-language instruction or scholarships for children from recent immigrant families. We need to consider the impacts on America's senior citizens and our needy native-born people who are unable to obtain nearly the level of public assistance they require because billions are going to pay for benefits for millions of legal immigrants. We need to consider the impact of legal immigration-related unfunded mandates on State and local governments and taxpayers, especially in high immigration areas like Florida and California. And, we need to remember that many immigrants who do pay taxes are paying relatively little because they are making very low wages, and thus do not necessarily pay taxes at a level that will cover nearly all of their costs.

LEGAL IMMIGRATION SHOULD CONTINUE

The central question that Congress must decide is not whether we should continue legal immigration. Of course we should. The problem is not that legal immigrants or legal immigration are bad per se. They are not. We are a Nation of immigrants, and immigrants have made great contributions to our country. Immigration is an integral part of our heritage, and it should continue. However, while immigrants bring us many benefits, but they also bring certain added costs and other adverse impacts. Furthermore, we do not have unlimited capacity to accept new immigrants.

WHAT LEVEL AND WHAT CRITERIA

The ultimate question that Congress must face here is what level of legal immigration is most consistent with our resources and needs, and what criteria should be used to pick those who are admitted. After studying this question, I am convinced that our current legal immigration law is fundamentally flawed. The heart of the problem is twofold: First, the present law has for years allowed the admission of excessive numbers of legal immigrants; and second, the selection criteria are discriminatory and skewed so as to disregard what's in our country's overall best interests.

DRAMATIC LEGAL INCREASES

The current immigration system, based on the 1965 Immigration Act, has allowed legal immigration levels to

skyrocket. Legal immigration has grown dramatically in recent decades after the 1965 Immigration Act. We have been averaging 970,000 legal immigrants—that's nearly 1 million people legally every year—during the last decade! When you add in the 300,000 plus illegal immigrants who move here every year, this means we are taking well over a million immigrants a year.

We now have over 23 million foreign-born individuals residing in the United States, both legally and illegally. This translates to 1 in 11 U.S. residents being foreign-born, the largest percentage since the Depression. Immigrants cause 50 percent of our Nation's population growth today and will be responsible for 60 percent of the U.S. population increase that is expected in the next 55 years if our immigration laws are not reformed.

Before commenting further on our high levels of immigration, let me briefly explain why the 1965 act is discriminatory. Most immigration under the act occurs through the family preference system. In the early years after the act was passed, a few countries were then the primary immigrant sending countries. After a few years, immigrants from those nations were able to petition for admission of more and more relatives. These relatives from those countries came and in turn sponsored other relatives from those countries, further expanding the immigrant flow from these sending countries. As a practical matter, few immigrants can now be admitted other than on the basis of a family relationship so new immigrants tend to come from the same countries where their earlier family members came from.

This means that there is a de facto discrimination both against admitting immigrants from other countries and against immigrants from even the favored nations unless they happen to be a relative of other recent U.S. immigrants. Would-be non-relative immigrants can be much better educated and higher skilled, but unless they qualify under the much more limited employment categories, they need not apply because under the 1965 act's nepotistic system the admission quotas go to relatives.

Well, Mr. President, I strongly believe that it's long past time for Congress to recognize the 1965 act's flaws and to readjust the statutory process so that we have far lower legal admission levels and fairer admission criteria that are more closely keyed to our national needs and interests. Some of my colleagues and I will probably disagree at least on the numbers of immigrants to be allowed, but I would hope that most will at least agree that an issue of such overriding and strategic importance to the future of our country merits their careful and detailed consideration. Our Nation should not be changed so fundamentally without Congress debating the issue and making a conscious, informed decision on how immigration should be allowed so as to best promote and protect our national interests.

NOT LIKE TRADITIONAL IMMIGRATION LEVELS

Historically, except for a brief 15-year period around 1900, our legal immigration levels have been much lower than what we have experienced after the 1965 act and its subsequent amendments. Many of my colleagues may be surprised by this fact because immigration mythology may have led them to believe that high levels of immigration like we have experienced in recent years are typical or traditional throughout American history. Well, quite the opposite is true.

During the 50-year period from 1915 through 1964, for example, legal immigration levels averaged only about 220,000 annually. From 1820 when our formal immigration records were begun until 1965, it averaged only about 300,000, including the unusually high years around 1900. From 1946 to 1955, it averaged about 195,000 annually; then from 1956 to 1965, it was averaging roughly 288,000 yearly. With the passage of the 1965 Act, the numbers began to skyrocket: from 1966 to 1975, the yearly average became 381,000; then from 1976 to 1985 it hit 542,000; and for the last decade from 1986 through 1995, legal immigration on average hit about 970,000 yearly.

The post-1965 act constant high legal immigrant influx is radically different than our historical pattern. Another important aspect of our legal immigration problem is that there have been no immigration timeouts or break periods for the last 30 years to give immigrants time to assimilate and be Americanized.

Even with the ending of legalizations under the 1986 amnesty law, the legal numbers are still very high. And, this huge wave of immigrants has helped fuel the application backlogs which now run around 3.6 million. Some apologists for high immigration numbers say that since legal immigration has averaged somewhat lower for the last couple of years, we are on a significant new downward trend. Well, we are not. Recent INS projections call for a large increase in legal immigration in fiscal year 1996, thanks largely to the current law's provisions allowing immigration by extended relatives of recent immigrants and the effects of family chain migration.

TIMES HAVE CHANGED

Mr. President, not only are such extremely high immigration levels not traditional, but it is important to realize that today times and circumstances have changed dramatically so that it is far less appropriate to have either such high immigration or the limited skills most current immigrants now bring us.

THEN

In the good old days of yesteryear, we had a much smaller U.S. population and many more people were needed for settling the frontier and working in our factories. In earlier times, our economy also needed mostly low-skilled workers. We still had plenty of cheap land and resources. Quite significantly, we had no extensive taxpayer-funded government safety net of public benefit programs for unsuccessful immigrants to fall back on. Not surprisingly, 30 to 40 percent of our immigrants returned to their homelands. Furthermore, our domestic population's cultural and ethnic heritages were more similar to those of new immigrants. More Americans then had large families because the high domestic birthrate was similar to that of new immigrant families. And, the melting pot concept was generally accepted and fostered assimilation. In addition, there were periodic lulls in immigrant admission levels so as to allow for assimilation.

NOW

Today, circumstances are quite different. Land and resource availability are much more limited and expensive. The United States now is a mature nation with a host of serious domestic difficulties, economic problems, chronic unemployment, crime, millions of needy, and so forth. Our population has grown many times over. In fact, the United States now doesn't need more people—we have no frontier to settle, and we have plenty of workers. And, our economy has been undergoing fundamental structural changes. We have been restructuring toward a high-technology economy that needs higher skilled, more educated workers to compete in the new global marketplace instead of unskilled or low-skilled immigrant labor. We now have a costly taxpayer-funded safety net of government assistance that immigrants can rely on such as welfare, AFDC, SSI, health care, and other benefit programs. Not surprisingly, now only 10 to 20 percent return to their home country. And, multi-culturalism is favored over the "melting pot" concept by many immigrant groups, making assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants' diversity, multiculturalists now push to retain newcomers' different cultures.

Mr. President, yes, times and circumstances have changed. How many Senators would be willing to vote today to start voluntarily admitting three-quarters of a million, or more, new people—most of whom are poor, unskilled or low-skilled and don't speak English—every year? I dare say that most of those who did so would face serious reelection problems when outraged voters learned of their actions. Perhaps, this is why the Judiciary Committee's legal immigration bill uses admission assumptions that are much lower than recent INS projections. Perhaps, some people hope to escape voters' wrath by claiming that they did not know what's happening and what's obviously going to happen if we don't make big cuts and other reforms. Whatever their reasoning, what

we are experiencing is legislative business as usual, catering to the high immigration and cheap labor lobbies when it comes to legal immigration.

TIME TO FACE LEGAL IMMIGRATION REALITIES

Well, my colleagues, we are paying a high price now for years of excessive Federal spending and for using smoke and mirrors accounting to understate our budgetary problems. We are facing an analogous problem here for having allowed both legal and illegal immigration levels to be excessive for years, and for failing to acknowledge difficulties caused by high legal immigration.

We simply must begin facing up to the real numbers and the problems associated with admitting far too many new people through legal immigration. About three-fourths of our immigration comes from legal immigrants. That's three times our level of illegal immigration. Why are we trying to close the backdoor of illegal immigration and lamenting about all the impacts illegals are causing, but at the same time disregarding the fact that the front door is open wider than ever? Congress must stop giving little or no thought to the obvious interconnection between legal and illegal immigration and their similar adverse impacts. In the last Presidential campaign, there was a popular saying ''It's the economy stupid!'' Well, with respect to the heart of our immigration problems it can be said ''It's the numbers stupid!''—we get three times more numbers from legal immigration than illegal.

LEGAL IMMIGRATION'S COSTS

Our current legal admissions policy fails to take into account whether such a massive influx of newcomers is needed, or the burdens placed on taxpayers for the immigrants' added costs for public education, health care, welfare, criminal justice, infrastructure and various other services and forms of public assistance. Let me highlight some of these costs:

Education—For example, excessive numbers of legal immigrants are putting a crippling strain on America's education system. About one-third of our immigrants are public school aged. Immigrant children and the children of recent immigrants are greatly increasing school enrollments and adding significantly to school costs in many areas.

Schools in many high immigration communities are twice as crowded as those in low immigration cities.

In 1995, the Miami public school system was getting new foreign students at a rate of 120 per day, and as I noted earlier, Florida's costs in 1993 for legal immigrant education came to over half a billion dollars.

Hundreds of thousands of children from immigrant families speak little or no English. This causes a tremendous increase in education costs and diverts limited dollars that are needed elsewhere in our school systems. English as a Second Language programs are very expensive. Non-English speaking immigrant children cost taxpayers 50 percent more in education costs per child.

Welfare—Legal immigrants, who make up the largest part of our foreign-born population, also are costing billions for various forms of public assistance:

According to the GAO, about 30 percent of all U.S. immigrants are living in poverty. The GAO has found that legal immigrants received most of the $1.2 billion in AFDC benefits that went to immigrants.

Immigrants now take 45 percent of all the SSI funds spent on the elderly according to the GAO. In 1983, only 3.3 percent of legal resident aliens received SSI, but in 1993 this figure jumped to 11.5 percent; 128,000 in 1983 vs. 738,000 by 1994. This is a 580 percent increase in just 12 years.

The House Ways and Means Committee indicates that in 1996, around 990,000 resident aliens—who are noncitizens—are receiving SSI and Medicaid benefits, costing $5.1 billion for SSI and another $9.3 billion for Medicaid, for a total of $14.4 billion. The committee projects that this cost for legal immigrants will jump to over $67 billion a year by 2004.

As our colleague from California, Senator FEINSTEIN, has pointed out, only about 40 percent of our immigrants are covered by health insurance, and therefore immigrants have to rely heavily on taxpayer funded public health services.

Recent analysis by Prof. George Borjas of Harvard University of new Census Bureau data also has confirmed immigrants are using more public benefits. Borjas points out that immigrant households were less likely than native-born Americans to receive welfare in 1970. However, his analysis shows that today immigrant households are almost 50 percent more likely to receive cash and non-cash public assistance—they are about 50 percent more likely to receive AFDC; 75 percent more likely to receive SSI; 64 percent more likely to receive Medicaid; 42 percent more likely to receive food stamps; and 27 percent more likely to receive public housing assistance.

Borjas also notes that 22 percent of the California's households are immigrants, but they get 40 percent of the public benefits; that 9 percent of Texas' households are immigrants, but they get 22 percent of the public assistance; and that 16 percent of New York's households are immigrants, but they get 22 percent of the public assistance benefits.

Jobs—At a time when we have millions of unemployed and underemployed American citizens—and millions more who will be needing jobs as they are weaned off welfare—our Federal immigration law continues to allow in a flood of foreigners to depress wages and take jobs that our own citizens need. While corporate cheap labor interests profit, it is American workers who suffer, especially those who are competing for lower skilled jobs. Most new legal immigrants are unskilled or low-skilled, and they clearly take many jobs native citizens otherwise would get.

Dr. Frank Morris, a noted African-American professor, pointed out in House testimony last year that immigration is having disproportionate adverse impacts on American blacks as follows:

> There can be no doubt that our current practice of permitting more than a million legal and illegal immigrants a year into the US into our already difficult low skill labor markets clearly leads to both wage depression and the de facto displacement of African American workers with low skills. . .. The American labor market is not exempt from the laws of supply and demand. If the supply of labor, especially unskilled labor, increases in markets where significant numbers of African Americans reside for any reason, you have either a wage depression or labor substitution effect upon African Americans, who because we have less education, work experience and small business creation rates than other Americans, are disproportionately negatively impacted in those markets. . .. America is the only country in the world that has mass immigration at a time of slow growth, and industrial restructuring of the economy. African Americans are disproportionately hurt by this process because almost half of all immigrants head for cities that also have a large number of African American residents searching and fighting for better low rent housing, better low skill requirement but high paying jobs, and better public school education for their offspring.

Secretary of Labor Reich in testimony regarding needed immigration reforms on September 28, 1995 before the Senate's Subcommittee on Immigration commented on the ''fundamental question of what purpose our employment- or skill-based immigration policy is meant to serve'' as follows:

> This nation of immigrants always has and always will welcome new members into the American family, though at a different pace and in different ways to suit the times. . .. Employment-based immigration to fill skill shortages, as well as the temporary admission of selected skilled foreign workers, is sometimes unavoidable. But I firmly believe that hiring foreign over domestic workers should be the rare exception, not the rule. And I believe such exceptions should be even rarer, and more tightly targeted on gaps in the domestic labor market than is generally the case under current policy. . .. If employers must turn to foreign labor, this is a symptom signaling defects in America's skill-building system. Our system for giving employers access to global markets should be structured to remedy such defects, not acquiesce in them. And it should progressively diminish, not merely perpetuate, firms' dependence on the skills of foreign workers.

Crime—Immigrants also put a strain on our criminal justice system—over 25 percent of the Federal prison inmates are foreign-born. This is clearly very disproportionate to immigrants' percentage of our general population, which is about 9 percent. Large numbers of these criminal aliens were admitted legally. It cost taxpayers hundreds of millions of dollars just to incarcerate them.

After an extensive study, the Senate Permanent Subcommittee on Investigations reported in April 1995 that:

Aliens now account for over 25 percent of Federal prison inmates and represent the fastest growing segment of Federal prison population. A conservative estimate is that there are 450,000 aliens who have been convicted of a crime and who are in prison, in jail, on probation or on parole in the United States. Criminal aliens not only occupy beds in our prisons and jails, they also occupy the time and resources of law enforcement and our courts.

Mr. President, I say that we must recognize such negative impacts from excessive levels of legal immigration, and that we have a moral obligation to take care of American citizens first. We certainly cannot do so without making drastic cuts in legal immigration numbers. We also must change the criteria to give much more emphasis to immigrants' skills and our changing labor needs.

RESPONSIBLE, REASONABLE LEGAL IMMIGRATION REFORMS

Many opponents of reforming legal immigration who are fighting desperately to continue the status quo say that only radical or even reactionary people favor major changes in this area. Their contentions are erroneous. Bringing our legal immigration system back under control and making it more in accord with our national interests is far from radical.

Let me remind my colleagues again that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, has recommended fundamental reforms in the current legal immigration system. The Commission's recommendations included substantial reductions in legal admission levels and abolishing a number of admission categories including brothers and sisters of citizens and adult children of permanent residents. Surely, proposing such fundamental changes because they concluded this would be in our national interest does not mean that distinguished Americans like Barbara Jordan are radical or reactionary.

Moreover, the overwhelming majority of the American people certainly are not radical or reactionary, and they clearly want Congress to dramatically reduce legal immigration numbers. And dramatic is perhaps the best way of describing the results of a recently released national Roper Poll on immigration. This Roper Poll found over 83 percent of Americans favor lower immigration levels. Seventy percent favor keeping overall immigration below 300,000 per year, and this view is supported generally across racial, ethnic, and other lines—52 percent of Hispanics, 73 percent of blacks, 72 percent of Democrats and 70 percent of Republicans. A majority of the public—54 percent—want immigration cut below 100,000 per year; and 20 percent favor having no immigration at all. Even reform opponents were surprised to learn that only 2 percent favor keeping the current levels. It should be noted that the questions used in this poll specifically advised respondents that current levels of legal and illegal immigration totaled over 1,000,000 new immigrants per year. The people's answers stated the immigration levels they favored for all immigration, including both legal and illegal. While this new Roper Poll is consistent with many earlier polls, it shows even stronger public sentiment on these issues. Thus, it is clear that the public wants dramatically lower legal immigration.

Mr. President, we must listen to the American people on this vital issue. If we care what our constituents think, if we truly want to represent their views, and if we care about doing what's best for our country, we will cut legal immigration substantially and we will make other fundamental changes in the system to end chain migration by extended family members and to give much greater weight to immigrants' education and skills and our employment needs. Therefore, I urge my colleagues to support this amendment to begin to make the responsible, reasonable reforms needed in our legal immigration policies.

Mr. President, I ask unanimous consent that several articles showing the need for immigration reform be printed in the RECORD.

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

[From the San Diego Union Tribune, Apr. 24]

BORDER SURPRISE

WASHINGTON.—Despite contentions by President Clinton's administration that legal immigration is tapering off under existing law, the flow is expected to soar by 41 percent this year over 1995 and remain substantially above last year's level for the foreseeable future.

This forecast comes from unreleased data compiled by the Immigration and Naturalization Service (INS).

The projections, obtained by Capley News News Service, triggered an outcry yesterday from advocates of tougher restrictions on legal immigration. They responded to the disclosures by charging that the INS had intentionally misled Congress and the public during this year's stormy debate over whether to cut legal immigration.

The projections show immigration rising from 593,000 last year to 835,000 this year and 853,000 in 1997. The overall numbers actually will be about 100,000 higher because the projections do not include refugees and several other groups of people admitted legally.

For that reason, the overall number for next year is expected to be closer to 1 million than to 853,000.

At a key moment in the congressional debate the INS held a press conference during which it stressed the downward trend in the immigration levels during the past two years. The officials failed to disclose the agency's forecast showing the huge surge beginning this year.

If the law remains substantially unchanged as appears likely at this point, the average annual level of legal immigration over the next eight years would be about 29 percent higher than in 1995.

They clearly misled the American people and Congress, knowing they were telling part of the truth but not the whole truth,'' said Rep. Lamar Smith R-Texas, chairman of the House Immigration subcommittee.

''It's inexcusable, and what it really says is, 'How can we believe what they say again when it comes to immigration figures?' ''

Smith led a failed 16-month drive in the House to cut legal immigration. It was defeated earlier this month.

A White House spokeswoman said she could not comment on internal INS projections she had not seen. But she said the notion that legal immigration would rise sharply was inconsistent with what INS officials had told her.

A senior INS official denied any effort on the part of the agency to mislead Congress, saying agency officials had testified on Capitol Hill that they expected immigration levels to rise—not fall—under current law.

Robert Bach, executive associate commissioner for policy and planning of the INS, briefed reporters hours before a pivotal March 28 Senate vote and stressed the declines in immigration during fiscal years 1994 and 1995. The report he released that day also was circulated widely on Capitol Hill.

Yesterday, Bach said there had been no effort to mislead reporters.

He said that ''we reported on what was'' in the two previous years.

''We didn't spin the future,'' Bach said.

He said that ''it was a straightforward report'' on what happened in 1994 and 1995.

But Smith disagreed.

''They (INS officials) justified their position in supporting an amendment to take out legal immigration reform by saying the numbers were coming down anyway,'' he said. ''And they knew the numbers would be jumping up as they were speaking.''

Restrictionsists including Smith argue that current levels of legal immigration have placed economic burdens on states such as California, Texas, Florida, New York and New Jersey where most immigrants reside. They also say immigrants increase the competition that low-skill domestic workers face for low-wage jobs.

Immigration advocates argue that the burdens of legal immigration are exaggerated and that, overall, it is good for America. Some of them attribute restrictionist sentiment to racism and xenophobia.

Clinton had endorsed a controversial 1995 recommendation by the U.S. Commission on Immigration Reform to significantly cut legal immigration. But his administration has quietly lobbied against the congressional initiatives, saying they go too far. And it provided a crucial and possibly fatal blow to reform efforts in the House by coming out in support of the amendment that killed legal immigration reform there earlier this month.

An effort by Sen. Alan K. Simpson, R-Wyo., chairman of the Senate immigration subcommittee, also was defeated. Instead, the Judiciary Committee approved an amendment by Sens. Spencer Abraham, R-Mich., and Edward M. Kennedy, D-Mass.

Their proposal is the only legal immigration legislative initiative that remains alive in Congress. No date has been set for it to be debated on the Senate floor.

The INS predicts that immigration under the Abraham-Kennedy provision would decline by 4,000 from current law, or less than .5 percent. That means the 29 percent higher levels forecast for the next eight years would occur even under the Abraham-Kennedy plan. Sen. Dianne Feinstein, D-Calif., voted for the amendment after being assured by its authors that it would entail significant cuts.

Feinstein has said California needs cuts in legal immigration. But she was unavailable Monday or yesterday to comment on the INS projections.

Those projections show that legal immigration even under the scuttled Simpson provisions—the most restrictive of the proposals—would have been 7.5 percent higher over the next eight years than last year's level.

The immigration surge is attributed to the rougly 3 million people legalized under the

1986 overhaul of the nation's immigration laws. Many have become citizens and are petitioning for the immediate and unlimited admission of their spouses, minor children and parents.

''It's very clear that INS is trying to play down these (rising immigration) numbers as much as possible,'' said Rosemary Jenks of the Center for Immigration Studies. ''It's just amazing what information the INS decides to leave in or leave out or present or not present. And there's no reason for it other than to affect the current congressional immigration debate.''

Immigration advocacy groups, which were allies with the INS in the effort to defeat the legislative reforms, said they had been waryed how the INS used its figures.

''We never made a big deal about the declines (in 1994 and 1995); the INS did,'' said Frank Sharry, head of the National Immigration Forum, which has played a key role in the campaign to block substantial cuts in legal immigration. ''We always knew the numbers would spike up.''

But Sharry insisted that the INS projections overstated both the extent and the duration of the surge. He called the INS projections ''laughable.''

''This will be a one-time blip that will occur over the next few years,'' he said. ''We're quibbling over rather small differences based on questionable projections that are being (politically) spun by restrictionists to bring about a major reduction in immigration levels.''

[From the New York Times, Mar. 19, 1996]

TOO MANY ENGINEERS, TOO FEW JOBS

(By Michael S. Teitelbaum)

Is there such an acute shortage of skilled scientists and engineers that America's computer industry and research laboratories must recruit thousands of foreign workers yearly in order to compete globally?

That's what Sun Microsystems, Intel, Microsoft, the National Association of Manufacturers and the American Immigration Lawyers Association would have you believe. They successfully lobbied Congress to drop immigration reform proposals that would have held down increases in the number of highly skilled foreign workers. Statistics, however, contradict them. There is no shortage of scientists, engineers or software professionals. If anything, there is a surplus.

Claims of an impending dearth of scientists and engineers began a decade ago, when Erich Bloch, then the director of the National Science Foundation, declared that unless action was taken, there would be a cumulative shortfall of 675,000 over the next two decades.

Congress responded. The National Science Foundation received tens of millions of additional dollars for science and engineering education. And in 1990, Congress nearly tripled the number—to 140,000 per year—of employment-based visas for immigrants with certain skills.

Not surprisingly, the number of science and engineering doctorates reached record levels. From 1983 to 1993, the annual number of Americans earning such Ph.D.'s increased 13 percent. But the number of slots for graduate students grew even more dramatically during that time—about 40 percent. The excess spaces were filled by foreign students, who often stayed in America to compete in the job market. Meanwhile, the United States sharply increased the number of foreign-born scientists and engineers it let in; 39,000 were admitted in 1985, 82,000 in 1993.

The labor shortage never materialized. But global competition rose and the cold war ended. High-tech corporations and defense contractors were forced to downsize; state budget crises forced large universities to sharply reduce their hiring of new faculty.

Unemployment among scientists and engineers remains much lower than for low-skilled workers, as it does for all highly educated workers. Nonetheless, tens of thousands of highly skilled professionals have been laid off. For instance, from 1991 through 1994, I.B.M. laid off 86,000 workers; AT&T, Boeing and Hughes Aircraft laid off a total of 135,000 workers.

It is an employer's market; stagnant or declining salaries have been the trend. For instance, from 1968 through 1995, the median annual salary, including benefits, for an engineer with 10 years of experience declined 13 percent in constant dollars, to $52,900. Meanwhile, salaries in other professions like medicine and law greatly increased.

Job prospects for recently minted scientists and engineers have plummeted. A 1995 study by Stanford University's Institute for Higher Education Research concluded that ''too many doctorates are being produced in engineering, math and some sciences,'' not including biological and computer sciences. It said: ''Overproduction, estimated to average at least 25 percent, contradicts predictions of long-term shortages, given current demand.''

Engineers and software professionals who have lost their jobs could be easily retrained to the big high-tech companies. However, there is no incentive to do so, as long as they can easily hire from U.S.-educated foreign nationals.

As one software professional let go by a computer company reported, he and his colleagues are ''disposable'' rather than ''recyclable.''

In short, the situation is out of balance. A record number of Ph.D.'s, but a weak job market. Claims of a labor shortage, but stagnant or declining wages. Thousands of laid-off professionals, but increased foreign recruitment. Shortage or surplus? Ask any downsized engineer or computer professional for the answer.

[From the National Review, Mar. 11, 1996]

THE WELFARE MAGNET

(By George Borjas)

The evidence has become overwhelming: immigrant participation in welfare programs is on the rise. In 1970, immigrant households were slightly less likely than native households to receive cash benefits like AFDC (Aid to Families with Dependent Children) or SSI (Supplementary Security Income). By 1990, immigrant households were more likely to receive such cash benefits (9.1 per cent v. 7.4 per cent). Pro-immigration lobbyists are increasingly falling back on the excuse that this immigrant-native ''welfare gap'' is attributable solely to refugees and/or elderly immigrants; or that the gap is not numerically large. (Proportionately, it's ''only'' 23 per cent).

But the Census does not provide any information about the use of noncash transfers. These are programs like Food Stamps, Medicaid, housing subsidies, and the myriad of other subsidies that make up the modern welfare state. And noncash transfers comprise over three quarters of the cost of all means-tested entitlement programs. In 1991, the value of these noncash transfers totaled about $140 billion.

Recently available data help provide a more complete picture. The Survey of Income and Program Participation (SIPP) samples randomly selected households about their involvement in virtually all means-tested programs. From this, the proportion of immigrant households that receive benefits from any particular program can be calculated.

The results are striking. The ''welfare gap'' between immigrants and natives is much larger when noncash transfers are included [see table]. Taking all types of welfare together, immigrant participation is 20.7 per cent. For native born households, it's only 14.1 per cent—a gap of 6.6 percentage points (proportionately, 47 per cent).

And the SIPP data also indicate that immigrants spend a relatively large fraction of their time participating in some means-tested program. In other words, the ''welfare gap'' does not occur because many immigrant households receive assistance for a short time, but because a significant proportion—more than the native-born—receive assistance for the long haul.

Finally, the SIPP data show that the types of welfare benefits received by particular immigrant groups influence the type of welfare benefits received by later immigrants from the same group. Implication: there appear to be networks operating within ethnic communities which transmit information about the availability of particular types of welfare to new arrivals.

The results are even more striking in detail. Immigrants are more likely to participate in practically every one of the major means-tested programs. In the early 1990s, the typical immigrant family household had a 4.4 per cent probability of receiving AFDC, v. 2.9 per cent of native-born families. [Further details in Table 1].

AVERAGE MONTHLY PROBABILITY OF RECEIVING BENEFITS IN EARLY 1990S

Type of Benefit	Immigrant Households	Native Households
Cash Programs:		
Aid to Families with Dependent Children (AFDC)	4.4	2.9
Supplemental Security Income (SSI)	6.5	3.7
General assistance	0.8	0.6
Noncash programs:		
Medicaid	15.4	9.4
Food stamps	9.2	6.5
Supplemental Food Program for Women, Infants, and Children (WIC)	3.0	2.0
Energy assistance	2.1	2.3
Housing assistance (public housing or low-rent subsidies)	5.6	4.4
School breakfasts and lunches (free or reduced price)	12.5	6.2
Summary:		
Receive cash benefits, Medicaid, food stamps, WIC, energy assistance, or housing assistance	20.7	14.1

Source: George J. Borjas and Lynette, Hilton, ''Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs,'' Quarterly Journal of Economics, forthcoming, May 1996.

And that overall ''welfare gap'' becomes even wider if immigrant families are compared to non-Hispanic white native-born households. Immigrants are almost twice as likely to receive some type of assistance—20.7 percent v. 10.5 percent.

The SIPP data also allow us to calculate the dollar value of the benefits disbursed to immigrant households, as compared to the native-born. In the early 1990s, 8 percent of households were foreign-born. These immigrant households accounted for 13.8 percent of the cost of the programs. They cost almost 75 percent more than their representation in the population.

The disproportionate disbursement of benefits to immigrant households is particularly acute in California, a state which has both a lot of immigrants and very generous welfare programs. Immigrants make up only 21 percent of the households in California. But these households consume 39.5 percent of all the benefit dollars distributed in the state. It is not too much of an exaggeration to say that the welfare problem in California is on the verge of becoming an immigrant problem.

The pattern holds for other states. In Texas, where 89 percent of households are

immigrant but which has less generous welfare, immigrants receive 22 percent of benefits distributed. In New York State, 16 percent of the households are immigrants. They receive 22.2 percent of benefits.

The SIPP data track households over a 32-month period This allows us to determine if immigrant welfare participation is temporary—perhaps the result of dislocation and adjustment—or long-term and possibly permanent.

The evidence is disturbing. During the early 1990s, nearly a third (31.3 percent) of immigrant households participated in welfare programs at some point in the tracking period. Only just over a fifth (22.7 percent) of native-born households did so. And 10.3 percent of immigrant households received benefits through the entire period, v. 7.3 percent of native-born households.

Because the Bureau of the Census began to collect the SIPP data in 1984, we can use it to assess if there have been any noticeable changes in immigrant welfare use. It turns out there has been a very rapid rise.

During the mid-1980s, the probability that an immigrant household received some type of assistance was 17.7 percent v. 14.6 percent for natives, a gap of 3.1 percentage points. By the early 1990s, recipient immigrant households had risen to 20.7 percent, v. 14.1 percent for natives. The immigrant-native ''welfare gap,'' therefore, more than doubled in less than a decade.

Thus immigrants are not only more likely to have some exposure to the welfare system; they are also more likely to be ''permanent'' recipients. And the trend is getting worse. Unless eligibility requirements are made much more stringent, much of the welfare use that we see now in the immigrant population may remain with us for some time. This raises troubling questions about the impact of this long-term dependency on the immigrants—and on their U.S.-born children.

There is huge variation in welfare participation among immigrant groups. For example, about 4.3 percent of households originating in Germany, 26.8 percent of households originating in Mexico, and 40.6 per cent of households originating in the former Soviet Union are covered by Medicaid. Similarly, about 17.2 per cent of households originating in Italy, 36 per cent from Mexico and over 50 per cent in the Dominican Republic received some sort of welfare benefit.

A more careful look at these national-origin differentials reveals an interesting pattern: national-origin groups tend to ''major'' in particular types of benefit. For example, Mexican immigrants are 50 per cent more likely to receive energy assistance than Cuban immigrants. But Cubans are more likely to receive housing benefits than Mexicans.

The SIPP data reveal a very strong positive correlation between the probability that new arrivals belonging to a particular immigrant group receive a particular type of benefit, and the probability that earlier arrivals from the same group received that type of assistance. This correlation remains strong even after we control for the household's demographic background, state of residence, and other factors. And the effect is not small. A 10 percentage point increase in the fraction of the existing immigrant stock who receive benefits from a particular program implies about a 10 per cent increase in the probability that a newly arrived immigrant will receive those benefits.

This confirms anecdotal evidence. Writing in the New Democrat—the mouthpiece of the Democratic Leadership Council—Norman Matloff reports that ''a popular Chinese-language book sold in Taiwan, Hong Kong, and Chinese bookstores in the United States includes a 36-page guide to SSI and other welfare benefits'' and that the ''World Journal, the largest Chinese-language newspaper in the United States, runs a 'Dear Abby'-style column on immigration matters, with welfare dominating the discussion.''

And the argument that the immigrant-native ''welfare gap'' is caused by refugees and/or elderly immigrants? We can check its validity by removing from the calculations all immigrant households that either originate in countries from which refugees come or that contain any elderly persons.

Result: 17.3 per cent of this narrowly defined immigrant population receives benefits, v. 13 per cent of native households that do not contain any elderly persons. Welfare gap: 4.3 percentage points (proportionately, 33 per cent). The argument that the immigrant welfare problems is caused by refugees and the elderly is factually incorrect.

Conservatives typically stress the costs of maintaining the welfare state. But we must not delude ourselves into thinking that nothing is gained from the provision of antibiotics to sick children or from giving food to poor families.

At the same time, however, these welfare programs introduce a cost which current calculations of the fiscal costs and benefits of immigration do not acknowledge and which might well dwarf the current fiscal expenditures. That cost can be expressed as follows: To what extent does a generous welfare state reduce the work incentives of current immigrants, and change the nature of the immigrant flow by influencing potential immigrants' decisions to come—and to stay?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the pending amendment, but at the outset, I want to compliment my colleague, Senator SIMPSON, for the outstanding work that he has done for so many years on this very important subject, and similarly to compliment my colleague, Senator KENNEDY, for his work in the immigration field and for his work in Judiciary in general.

Senator SIMPSON has been intimately involved in immigration work for more than a decade, going back to Simpson-Mazzoli. In my tenure in the Senate, Senator SIMPSON has taken on some of the toughest jobs which we have had in this body. I talk about Senator SIMPSON in particular because he will be leaving us at the end of this year. It will be an enormous loss for the Senate and for the country.

The first extensive contacts I had with Senator SIMPSON were on the Veterans' Committee where we had a disagreement or two. I would frequently cite the experience of my father, Harry Specter, who was a World War I veteran.

When Senator SIMPSON came to talk to me recently about the immigration legislation that he has worked on judiciously, two private visits to talk to me, he noticed a grouping of photographs on the wall and said when he had been in my office occasionally for lunch he had never taken the time to look at the pictures.

So I introduced him to my mother's father, Mordecai Shanin, who came from a small town on the Russian border when my mother was 5 and settled in St. Joe, MO. And I reintroduced Senator SIMPSON to my father, Harry Specter, who was in his uniform, and I recounted that he emigrated from Ukraine, walking across Europe with barely a ruble in his pocket.

At that point, Senator SIMPSON said to me he did not think he and I would agree too much on the pending immigration legislation.

I come to this issue from a somewhat different vantage point. My sense is that America is a big, broad, growing country and that we do have room for immigrants. I grew up in Kansas. I was born in Wichita and grew up in the small town of Russell, with wide open spaces like Wyoming. My sense is that it is not in the national interest to reduce immigration from 675,000 to 607,000. Both categories of immigrants—the family-based and the employment-based—will make a great contribution to our country. This is a country of immigrants. When we had the debate in the committee, Senator ABRAHAM started off with his immigrant background. Senator FEINSTEIN talked about her immigrant background and I talked about mine, and everybody on the committee could talk about it in one way or another because we are a country of immigrants.

I understand the priorities for minor children and spouses, and, of course, these groups have to be the first priority. But I believe that when you talk about siblings and adult children, talk about family values and talk about having room for the families, that the figures are relatively modest.

When we talk about illegal immigration, there is no doubt about the need to control our borders and to control illegal immigration. But when we talk about legal immigration, I think we are talking about something that is very, very different.

When there is a proposal to reduce employment-based visas by some 28.5 percent, from 140,000 a year to 100,000 for a period of 5 years, I must say that this is a fundamental mistake.

In Pennsylvania, I have had many of my constituents come to me and say that there is a real need for these visas; that the immigrants who come here legally are very highly skilled, are Ph.D.'s, are technicians, and they will be instrumental in creating more jobs, not in taking jobs. I have worked on the bill in committee to be sure that people who come in on these visas do not take existing jobs; that there has to be a premium payment and there has to be a care and consideration so they do not displace existing workers, but these highly skilled people will create more jobs.

I was involved in this issue back in 1989 and 1990 on behalf of the U.S. Chamber of Commerce where I think we increased the number by about 40,000. The situation is so acute in my State, Pennsylvania, that I have held meetings in both Pittsburgh and Philadelphia which were very, very well attended. At these meetings various companies having immediate needs for

highly skilled people came in to comment to me about their opposition to the reduction in the number of visas.

There is no doubt that there is concern about displacing U.S. workers, and I think we have to be careful not to do that, to make sure that does not happen by requiring a premium payment for those who come in as legal immigrants.

I wanted to make these few brief comments. It is not an easy matter. When Senator SIMPSON and Senator KENNEDY are the managers and go through this bill and have very protracted hearings and a markup before the Judiciary Committee, it is a very large job.

So, again, I compliment my colleagues on their work and do express my view that this legal immigration is something which will build a stronger America and provide more jobs. The humanitarian aspects have to be considered as we have the families who ought to have an opportunity to come into this country. Currently, the waiting period to enter the country is as long as 10 years for some family members. We ought not to extend that waiting period. I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, throughout the years legal immigration has helped to make our Nation great. America has attracted and continues to attract the best and the brightest—each year many highly skilled and exceptionally talented individuals legally migrate to the United States. In addition, many hard-working individuals who have come to this Nation and contributed their skills, ideas, and cultural perspectives. We must remember that we are and always have been a nation of immigrants.

Illegal immigration is an entirely different matter and presents a whole host of problems that need to be addressed. We must pull together our resources to enforce our borders, streamline deportation of illegal aliens and increase penalties on those who traffic in illegal immigration.

In doing all that we should to combat illegal immigration, however, we must be careful not to unfairly punish those who have entered this country legally. By dealing with the very separate issues presented by legal and illegal immigration separately, we can go a long way to ensuring that our desire to stop illegal immigration does not result in penalizing those who have abided by the law to enter the country.

The Senate Judiciary Committee has already considered the very issue of whether legal and illegal immigration legislation should be addressed separately. They voted by a margin of 2 to 1 to keep the two separate. We should stay that course and give well-reasoned consideration to legal immigration apart from the discussion of the serious national problems presented by illegal immigration.

I understand that some of my colleagues wish to reduce the numbers of legal immigrants in order to eliminate the backlog of spouses and minor children waiting to enter this country. But we should address these issues when the matter before us is legal immigration. Otherwise, legal immigrants who have long enriched this Nation, may be unfairly impacted by the negative views which understandably are associated with illegal immigration.

In addition, we cannot give appropriate consideration to employment-related provisions of a bill discussing both legal and illegal immigration. Legal immigration has helped to strengthen America's economic base, providing our Nation's businesses with highly skilled individuals to meet critical needs in special fields and disciplines. American businesses who employ legal immigrants already must comply with a series of rules and regulations which can be very costly. Also, as a recent Cato Institute study makes clear, legal immigration does not increase the rate of native unemployment.

Obviously, illegal immigration poses a different set of employment-related issues such as what appropriate sanctions should be levied against employers who hire illegal immigrants and the best and most efficient way to verify citizenship of potential employees.

Again, I hope that my colleagues will remember that we are a nation of immigrants and that legal immigration has been a source of great strength and diversity. We can best and most fairly address any problems associated with legal immigration by discussing that issue separately from the far greater problems illegal immigration presents. Thus, I urge my colleagues to vote to keep illegal and legal immigration provisions separate.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in support of the Simpson amendment. Mr. President, what the Senator from Wyoming has recommended to this body is that we try to consider the immigration questions together, both legal and illegal. There have been some very sincere Members who have worked in committee to separate the bills. I understand their interest in considering them separately. But I hope the membership of the Senate will consider the question of joining these together, for several reasons. The first is simply that these questions are integrated. Illegal and legal immigration questions do overlap. It is logical to consider them all in one bill. It makes the most sense.

The second reason, Mr. President, is, frankly, I think we are much more likely to get a bill through and passed if we have them together, as well. That is a judgment on my part. Others may have a different view. But I think there is, one, a need to move ahead with legislation in this area, and, two, that need is much better accomplished if we have those measures together. So it makes sense to have them together, makes it better to legislate, more cohesive. Second, I think it makes it much more likely we will pass a bill.

In ascribing motives to lobbyists who have worked to separate the bills, I want to make it clear that I do not attribute those to the Members who have risen on this floor to speak. I think they are sincere. Mr. President, it is my impression that those Members have made a very enormous, positive contribution to this debate. But it is also my impression that some of the groups that have lobbied for separation of the bills have done it because they did not like provisions of one or either of the particular measures. Many business groups lobbied very hard against having the bills considered together.

Mr. President, I think the reason for their interest in separating the bills no longer exists, frankly. There were provisions in the original bill, as it came to the Senate Judiciary Committee as a full committee markup, that caused concern. There were provisions of it that I thought were quite antibusiness. There were provisions, in my view, that should be stricken from the bill.

But, Mr. President, that original reason, that reason that had caused the interest groups to try to separate the bills no longer exists. Literally, the harmful provisions, at least almost all of them in my view, have been taken out of the bills. The very reason for separating them has been done away with. It came about because we had in the Judiciary Committee what I consider the most positive markup I have ever been involved in in 16 years in the Congress. It was very akin to the kind of markup that occurs in State legislatures all across this country.

The difference? The difference is it was bipartisan. The difference is that people listened to each other. The difference was that the accommodation was reached. I am sure Members will reflect that is not always the case in markups. I came out of that Senate Judiciary Committee markup feeling very positive, not only about our results, because I think the bill was dramatically improved in that process, but about the process itself.

I hope, as Members deliberate this question, they will look for a logical way to legislate, which is to combine these subjects, and they will look for a reason to get both of these bills passed because, Mr. President, there is not a Member who comes to this floor who does not understand and does not share the view that we need to change the laws in this area, that we are not accomplishing the purposes that both parties agree on. So it is a logical way to do it and a way to make sure we get good legislation.

Lastly, Mr. President, I simply add this. It is important that we move on this subject. As we explored this subject in markup, what we found is that there were a great many areas that both liberals and conservatives, Democrats and Republicans agreed on—that

there are errors and loopholes in our current laws, and there are many areas where the common purpose of all people in the United States are not being met. They are not being met because our laws are deficient in that area.

I simply believe this subject is compelling and the need to act is compelling. That need, that purpose that I believe almost all Americans share, can be much better accomplished if we move to join these two measures rather than keep them separate. I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do thank my friend from Colorado. This Senate will miss him, and certainly I will miss him. He is a very special friend and one for whom I have come to have the highest respect and admiration and affection.

I want to thank Senator SHELBY. Such a fine ally. I admire him so, a very steady, thoughtful, extremely authentic man when he deals with the issues of the day.

I just say to my friend from Colorado that I think my colleague from Michigan was a bit shocked when the Senator said we were talking about joining these issues. My amendment is not about joining the issues. I want to express that. This is a singular amendment based upon the majority recommendations from the Jordan commission. We have seen fit to see that it is an issue that will be discussed, voted on, whichever way it goes, and then move on. I think once we finish this amendment, things will move in a swifter fashion.

But just let me say this to kind of summarize some things that have occurred during the debate. Please understand that I think what my friend, Senator FEINGOLD, was talking about—parents—there is no change in my amendment in the definition of ''immediate family,'' none. Parents, minor children, spouses, no change. That, I think, is unfortunate; and perhaps it may have been misconstrued. But there is no change in the definition of ''immediate family'' in what I am doing.

I say, too, that in the debate I have heard the phrase that these people come here to work. I agree with that totally. There was another reference to the fact that they are a tremendous burden on the United States. I have never shared that view. I have never shared the view that these people who come here are a tremendous burden.

But there are some touching stories here I just have to comment on. You knew that I would not completely allow that to slip away.

We can all tell the most touching stories that we can possibly conjecture. My friend from Ohio tells those stories. My friend from Massachusetts tells those stories. I can tell those stories, for I have a brother who is just about the most wonderful man you can ever imagine. I would like to have him here. But the problem is, nobody will raise the numbers, no one will come to this floor and say, ''I think legal immigration should be 1,000,002.'' I do not know of anybody who is going to come here and do that. Unless you do that, then I have to make a choice, which is not quite as dramatic as Sophie's choice. That would be a poor illustration. But I have to decide whether I want to bring my spouse and minor children or my brother or raise the numbers. That is where we are. So you either deal with the priorities or you lift the numbers. There is not much place to go.

When Senator DEWINE talks about this gutsy guy, this gutsy, hard-working guy—and that I will remember for a long time because I know that story now—that gutsy, hard-working guy cannot come here, ladies and gentlemen, because 78 percent of the visas have been used by family connection. This gutsy, hard-working guy, the people we all think about when we talk about immigration, these people who come and enrich our Nation, as memorialized on the Statue of Liberty by Emma Lazarus, are not going to get here, ladies and gentlemen, because 78 percent of the visas are used by family connection, period. That is where we are. You take more or give more. I have the view, which is consistent, that we ought to give the precious numbers to the closest family member. That is the purpose of my amendment.

Senator KENNEDY talks about the adult child who will have to wait, and it is a poignant story—or the only sister of the Cambodian who will not be able to come for 5 years. I ask my colleagues if you really prefer to admit brothers and sisters or adult children while husbands and wives and minor children are standing in line, who want to join their family here, who can be described as ''little kids,'' ''little mothers, little fathers.'' That is what this is. What kind of a policy is that?

I tell you what kind of a policy it is, it is our present policy. The present policy of the United States is that there is a backlog on spouses and minor children of permanent resident aliens, which is 1.1 million. There is a backlog of brothers and sisters in that fifth preference, of 1.7 million people. No one is going to wait that long, I can assure you. No one is going to wait that long. They will come here. Who would not?

There are two choices: Raise the numbers, or give true priorities. There is no other choice. None. Americans will not put up with the first one, which is to raise the numbers. You can see what they say. They do not want new numbers. The Roper Polls, the Gallup Polls down through the years, ever since I have been in this issue, ask the people of America, do they want to limit illegal immigration. The response is ''Yes,'' 70 to 75 percent. And the second question, do you want to limit legal immigration, and the answer is ''Yes,'' 70 percent consistently throughout my entire time in the U.S. Senate.

You cannot do both. You cannot lower numbers and keep the current naturalization system, so you have to raise the numbers or else go to a true priority. There is nothing about persons, human beings, and all the rest of that. That is one we can all tell. It is about if you really care, if you really, really care about what we are all saying here, then raise the numbers. If you want to do that, we should have that debate—raise the numbers. If you do not raise the numbers, you are going to continue to see a 40-year-old brother of a U.S. citizen taking away the number of a spouse, a little spouse or a minor child, a tiny child—we can all do that. That is why we do not get much done and probably will not get much done here. At least we will have a vote. That is what this is about.

What about my spouse and minor children that I love? Why not both of them? Why cannot my spouse, minor children and my brother come? It is because they will not raise the figures. Raise the figures and then they can all come. Make your choice. I can tell you, in grappling with this issue and all the issues of emotion, fear, guilt, and racism—I keep using it again and again and again—and Emma Lazarus, I know all about Emma Lazarus. I read up on that remarkable woman years ago. Of course, the Statue of Liberty does not say, ''Send us everybody you have, legally or illegally.'' That is not what it says.

The most extraordinary part of it all is that the people who want to do everything with illegal immigrants and do something to ''punish them'' and do something to limit them and do something here, here and there, are the very people who will also not allow us to do anything with a proper verification system that will enable us to get the job done. We will have a debate on that one and see where that goes. That is an amendment of mine on verification.

You cannot do anything in the illegal immigration bill unless you do something with the gimmick documents of the United States. When we try to do that one, here comes wizards like the Cato Institute talking about tattoos and people who have found an enclave there, to reign down and give us no answers, not a single answer about what you do with illegal immigration, if you do not do something with the documents, verification or the gimmick Social Security and the gimmick driver's licenses and all the rest. What a bunch. What a bunch.

I am still waiting for the editorial from one of their wizards over there to pour out for me what happened to the slippery slope here. When I go to the airport and get asked by the baggage clerk for a picture ID, I did not really think about that being the slippery slope, but I guess it must be the slickest slope we can ever imagine if this other stuff is the slippery slope. This is bizarre. Get asked by a baggage clerk for a picture ID will not do something to keep illegal, undocumented people

out of the United States and keep them from working in the United States so the American citizens can have the job and do the work. It is a curious operation, but things I needed to say. That is why this amendment is here. We will just see where it goes. Let her rip.

Somebody can come and look at what the debate was and say, ''How did it ever reach that point? Hundreds of thousands of people playing by the rules will have to wait?'' Under the current system which would be perpetuated by the present committee language, 1.1 million spouses and children of permanent residents, must wait for up to 5 years. While the closest families members are waiting for years, now we admit under our current system 65,000 siblings of citizens and their families every single year.

Finally, Barbara Jordan did know about the figures that have been presented in this debate. The INS statistics, their division of statistics sent one of their experts to the commission to help with their deliberations, to help the commission, and they certainly did know about these figures. The magnitude is alarming, but they knew.

So the important link between legal and illegal immigration, many of those we are often told are waiting patiently in the backlog and some in fact are not waiting patiently in the backlog. In fact, they are not waiting at all. Why should they? They have entered this country legally or illegally. Legally they are residing here. When their place on the backlog is reached they apparently feel a sense of entitlement there because their visa has been approved. They say, ''Gosh, I have been approved to come to the United States of America, but I cannot come for 10 or 15 years because some brother is taking up the slot. Some 30-, 40-year-old brother down the road has taken my slot and I want to be with my spouse and minor children or some closer relative, an unmarried son, a daughter, a married son or daughter.'' But no, because we have this huge line of preferences and we meet them all and we are required to meet them all with a total of 226,000 people. We are required to do that.

They certainly feel they have a technical ability to come here. How many are in that group? Let me tell you how many are in that group—1 million people in that group. Let me tell you who are these people waiting to come in who are currently in the United States who are not playing by the rules. Here are people who are, I hope my colleagues will hear, who are not playing by the rules. We have in the family first preference, the estimated percent of people, waiting list applicants, who are currently in the United States, should not be in the United States, but are in the United States because they have been approved, but they have not been approved for entry. But they are here. Mr. President, 25 percent are in the family first category. Sixty-five percent of spouses and children in the family second category are not playing by the rules. They are here. Where do you think they would be? They have been approved. They are on the list, and they have not been finally adjudged, and they are here, and 65 percent are not playing by the rules. Adult sons and daughters, 25 percent are not playing by the rules. Third preference, 8 percent. Family, 5 percent—all not playing by the rules. I will enter into the RECORD that estimate of the waiting list and family sponsored preferences as of February 1996.

I ask unanimous consent that that be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED IV—WAITING LIST IN THE FAMILY-SPONSORED PREFERENCES AS OF FEBRUARY 1996

Category	Estimated February 1996 totals	January 1995 totals	Increase from 1995
Family first	80,000	69,540	+10,460
Family second:			
Spouses/children	1,140,000	1,138,544	+1,456
Adult sons/daughters	550,000	494,064	+55,936
Pref. total	1,690,000	1,632,608	+57,392
Family third	285,000	260,414	+24,586
Family fourth	1,700,000	1,592,424	+107,576
Family total	3,755,000	3,554,986	+200,014

Estimated percent of waiting list applicants who are currently in the United States

Family first	25
Family second:	
Spouses/children	65
Adult sons/daughters	25
Family third	8
Family fourth	5

Mr. SIMPSON. Perhaps the debate is drawing to a close. It has been a good debate. I very much have enjoyed it. I enjoy my colleagues. I have worked with them and am learning to know them. It will be a great influence on the debate in years to come. That is very important. The purpose of this amendment is simply to try to stabilize what is presently totally out of control, unless you raise the numbers.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank the Senator from Wyoming. I was not as surprised as he was at the remarks of the Senator from Colorado about this effort to bring legal immigration into the illegal immigration bill. As I said in my earlier comments, and as I think the remarks of the Senator from Colorado also reflect, this is a very substantial joining together of two very, very, in my judgment, different issues that ought to be dealt with independently of each other, as we were able to do so in the Judiciary Committee, and as the House did in their consideration of immigration already this year.

The fact of the matter is that these issues that pertain to the number of legal immigrants who can come into this country are very complicated, significant, and weighty issues. Mr. President, I say to you that anybody who has been watching the discussions today, who has been following this debate, I hope they recognize already what we recognized on the Judiciary Committee, that these are not simple amendments. These are not amendments that should be considered in the flash of the day here. These are, in fact, deserving of being independently considered in a much broader context that looks at the whole range of matters that pertain to legal immigration at the same time.

To take the illegal immigration bill—an outstanding piece of legislation, in most respects already—and suddenly inject into it considerations of legal immigration on the basis of one amendment at the very end of this process is not the way the full Senate should take this up today. In my judgment, Mr. President, anybody watching this debate would recognize that the Senate deserves to have a full and complete consideration of legal immigration, rather than to attach one highly controversial and very complicated element of it on the illegal immigration bill.

That said, Mr. President, let me move on to address some of the substantive components of the Simpson amendment, which is at the desk right now. I think it is important for our colleagues to understand exactly what would happen if this amendment were to pass. First of all, Mr. President, I think the priorities in this amendment are out of line. Under this amendment, the practical effect of priorities that have been set is that virtually no visas will be available for people who fall into categories such as the adult children or the married children of U.S. citizens.

Given the backlog of spouses and children of permanent residents, given the anticipated numbers by the INS, the normal categories of an unlimited immigration of the spouses and children of legal citizens, it is clear that, for the 5-year period the legislation contemplates, there will not be any visas available, in my judgment, for anyone who is the child, married child, or adult child, of a U.S. citizen.

What that means, Mr. President, and what our colleagues have to understand is that if the Simpson amendment were to pass, we would establish the following priority. The children of noncitizens would have a greater priority in terms of gaining access to this country than the children of U.S. citizens. Let me repeat that. The children of noncitizens would be given a higher priority than the children of citizens. In fact, virtually no adult children or married children of citizens would, under this amendment, have a chance to come here during this 5-year period.

Let me reflect further on the point I am making, because it turns out, as Senator SIMPSON indicated, and as we have discussed here already today, that

a substantial portion of those people who are in this category of permanent residents, were themselves amnestied here in 1986 by the legislation that this Congress passed and which was signed into law. Prior to that, they entered the country illegally. They were illegal aliens. And so if we place, as a priority, the children of these permanent residents on the basis that the Simpson amendment does, above the adult children and married children of U.S. citizens, we would not only be placing priority on the children of permanent residents, noncitizens over the children of citizens, we would be placing as a higher priority the children of illegal aliens over the children of U.S. citizens.

Now, several Members have tried to differentiate between adult children of U.S. citizens and minor children, between married children of U.S. citizens and minor children, between married or adult children of U.S. citizens and minor children of noncitizens; but I have a hard time believing that any Member of the U.S. Senate or Congress wants to exclude virtually every adult or married child of U.S. citizens and, instead, propose such a substantial priority on the children of noncitizens, indeed, so many of whom were at one point illegal aliens.

It just seems to me that these are not the priorities we, as a body, ought to follow. In addition to that, as was alluded to also by Senator SIMPSON, there are a huge number of children and siblings of U.S. citizens who are on this backlog list, people who have been waiting for, in some cases, as many as 10 years to come here. The Simpson amendment would virtually wipe out anybody on that list from having access over these 5 years that the amendment would seek to apply.

These people have been waiting already a long time. They have paid the dollars that are involved in securing applications and a variety of other things that are part of this process. Now they will be told that, basically, for at least 5 years, the door is going to be shut. I think that is a huge mistake. These are the people that all of our offices hear from all the time. These are the people whose fathers and mothers contact us and ask us, ''What can be done? How can we get our children here?''

Well, many times we have had to say ''no.'' Now we are going to, with a vote today, say ''no'' for an additional 5 full years, Mr. President. I think that is a terrible delay to continue.

But let me talk, also, Mr. President, about some of the other comments that have been made with respect to exactly who is affected by this legislation. We have heard a lot today about the concept known as chain migration. It is always said in a very kind of threatening way and a worrisome-sounding way—chain migration. That is something we, apparently, do not like. But let us just talk a little bit about these folks who were on the charts we saw earlier today—the sons and daughters of U.S. citizens, who we seek to keep the door open to. Are these really people we want to keep out, Mr. President? Are these really people we want to put at a lower priority? Are these really people who, as some described, are taking from our system? It is exactly those people who Senator DEWINE referenced when he talked about the gutsy guys who have come here. Who are those people who have come here over the years to make a contribution? That is exactly these people.

The notion of chain migration has been dramatically exaggerated here today. As the General Accounting Office study indicates, the average time between a person's arrival and their effort to sponsor somebody is 12 years. The chart, which attempts to depict huge influxes of people coming as a result of one person's immigration—in fact, that covers half a century. That, I believe, is exaggerated at that point as well.

The fact is that, under the law that we are considering, the illegal immigration bill, countless provisions have been placed in that legislation to prevent this—sponsorship agreements that can be enforced, so that before people come over here, there has to be a sponsorship agreement by the person sponsoring, and that agreement can now be enforced under this legislation.

That is not going to encourage immigration; it is going to advertise courage. It is a dramatically exaggerated contention. To the extent it exists, the illegal immigration bill will discourage it. To the extent that anybody is trying to exploit the system, this bill discourages it.

This bill contains sponsorship provisions, deeming provisions, provisions which limit access to the Government services by illegal aliens and by noncitizens that are going to discourage any advantage taken of the system, which will leave instead the kind of country that so many people sought over its history, the kind of nation where people came here to play by the rules and make a contribution, and, indeed, they have.

An earlier speaker talked about immigration places a huge strain on the process. The type of immigration we are talking about, the ability of U.S. citizens to bring their children to this country, which this amendment would dramatically reduce, is not a strain on this system. To the extent any strain might exist, we have already addressed it in this illegal immigration bill by cutting off access to the kinds of services that may have been exploited.

So, although I have several other things that I will bring back to the floor so other speakers get their chance, let me just conclude by restating two fundamental points.

First, the Simpson amendment is an attempt, no matter how it is characterized, to bring very weighty, very complicated legal immigration issues and inject them into the illegal immigration bill. Those issues should be considered separate and very comprehensively in the bill that is before the Senate that is already at the desk on legal immigration. To bring them in now, especially to bring them in piecemeal, is a mistake.

The practical effect of the Simpson amendment, were it to be enacted here today, would be to place a higher priority on access to coming to this country on the children of noncitizens versus the children of citizens. It would place a higher priority on the children of illegal aliens versus the children of citizens. If we are to address, and effectively address, issues of legal immigration, then at least we should address them in a way that puts the priority the way it ought to be. Citizens of this country and their children should have a higher priority than noncitizens and certainly than those who are illegal aliens.

Mr. President, I yield the floor. I will continue my discussion of this amendment after others have spoken.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me again strongly associate myself with the comments of the Senator from Michigan. Although it is suggested that somehow this amendment does not violate the distinction between the illegal and the legal immigration issue, I do not know how else you can say it. It is indisputable that this amendment is not only about people who may at one time be illegal immigrants. But they are legal immigrants. It is not about people engaged in any kind of activity that is illegal.

I made this point in my earlier remarks. Senator ABRAHAM and I did offer an amendment that was approved in committee for those situations where someone has come here legally and then overstays their visa. We increased the penalties for that. That is appropriately in an illegal immigration bill. But this amendment has nothing to do with that issue at all. It has to do with which family members and which relationships and in what order people should be able to come to this country in a strictly legal context.

So I am troubled by the attempt here to, on the one hand, suggest that, of course, we should separate these two issues and then come right here at the beginning of this bill and offer an amendment that clearly goes over the line, that clearly goes into legal immigration, and to somehow suggest it is just one little amendment. It is not one little amendment. It is a big deal that is going to affect thousands and thousands of families, of people who are acting completely legally, and they are going to be forced into a bill that is all about the public anger and concern having to do with illegal immigration. I think that paints the issue.

That is why I think an overwhelming majority of people in this body, if they are given a simple opportunity to vote,

whether they wanted to consider illegal and legal immigration separately would vote to separate the issue.

Mr. President, what I am going to suggest, since the amendment came up in this order, is that this is going to be the key vote on whether or not you really think the issues of legal and illegal immigration should be separated. I talked to a number of Senators about this issue. They think it is very clear. There is no question in their minds that the illegal and legal issues should be separate. Make no mistake. This is the amendment that will decide whether that is really their position.

Those who vote for the Simpson amendment cannot possibly argue that they have kept the faith of keeping the legal and illegal issues separate. It is impossible. It is too big of an issue. In fact, I would even argue that it is worse than just straightforwardly saying, ''We are going to merge legal and illegal immigration.'' It is just piecemeal. It takes one very significant aspect of legal immigration, family immigration, and somehow decides it in the context of an illegal immigration bill while leaving other important issues having to do with legal immigration to this side, presumably to be dealt with when we bring up the legal immigration bill.

This is the worst of all worlds because it does not allow people to look at the legal immigration issue in its context. It just separates one thing, puts it in the illegal bill, and in my view it is a disingenuous attempt to have the cake and eat it, too—that you respect the split, but, nonetheless, we are going to resolve the very basic issue at this time.

Whatever the merits of the issue, I think the Senators from Michigan, Ohio, and others have done a wonderful job of explaining the problems with the extreme limitations that this amendment brings forward. Whatever your view on the merits, I hope Senators will realize that this is the vote about whether you want to keep the issues of illegal and legal immigration separate. There may be other related amendments later. There may be a sense of the Senate. But if you go ahead and pass this amendment, you have already broken the line between the two issues, and you cannot put it back together.

Mr. President, I hope all Members realize the importance of this, not just from the point of view of the merits, which are terribly important, but also from the integrity of this whole process, which the vast majority of the House and the vast majority of this body believe it would receive by separating and keeping separate the issues of legal and illegal immigration.

Mr. President, I suggest that it is very, very important that we reject this amendment.

I yield the floor.

Mr. DEWINE. Mr. President, I would like at this point to try to respond to my friend and colleague from Wyoming and to some of the comments that he has made. I think we are engaging in a good debate here. This has gone on for a few hours. It is probably going to go on for a few more hours. But I think these are very, very important issues.

I believe that the Simpson amendment is in fact antifamily, anti-family reunification, and goes against the best traditions of this country.

Let me explain why I say this because this can get very, very confusing, and you have to really spend some time. It has taken me some time to get into it. I certainly do not today pretend to be any kind of expert. But let me explain what I understand the facts to be.

The Simpson amendment would have the effect of pushing aside adult children of U.S. citizens. It would have the effect of pushing aside the minor children of U.S. citizens who happen to be married. It would say to a U.S. citizen—let me again emphasize ''a U.S. citizen''—you cannot bring in your adult child. We are not going to consider that person part of your nuclear family anymore. That is going to be your extended family, those of us who have children over a wide range of ages. Try to tell that to your older children, my son Patrick, or Jill, or John, that they are no longer part of our family; you cannot come in.

It says to a U.S. citizen, if your minor child has made the decision to get married, well, you cannot even bring your minor child in. It says that to the U.S. citizen. It pushes these children aside in favor of—let us be very careful how we state this—the spouses and minor children of illegal aliens, people who were illegal aliens, who came here illegally and who were ultimately granted amnesty in the Simpson-Mazzoli bill.

That is the choice. That is what it is doing. But when you get into it further, what you also find out is that the vast majority of these people, which this amendment purports to help, with children, with spouses, people who were illegal aliens, who came in here then because of the amnesty provision of Simpson-Mazzoli, were legalized, we say that is OK—their children.

The facts are the vast majority of their children and their spouses are already here. They are already in the country. They are not leaving one way or the other, no matter what this bill does. That is the reality. No one can come to this floor and say this is going to impact it one way or the other. So we are pushing aside family members of U.S. citizens purportedly for the reason to help other people, the vast majority of whom are already here anyway. That is antifamily. It is wrong. It is wrong. It is wrong. We should not do it.

How did this all come about? Let us look at the facts. Let me cite the Jordan commission because my colleague from Wyoming very correctly cites the Jordan commission for many things. Let me cite the Jordan commission. It is stated, stated by proponents of the Simpson amendment—it was talked about in our committee—that there are 1.2 million spouses and children of permanent resident aliens who are waiting to come in. That is the people the Simpson amendment purports to help. Let me repeat it—1.2 million spouses and children of permanent resident aliens who are waiting to come in. End of quote. Here is what the Jordan Commission says about this group of people. The Jordan commission said that at least, at least 850,000 of these people, at least 850,000 of them are already here. They are already in the country.

Who are they? Again, they are the children, they are the spouses of people who this Congress in the Simpson-Mazzoli bill in 1986 granted amnesty to.

So I think it is very important that we keep this in mind.

Now, no one can come to this floor and say these people are going to be kicked out. That is not happening. It is not going to happen. In fact, the husbands, the mothers, people who are granted amnesty, once they were granted amnesty, were on the road to citizenship if they wanted it. Now, many of them for any number of reasons that I cannot fathom have decided not to become citizens, but no one is talking about kicking them out. INS is not deporting them, nor is INS deporting their children, nor is INS deporting their spouses. And there is no one who can come to this floor and say anybody is talking about doing that. So I think it is very, very important to emphasize who these people are. And again I would cite the Jordan Commission. Mr. President, the 850,000 of this group of people the Simpson amendment purports to help—it purports to help family members—get help only on paper because they are here already. The fact is that when a legalized person becomes a U.S. citizen after 5 years, the spouses and children are legalized immediately. They can do that. All that person has to do is become a citizen. And even if that person does not elect to become a citizen, no one is going to kick those kids out and no one is going to kick the parents out. So I think, while what is said about the Simpson amendment makes sense and is technically correct, we have to look behind that and look at who these people really are and what the real facts are.

Let me turn, if I could, to another issue but it is related. It is related to Simpson-Mazzoli that passed in 1986, and it is related to the overall rhetoric about the extent, number of legal immigrants who are coming into this country. The statement is made that we are at an all-time high. That is simply not true. It is not even close to being true. It is not accurate.

We are at the rate of approximately, talking about legal immigrants, of 2 per thousand of our population. We have been at roughly this rate for 30 years. We have been at higher, we have been at lower during our history. Just to take one example, though, if you go

back to the turn of the century we were at about 10 per thousand. We are at roughly 2 per thousand now.

What about my colleagues who may say, well, we just heard the argument made that we have new statistics out from INS that show the numbers are up. Yes. What it shows is that we got what we expected. When we decided to grant amnesty in 1986, we knew there was going to be a spike, and we knew there was not only going to be a spike but there was going to be additional spiking as a result of that because of the children that could be legalized, could become U.S. citizens of those people who are granted amnesty.

That was expected. So I think you have to put this again in its historical perspective, and we have to understand that this should be a shock to no one. It was totally expected. It is an increase that we have seen as a direct result of the amnesty that was granted in 1986 and it is basically just as the amnesty was a one-time shot, the results of that amnesty are also a one-time occurrence.

Let me talk, if I could, about another argument that my friend from Wyoming made. He had a very interesting chart. I walked over to take a look at it. It was something that I heard him talk very eloquently about a great deal and that is the chain migration problem.

Just a couple comments. As my friend from Michigan said a moment ago, that chart may be accurate, it may be accurate for a family. I can come up with a hypothetical. It might be accurate—might be. But if it was accurate, assuming it was accurate, assuming that is a real case, it takes about a half a century for that all to take place. So I think we need to put that in perspective.

My colleague from Wyoming agreed with me; we should favor the gutsy people, gutsy people who picked up and came here. What is to say those people on that chart are not gutsy? What is to say they are not people who contributed to society? What is to say they are not people who work with their family, maybe work in a business to make things happen? That chart is almost the history of this country, almost a reflection of our own, not just the history of this country but a reflection of many of our own families, if we go back a generation or two or three.

I wish to return to another issue because this issue keeps coming up. I just want to return to it because it shows I think how many times the mixing in our bills and in our mind of the issue of legal immigration and illegal immigration leads not only to what I think would be bad legislation but I think bad thinking and confusing thinking and confusing rhetoric. Let me give one example. It has been stated time and time again one-half of the people who come here—let me get the precise language. I wrote it down. One-half of the people who are illegally here came here legally. One-half of the people who are illegally here came here legally. Yes, that is true. But these are not the people we are talking about when we talk about legal immigrants. These people were never immigrants, immigrants meaning someone who is here on the path to becoming a citizen.

Rather, these are people who came here—yes, legally—but who came here with absolutely no expectation that they would ever become a U.S. citizen. These are people who came here to work on visas. These are people who came here as students. Frankly, they overstayed; they overstayed their welcome, they overstayed the law, and they are a problem. This bill begins to address the problem, the bill as currently written. The Simpson amendment does not do anything about this problem.

In all due respect to my friend from Wyoming, I think the only thing this rhetoric does is confuse the issue because people then make the jump and say you have to combine the two issues. They are separate and distinct. Legal immigrants is a term of art. People who are here—that is not the problem. There are some people, a lot of them, who overstay the law. They came here legally but they were never legal immigrants. I think it is important to keep those two things in mind.

The statement is also made that aliens use social services more than native-born Americans. Again, every statistic, every study that I have seen, as well as anecdotal evidence that I think most of us have seen in our home States, would indicate that you have to look beyond that statement. That statement may be technically true, but if you break out legal immigrants, people who came here legally, people who have become citizens, people who got in line the way they were supposed to get in line, people who are now naturalized citizens or who are legal resident aliens, in line to become citizens—if you look at that group, and that is the group that the Simpson amendment is going to affect, what you find is statistically they are on welfare less than native-born Americans; less. Again, I think it shows the problem when we try to mix the arguments and when we try to combine legal and illegal.

This vote is a vote not just on the merits of the Simpson amendment. It is also a vote on whether or not this Senate is going to take an illegal immigration bill that I do not think is perfect—in fact, I have a couple of amendments. One amendment I am going to offer; another amendment from Senator ABRAHAM I am going to support. We are going to fight about those and vote on them. But it takes an illegal immigration bill that I think is a very good bill, a bill that addresses the legitimate concerns that honest Americans have that their laws be enforced, that we play by the rules and that people who come here illegally are dealt with—it it takes that concern and superimposes on it—this is what the Simpson amendment does—a whole other issue, an issue that this Senate should debate, should talk about. But on a different day. It confuses the two issues, puts them together, and I think that is a mistake.

For those of my colleagues who are concerned, and I think virtually everybody in this Senate is, about passing an illegal immigration bill and getting it signed and having it become law, the best way to do this is to defeat the Simpson amendment.

Do not take us down the path of getting in the swamp, getting in the muck of all the other issues we are going to be into if, in fact, the Simpson amendment passes. Legal and illegal, they simply, I believe, have to be kept separate.

I am going to have a few more comments later on. I do see several of my colleagues who are on the floor waiting to speak. I will, at this time, yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise in favor of the Simpson amendment. First of all, let us understand something very clearly. The discussion about separating the bills, the legal and illegal bills, boils down to one simple political fact. Those who do not want any changes in the laws relating to legal immigration in this country, who do not want to change the numbers, who want to continue to see the number of legal immigrants in this country continue to rise, as the charts that were shown earlier indicate—those people who do not want to see any constraints on legal immigration also do not want to see the issues of legal and illegal immigration combined into one bill because they understand that there is a very strong political desire to deal with the problem of illegal immigration. This body will not refrain from dealing with the problem of illegal immigration. Therefore, if we are talking about the same subjects in the same bill—there is going to be a bill and there could be a change in the law relative to legal immigration—so they do not want to see that. They would rather see the legislation regarding illegal immigration pass and then do nothing with respect to legal immigration.

The Jordan Commission made some very substantial recommendations about both legal and illegal immigration. Specifically, it determined that our law should be changed to put some caps on the numbers of people legally immigrating to the United States. The basis for the recommendation was what has occurred in the last 10 years, both with respect to illegal immigration and the increases in legal immigration. Ten years ago or so when the law was changed, the assumption was that we would stop illegal immigration. How naive, I guess, everyone was. We thought by making it illegal to hire those who were here illegally, we would remove the magnet and people would stop coming here illegally. We would

not employ them. Therefore we would not have as many illegal entrants. And, therefore, we could afford to raise the number of legal entrants.

So the Senate and the House in their wisdom, before the occupant of the chair and I came to the Congress, decided that what they would do, since we were going to have so many fewer illegal immigrants, was to simply raise by almost a quarter of a million the number of people who could come here legally.

Of course not only have we had more legal entrants every year, but illegal immigration has also risen. It is the combination of both of these numbers increasing that has resulted in the substantial majorities of people surveyed, regardless of which survey you look at, who say we need to do something about the problem, both problems. We need to get a handle on controlling our borders. We need to make it harder for illegal immigrants to be employed and receive welfare benefits. And we also need to reduce somewhat the number of people coming into the country legally.

You can argue about where the numbers should be. My own view is that at least it ought to be taken about to the level that it was 10 years ago. It is still about a quarter of a million people a year. The Jordan Commission actually recommended fewer than that. The Simpson amendment actually recommends more than the Jordan commission did, but it recommends it as a true cap. It says this is a real number; 480,000 will be it. Period. That is, each year, how many people can come in legally.

The bill, as it came out of the Judiciary Committee and as it is here on the floor, however, does not really limit the numbers. It provides a cap but it is called a pierceable cap, meaning you can actually have more numbers than that. And, because of a phenomenon which I will discuss in a moment, the net result is that there really is no cap at all. So let us speak very plain English here. Nobody is trying to cut off legal immigration. Nobody is trying to cut it in half. Nobody is trying to cut it even by 25 percent. But what we are saying is that there should be some limit on it, as opposed to the bill, which will enable it to escalate substantially.

Those who favor basically open, legal immigration, will say, ''Oh, no, the bill actually has a cap in it.'' That is true. But, as I will point out in a minute, the cap does not mean anything. It can be pierced and it will be pierced because of the large number of people who are awaiting their turn to become legal citizens, just precisely as Senator ALAN SIMPSON pointed out during his remarks about an hour ago.

Let me return to a point that I made just a second ago and actually cite some numbers. A recent ABC poll showed that 73 percent of the people in the country want reduced immigration. A recent Roper poll showed that only 2 percent of the respondents supported the current levels of immigration; only 4 percent of blacks and Hispanics supported the current level. There is overwhelming view in our country that immigration numbers should be somewhat reduced.

If I look at the actual survey numbers, as was pointed out before, most of our citizens would reduce those numbers far below what any of us are talking about doing here today.

We ought to be responding to what our constituents are asking, but as happens so much here inside the beltway, with various lobby groups putting pressures on Members, we are not even going to come close to what the majority of the people in this country are asking. We are not going to reduce the number of legal immigrants in the country to 100,000 per year, as a majority of Americans would like to see. We are not going to call a time out on any legal immigration. We are not going to reduce it to 200,000 or 300,000 or 400,000.

The most that we are going to do is to get it about at the level that it was 10 years ago, somewhere in the neighborhood of 480,000. So all of the great speeches about how we are shutting off immigration and we are keeping people from coming to this country obscures the fact that we would be allowing about one-half million legal immigrants into the country every year. Of course, this bill applies only to 5 years, and then we go back to the levels that exist today. The Simpson amendment is just a temporary 5-year breathing space to establish a true priority system for family immigration.

As Senator SIMPSON pointed out, one of two things has to happen here. Either we have to change the priorities so that instead of spouses and minor children, the two groups that we want to grant the top priority to—that is existing law; I think that is what all of us would agree to—we are either going to have to change that priority so that brothers and sisters or others could come in ahead of them or, if we are going to do what the proponents of more immigrants want, we are going to have to increase the total numbers, because the current priority system will result in far more people coming in than the current numbers allow. That is why this pierceable cap—it is only a cap in name, because the fact is the proponents of more immigration understand that if you leave the priority system as it is, inevitably there will be far more legal immigrants than there are today.

The goal with the Simpson amendment is reunification of the nuclear family to ensure that the spouses can come in, that they have a top priority and that the minor children have a top priority.

One of my colleagues made this argument, ''Well, Senator SIMPSON is actually giving a greater priority to the children of permanent residents than to the children of citizens.'' That is not true, Mr. President. Minor children of citizens are the first priority. Minor children of permanent residents are the second priority. It is true that minor children of permanent residents have a priority above adult children of either citizens or permanent residents.

I ask my colleagues who made the argument, would they change that priority? Would you put a higher priority on the adult children of citizens than on the minor children of permanent residents? Because, remember, permanent residents are legal, too. They have a right to live in this country as long as they live, and if we are talking about keeping nuclear families together, we have to be very straightforward about this, and I do not think there is anyone here who would not agree that the current priority, which is for spouses and minor children, should be the top priority.

So let us not hear discussion about how we are putting the children of permanent residents above the children of citizens. We are putting the minor children of permanent residents above the adult children of those who become citizens.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. KYL. Yes, just for a moment.

Mr. DEWINE. Does the Senator agree with the Jordan Commission when they said that of those individuals that you just referenced, there are at least 850,000 of them who are not waiting to come in but who are already, in fact, here?

Mr. KYL. As has been noted earlier, that statistic could well be accurate, and about 65 percent of those people who are here are here illegally, if Senator SIMPSON's statistics are correct, which would suggest to me that we should not be granting a priority to people who, though they are here, got here illegally. I will be happy to yield for another question.

Mr. DEWINE. If you will yield for an additional comment or additional question.

Mr. KYL. Sure.

Mr. DEWINE. If the figures of the Jordan Commission are true, that 850,000 spouses and children are here, would you agree that no one is seriously talking about kicking them out of the country? So, in other words, when we talk about it is important to reunify these families, that may be true on paper but in reality they are already reunified. They were never apart because they are here together.

Mr. KYL. My colleague makes a point. I think he proves too much by his argument, though. Nobody is going to kick them out. That is the whole point. So all the bleeding heart stories about how these people are not going to be reunified is, frankly, beside the point. They are here. Many of them are here illegally, but they are here. What they will have to wait for is simply their opportunity in line to have their status recognized as legal. So in point of fact, they are not being hurt one iota.

Mr. DEWINE. Will the Senator yield?

Mr. KYL. Let me finish making this point. Because what we are talking about with the backlog requires two points of clarification.

One, that backlog will be cleared up; those people will get their legal status eventually and, in the meantime, as my colleague points out, they are here already, they are already unified, they are not suffering apart from each other.

Second, it is important to note that the Simpson amendment grandfathers all of those people who came, I believe it is before May 1988—the exact date Senator SIMPSON can clarify—so that we are really not talking about in any real numbers creating a hardship for those adult children who would want to be reunified under the third priority.

Mr. President, I really would like to get on.

Mr. DEWINE. Will the Senator yield for just one more?

Mr. KYL. I will yield one more time.

Mr. DEWINE. Then I will sit down and get my own time. I appreciate my friend's generosity with his time.

I wonder if he could just respond to this. Is it not true that the individuals he just described who are already unified, who are together, are the people that Senator SIMPSON says his amendment is intended to benefit and who, I argue, because of that amendment, are people who really do not need to be unified anyway; they are already unified. They, with his amendment, would be pushing out adult children, yes—adult children—of U.S. citizens who could not come in and minor children of U.S. citizens who happen to be married?

I want to clarify for the membership who we are really talking about. These are people—850,000 of them—who are already here. My colleague says no one is talking about kicking them out. They are already in the country. So to me it is a little misleading, or maybe it does not tell the whole story, to use the term we are ''reunifying'' these people—and that is the purported sense of the Simpson amendment—when, in fact, they are already physically unified. They may not be on paper unified but they are here and living together. That is who he intends to benefit.

I appreciate the Senator's generosity.

Mr. KYL. It is a point well made, but I believe the point relates to all the categories. As Senator SIMPSON related before, in all four categories of priorities, there are people here illegally who are simply waiting for their turn to become officially recognized as legal. The largest number is in the first category, and then it goes down in number to the point in the bottom category it is the fewest.

So in each of these categories there are people who are here illegally who will have to wait a while before their status can be made legal and who, as my colleague from Ohio rightly points out, are not going to be kicked out.

It is important for us, however, therefore, to focus on this question of priority. Senator SIMPSON and I and others simply believe that the first priority should be the priority of the Jordan Commission and of the existing law that minor children and spouses are the first to receive their legal status. In some cases, it will be legal status for the first time reunifying the family because the rest of the family is not in the country. In other cases, they are already here, and it is simply legalizing the status quo.

The next priority and the priority after that would then come into play. In each case, there are some people who are already here illegally who would become legal, and there are others who were abroad and would be allowed to come to the country, reunify with the family, and eventually become legal. It is all a matter of priorities, Mr. President.

As Senator SIMPSON noted, one of two things is true: Either we change the priorities—and, again, I do not really think anybody is really suggesting that—or we have to recognize that there are so many people who are eligible that the numbers are going to increase dramatically. I think there is an interesting story.

By the way, may I just go back and point out when I talked about pierceable, I meant to describe what we mean by that. The Simpson amendment provides for 480,000 admissions per year. The question is whether or not that number is pierceable or not. The Simpson amendment is a true number. What you see is what you get. What the Jordan Commission recommended was a far lower number, 400,000, but theirs was pierceable, as is the current bill. ''Pierceable'' means that, because admission of nuclear family members of citizens is unlimited, the admission limit can be pierced. That is the top category, the citizen category. It is actually two categories, because the citizen's both minor children and spouses and then also other relatives of citizens.

Because the number of relatives of citizens is unlimited, when we say there is a cap of 480,000 or 400,000 or whatever it may be, that is not really true. It is that number plus however many additional relatives of citizens are allowed to come in.

The Simpson number is a true number: 480,000, period. Over time, that will accommodate all of the categories that they want to come in. Some will simply have to wait longer than others. We say the ones that should have to wait longer are the more distant relatives, not the spouses and the minor children.

What are the official estimates of how many numbers we are talking about? According to the official INS estimates, immediate relatives will range from 329,000 to 473,000. Mr. President, let me read those numbers again for the benefit of my colleagues. Remember, the Simpson amendment calls for 480,000 family members—additional employment and diversity numbers—but 480,000 family members. INS' official estimates are there will be from 329,000 to 473,000 immediate relatives over the next 7 years, with an average of about 384,000 for immediate relatives.

So the number of 480,000 is plenty to accommodate these immediate relatives. There would be about 100,000 additional slots for family-based categories other than the immediate relatives, the people who my colleagues from Ohio and Michigan have primarily addressed, 100,000 a year.

It does not provide additional slots for the legalization backlog reduction. It is assumed those individuals will be absorbed in the immediate relatives category of U.S. citizens, many of whom, as my colleague noted, are now eligible for naturalization. As I noted, at the end of 5 years this limitation of 480,000 ends anyway. So under the official INS statistics, there is plenty of room for all of the people who have been talked about here to become legal in the United States of America.

The facts, however, are somewhat different than the official story. Here is where we find out the rest of the story, as Paul Harvey would say. It appears that there are some informal INS estimates that differ from the formal estimates. In fact, according to the San Diego Union-Tribune article that has been mentioned here, there will be a significant increase, a 41-percent increase in legal immigration that the INS now says will enter the United States over the next 2 years. They have undercalculated or miscalculated too low for the next 2 years, and the fact of the matter is, we are going to see about a 41-percent increase in the next 2 years.

The article provides details about unreleased data from the INS showing that immigration will rise 41 percent this year and next year over 1995 levels. This is the result of an approximate 300,000 administrative backlog of relatives of individuals who have not realized applying for alien status. Therefore, the fact is, under the bill as currently written, we are not going to see a slight decrease. As the proponents like to say, we are going to see a huge increase.

As Senator SIMPSON noted, you cannot have it both ways: Either you change the priority, which nobody wants to do, or recognize there have to be a whole lot more numbers. The truth is, as the INS-reported numbers in the San Diego paper show, that will be substantially increased over 1995: 41 percent in both years.

As I said, the Simpson amendment is important because it provides a true temporary limit. In 1990—in 1990—the level of immigration was increased substantially, by 37 percent. There was an increase because it was thought that the new employer sanctions would reduce illegal immigration, as I mentioned before. That has not occurred. We know that there are approximately 4 million illegal immigrants in the country and about 300,000 to 400,000 new

illegal immigrants entering the country each year. So that number has to be added to the numbers that we are talking about for legal immigrants.

Mr. President, the United States has always been—and, as long as I have anything to say about it, is going to be—a land of opportunity both for U.S. citizens and certainly for all of those who come here legally. But as much as we are a nation of immigrants, we are also a nation of laws. We cannot afford, as a nation, to continue to incur the unrestrained costs of both legal and illegal immigration in jobs, welfare, education and health care. Senator SIMPSON is trying to get a handle on this by limiting immigration very slightly over a very limited period of time, 5 years, as the American people have demanded.

Unless we reform our legal and illegal immigration laws, I believe we will undermine the United States as a land of opportunity for all, both foreign and native born. Everybody has a story to tell how they got here.

My grandparents emigrated here from Holland. My grandmother hardly spoke English. I am very proud of my Dutch ancestry and the traditions that we have maintained, but I think that my grandparents, who assimilated into our society and became Americans, would be rather shocked and somewhat disappointed at the way that the system has grown over recent years. My guess is that they would be supporting attempts of people like Senator SIMPSON to try to bring the right kind of balance and to try to provide opportunity for all of those who are here already and who we will invite legally to come here in the future.

That is why I support the Simpson amendment. I think it is a very reasonable amendment. It is even more liberal, if you want to use that term, than the Jordan Commission recommendation. I know that we all regret that the chairman of the Jordan Commission, Barbara Jordan, herself is not here, cannot be here, because of her untimely death, to defend the rationale for the Jordan Commission report, which, as I said, is even more conservative in this regard than the Simpson amendment. But I think we ignore that report at our peril, and we ignore the sensible arguments that Senator SIMPSON has made here at our peril. As I said, that is why I support and hope that others will support the Simpson amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a number of my colleagues have made some comments with regard to the underlying legislation, with regard to the amendment that is before the Senate, and also in reference to the Jordan Commission. I will make a brief, brief comment about those comments and also come back to the underlying reason why I am opposed to the Simpson amendment.

Mr. President, we can talk about numbers, and I will get back to where we are in terms of numbers, but for the purpose of understanding in family terms—in family terms—what this amendment is really all about: If you are an American citizen today, you can bring your wife in, you can bring minor children in, you can bring parents in without any limitation at all. That is the same with the Simpson proposal and the underlying amendment. That will not change under this particular proposal.

Under the current law, if you are an American citizen, you can bring your adult children and your brothers and sisters in. There are numbers for those. Today the demand on that does not overrun the numbers which are available. We are talking about 23,000 adult children that come in and some 65,000 brothers and sisters. All of those get in now currently. Under the Simpson amendment, there would not be the guarantee that those would get in. I think it is highly unlikely they would be admitted.

Today, if you are an American citizen, you can bring in the adult children and the brothers and sisters of American citizens. Beyond that, we also have for the permanent resident aliens, slots for minor children and spouses. There are numbers for them, but they get in now. They are able to rejoin. We are talking about the minor children and the wives of the permanent resident aliens that are coming in here today. They are all at risk. There are some 85,000 of those. They get in today.

Now, what does the Simpson proposal basically do? It provides for a limitation on the overall numbers. Then there is what is called the spillover. There are 7,000 slots for that spillover. Mr. President, 7,000 slots for the spouses and minor children of permanent resident aliens. It was 85,000 last year. Those wives and those children were able to get in here. Under the Simpson proposal, there will only be 7,000 available.

Then the Simpson proposal says if the wives and small children all get in here, we will spin what else is left over to take care of the adult children and brothers and sisters. That is just pie-in-the-sky if you look at what the numbers are and what the demands are.

Effectively, what the Simpson amendment does, by his own description: We will say, OK, we will permit citizens to bring their spouses and minor children and parents in here but virtually no one else, at least in the first year, because the other groups now, the adult children, which are 23,000 that are coming in here, and the brothers and sisters, which are 65,000 that are coming in here, and the children and wives of the permanent resident aliens that are coming in here, SIMPSON will say all of those together will get 7,000 visas.

Effectively we are closing the door on those members of the family. That is the principal reason I oppose it. No. 1, it is dealing with legal immigration and not illegal. If we are interested in legal, we have a variety of different additional issues. This is the heart of the legal immigration, the numbers of families. It is the heart of the whole program. Always has been. It is the heart of it. That is what he is changing.

We say that the reason we have this slight blip in the flow line of the increase is because of a set of circumstances that were put in motion by Senator SIMPSON, myself, and others who voted for that 1986 act and the amnesty. It has taken 12 years or so for those individuals to get naturalized that were under the amnesty and now are joining members of the family. After a couple of years, it begins to go down.

As a matter of fact, for example, the total immigration for 1995 in the family preference was 236,000; in the year 2001, it will be 226,000. These are the latest figures. We have the blip now on personal family members. We are committed, even with that, when we get to legal immigration, to lower those numbers in a way that is going to be fair in terms of the different groups that are coming in here. We are not reducing the numbers on the real professionals that are coming in here. Senator SIMPSON reduces it to 100,000. The fact is they are not using 100,000. Do we understand that? We are not using the 100,000 that is incorporated in the Simpson amendment. There is no cutback there. No cutback there, my friends. Mr. President, 32 percent in families—no cutbacks in the permanent numbers.

Where are some of those permanent? We are talking about cooks, auto mechanics. They will be able to come in here. But the reunifications of brothers and sisters—no, they are not.

Mr. President, I do think that what we ought to do is say, Look, on this issue, we had tried. Senator ABRAHAM and myself had offered an amendment in the Judiciary Committee to reduce the overall numbers by 10 percent on that. We have found out in recent times that the numbers have bubbled up. Doris Meissner testified in September of last year that the numbers were increasing. Barbara Jordan had highly professional staffers, and they had access to the same information. They did not identify this kind of a bubble. Senator ABRAHAM indicated—and I join with him—when we get to legal immigration, we will see a fair reduction across the board in terms of these visas, 32-percent reduction for brothers and sisters and the wives and small children of permanent residents. Now, that is not fair.

Finally, Mr. President, I think the argument that has been made by my colleagues and friends about not addressing this issue at this time but addressing it at the time we were going to deal with the legal immigration is the preferable way of proceeding.

I listened to the presentation of my friend and colleague from Alabama,

Senator SHELBY, and I watched those charts go up and come down. The fact about the presentation was that we had the mixture of legal and illegal. He points out that 25 percent are in jail. The problem is about 85 or 90 percent of those are illegals that are in jail. When he says on the chart, looking at this foreign born, ''They are in jail, they are using the system,'' those are illegals. Most are involved in drug selling in the United States. They ought to be in jail. They ought to be in jail. They are violating our laws. They are the ones who are in jail.

The fact of the matter is, as others have pointed out during the course of this debate, when you are talking about illegal, you are talking about people who are breaking the rules, talking about unskilled individuals who are displacing American workers, you are talking about a heavier incidence in drawing down whatever kind of public assistance programs are out there. That is the fact. That is why we want to address it.

When you are talking about legals, you are talking about individuals who, by every study, contribute more than they ever take out in terms of the tax systems, who do not overutilize any more than any native American the public programs for health and assistance—with the one exception of the SSI where they have greater use, primarily because of the parents who have come here for children after a period of time are older and therefore need those services. We have addressed that with our deeming provisions. We will have an opportunity to go through the progress that has been made in saving the taxpayer fund.

We are asking, why are we getting into all of those issues suddenly? We will take some time, when we address the legal immigration issue, to go over what has happened in terms of the deeming provisions for senior citizens. That makes a great deal of sense.

Finally, I heard a great deal about the Jordan Commission. The fact of the matter, on the Jordan Commission numbers it is recognized it would be 400,000 that would come here with families. They had another 150,000 in backlog which would be added on to that. They did not even include refugees, which they cited would be 50,000. You add all of those up and you are talking about 400,000 for family, 100,000 in employment, 150,000 in backlog, and 50,000 in refugees. That comes to between 700,000 to 750,000. All of these figures are virtually in the ballpark.

The point my friend from Arizona left out is that one of the central provisions of the Jordan Commission was to do something about the backlogs of spouses and children. It is out there now. With this amendment, you are going to make it even worse. You are going to say to any spouse or child of any American citizen, ''You are not coming in here for 5 years, and you will be lucky if you get in after that because of the way this is structured.'' No backlog reduction, ignoring one of the basic facts.

Mr. President, I think the family issue is the most important. We can work out our numbers in ways that it is going to be fair and balanced along the way. We are seeing the tightening of the screw, a 32-percent reduction with the Simpson proposal, if this measure is adopted, for immediate members of the family. Nothing in terms of the employment. They were down to 83,000 last year. Senator SIMPSON allows for 100,000. Those numbers can continue to grow. I think that is absolutely wrong.

Even if we were dealing on the merits of it, I do not know why we should tighten the belt on families quicker than on those that are coming in and displacing American workers, and, in many instances, they are, as I mentioned, auto mechanics and cooks and other jobs. I think families are more important than those, if you have to choose between them.

Mr. President, we have had a good discussion. Many have spoken about this. I hope the Simpson measure will not be accepted.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Madam President, while we are debating the Simpson amendment on legal immigration, let me stress the need to address the problem of illegal immigration as part of Senate bill 1664. I support S. 1664. Madam President, stopping illegal immigration is one of the most difficult problems facing the United States.

A recent study concluded that, since 1970, illegal immigrants have cost the American people over $19 billion in both direct and indirect public assistance.

None of us doubt that illegal immigration is soaring in the country. Some estimate that the number of illegal aliens in the United States is over 4 million people. Moreover, the number of illegal immigrants coming into the United States is growing by over some 300,000 a year.

During the recent recess, I visited many counties in North Carolina. It was very interesting that each county I went into, the county commissioners and the health officials all said, ''We have a particular problem in this country that does not apply to other counties. We are being inundated with illegal immigrants.'' Well, it became almost a joke because each county was of the assumption that they were the only one that had the problem. The truth of it is, the problem is not only statewide, but it is nationwide. We need to stop it.

Illegal immigrants are not supposed to be able to get public benefits; yet, over time, this has been changed. The Supreme Court ruled that children of illegal immigrants are entitled to a public education. Illegal immigrants are entitled to Medicaid benefits under emergency circumstances—which are most circumstances. Further, illegal aliens may receive AFDC payments and food stamps for their children. This is simply another burden on the working, taxpaying people of this country. In defiance of all common sense, it seems that only in America can someone who is here illegally be entitled to the full benefits that the Federal Government has to provide.

We are stripping the money out of the paychecks of the working people, to support 4-million-plus illegal immigrants. Is it any wonder that they are pouring into the country at an enormous rate of something like 30,000 a month?

What does this say about the breakdown in the welfare system—that it can provide benefits for illegal aliens? We simply should not be doing it. That was not the design of the welfare system. We are bankrupting it and corrupting it by continuing to sponsor and support illegal aliens in this country.

Madam President, we have people coming into the United States illegally for higher-paying jobs, free schools, food stamps, and Government-sponsored health care. By flooding the United States, the illegal immigrant population is taxing fewer and fewer public resources. We simply cannot afford the continuing rise in illegal immigration.

Madam President, this bill is not perfect, but at the very least it will attempt to control the flow of illegal immigrants coming into this country by providing additional enforcement and personnel and by streamlining the deportation procedures, so that they can be removed.

Further, this bill will stop the practice of people entering the country legally—and then going onto our welfare rolls. Anyone who goes on welfare within 5 years after arriving here can be deported. This is not as much as we ought to be doing, but it is a start.

Madam President, we need to pass this bill to stem the flow of illegal immigrants. We cannot let this become another issue that the Democrats in the Senate stop. It is too important to stop. For that reason, I hope the Senate can act on this legislation.

I thank the Chair and yield the remainder of my time.

Mr. SIMPSON. Madam President, I think we may be nearly ready to properly proceed to a rollcall vote on this issue. And then I think that will remove greater delay, as we move into the other items that are in the amendments that we are presently aware of.

I hope that people with amendments will submit those, giving us an opportunity on both sides of the aisle to see what amendments there may be yet forthcoming, because at some point in time—maybe today—we can close the list of amendments so that at least we would have some perspective. I have given up one or two of my amendments—one that Senator FEINGOLD and

I debated in committee. I have withdrawn that. I hope that that marvelous, generous act will stimulate others to do such a magnanimous thing as to take one of their ''babies,'' one of their very wonderful things, and lay it to rest, perhaps.

In any event, I think that we are nearly ready to proceed to a final vote on that. I think anything else I would say would be repetitive, other than to say that the choices are clear. To do all the things we want to do, which play upon your heartstrings, you have to raise the numbers. If you do not raise the numbers, then you have to make priorities. If you are making priorities, it was my silly idea that you ought to have the priorities as minor children and spouses, and not adult brothers and sisters. That is where my numbers would come from. No mystery. That is where they would come from. They would go to spouses and minor children and come from adult brothers and sisters, who, in my mind, are removed from the immediate family category. That comes with wife, children, mother, father. All of us surely will remember that that is from whence we all sprang.

We can proceed, hopefully. I yield the floor.

Mr. ABRAHAM. Madam President, I have a couple of more issues that I want to inject at this point relative to this amendment.

I know there is at least one, or maybe two, of our colleagues who have come by this morning and indicated they wanted to speak. So I urge them, if they are in their office, or if their staff is watching, at this point to please proceed here if they are still interested. I do not have any intent to prolong the debate much further. But I want to make sure that some people who we had promised to find a time for will come here for that opportunity.

I would like to comment again on a couple of points I have been making today but also on some other issues that have been raised by previous speakers. One is the issue of polls and polling data.

I think certainly it is a responsibility of elected officials to be observant of public opinion and constituent views. But I think it is also important to understand that polling and the use of polls is oftentimes quite contradictory and quite confusing. We all know that the polls have said for years that Americans overwhelmingly want a balanced budget. But then, as we have learned, if they are told it means something specific that affects them, they all of a sudden have a little different opinion.

In that vein, I say that some of the polling related to immigration can be both, on the one hand, telling and, on the other hand, contradictory. Yes, it is true, overwhelmingly people want to deal with the immigration problems. The polling I have seen suggests, though, that the first priority they have is to deal with illegal immigration. That is why the first bill before us is a bill on illegal immigration.

I also suggest that those who say they want to see the number of people who are permitted to come to the country legally reduced, those who say that would have different opinions if they understood the ramifications that might affect them or their communities. I have not seen polls go to that kind of extent. But I suspect if people understood that the children of U.S. citizens would have a lower priority than the children of noncitizens, they would surely not favor that form of legal immigration changes.

I also would like to comment just as a postscript to the comments of the Senator from North Carolina. He is deadly accurate in his comments about the impact this bill has on the welfare access that noncitizens will have. Indeed one of the foremost objectives of this bill on illegal immigration has been the objective of trying to address the issuance of public assistance to noncitizens. One of the reasons we think this is a major problem with regard to immigration has been that people have—some people at least—tried to come here illegally to gain access to benefits. This bill attempts to address it. I think it forcefully will.

The point I would like to touch on now very specifically is the broad question of numbers because the comments of the Senator from Arizona a few moments ago in the dialog between him and the Senator from Ohio—I do not know how many Members were watching—I thought that was perhaps as telling as any other discussion we have had here today on the question of exactly what really is going to happen if this amendment passes.

As has been pointed out, the Immigration and Naturalization Service has noted that there will be a spike, an increase, in the number of people who become able to become legal immigrants in the next couple of years under the so-called family preference categories of spouses and children of U.S. citizens. That is an unlimited category. That is going to go up. But what the Senator from Ohio, I think, has said and which I think is important, is that all Senators considering this amendment should understand that increase does not mean new people coming into the United States. What it reflects overwhelmingly is a group of people who, because of the 1986 act which gave amnesty to those in the country illegally and a subsequent action by the Congress in 1990 which gave quasi-legal status to the spouses of minor children of those who gained amnesty, these people are largely overwhelmingly already in the United States. Consequently, the increase that has been alluded to is not an increase in people coming to the country; it is a shifting of people already in the country from one category to another, from a quasi-legal status category to a legal status category. It does not mean a lot more people coming as immigrants to the United States.

That said and acknowledged—I might add, by everybody who has spoken here today—let us think about the ramifications of the Simpson amendment before us. What that amendment will do is basically preclude others who are not already here from coming in huge numbers and in what I consider to be appropriate priorities, as I said in my last statement. In other words, people who are noncitizens will be able to bring their children to this country and people who are citizens will not be able to bring their children if their children are either married or adults. That will be the ramification, because the use of these 480,000 visas that are part of this amendment will be exhausted by the first categories of the relatives; that is, spouses and minor children of U.S. citizens and permanent resident noncitizens.

In short, we will be placing priorities, in my judgment, in the wrong bay. We will be giving the children of citizens a lower priority than the children of noncitizens. We will be giving the children of citizens a lower priority than the children of people who came here as illegal immigrants. We will be giving children of U.S. citizens a lower priority simply because of making a paper transaction in the status of folks who are already in the country. That, in my judgment, is not the way we should be dealing with legal immigration issues.

I also point out that the impact of this is really quite profound. We are talking about, I think, turning away from in many ways, really, the historic basis on which this country was built. Legal immigrants, the children of U.S. citizens, have been great contributors to this country. They have come here and made contributions. Literally hundreds of this Nation's Medal of Honor winners were legal immigrants. Hundreds of people who make contributions in the sciences, high-tech industries, and so on, and built our great cities are the children of legal immigrants. This amendment will basically shut the door on them—those children of legal immigrants who are not minors.

Much has been made of this distinction between minors and so-called adult or married children, that somehow they are no longer part of the nuclear family. Maybe that is true for some families in this world, but it is certainly not the case in my mind. It is not the case for the Senator from Ohio, as he pointed out. I do not think it should be the policy of the U.S. Government to distinguish in that fashion. I think that would be a huge step in the wrong direction.

So, Madam President, I stress that the priorities in the Simpson amendment in terms of who has access to immigration are wrong. Even if you think there should be changes in legal immigration, these are not the priorities that we should establish.

Let me now move on to the point that I made a little earlier in a little different way. The complexities of

these issues, the sorting out of what ought to be the priorities, the sorting out of what ought to be the method by which people gain legal access to the country ought not be dealt with in this type of vacuum, ought not to be dealt with as an amendment to the illegal immigration bill.

This Senate should focus—and I would be perfectly happy to have the comments made by an earlier speaker—I would be happy to have the legal immigration at the desk be brought up for full consideration and passed. But let us deal with these issues in their totality, not a small part of them. I think that approach is the wrong way to go.

That is why we, from the beginning of this discussion in the Judiciary Committee, urged that these issues be divided. It is how the House did it. It is how the Judiciary here did it, both in the full committee and in the subcommittee, and that is how the full Senate ought to do it as well.

Finally, we should not lose sight of the fact that countless organizations and groups who represent the most directly affected in all of this strongly believe in maintaining the separation.

It is interesting to note the many organizations that share this opinion: The American Electronics Association, American Council on International Personnel, the American Business Software Alliance, the Electronic Industries Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Information Technology Association of America.

They believe we should not try to merge these issues of legal immigration into the bill before us, the bill on illegal immigration. Their opinion is the same whether the amendment is one pertaining to business immigration or an amendment, as the current one is, that pertains to family immigration.

They believe we should continue the distinction we have made here all the other times we have considered immigration questions, and separate these legal immigration issues that are very weighty and very complicated from issues of illegal immigration, which are equally complicated and weighty. And that I strongly urge, Madam President, be the approach we take today.

I am perfectly willing to have Senator SIMPSON's proposals and the proposals to be offered later by Senator FEINSTEIN, from California, on legal immigration debated fully here the way that we did in committee along with the rest of the issues that are all around legal immigration.

That is the way we should proceed. I do not fear that debate, and I suspect a bill such as was the case in the Judiciary Committee can be passed, but the sequence ought to be illegal immigration is the top priority. We have a good bill. Let us pass it and conference it with the House bill that is already out there on this topic, and then let us bring legal immigration from the desk to the floor and have at that issue as well.

I know the Senator from Wyoming would like to speak, and there is one other Senator on the way here, so I am going to yield the floor at this time.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I believe Senator GRAMM is coming to indicate his support against the amendment so we certainly will withhold. I just want to say to my friend from Michigan, I think what happens in issues like this is you establish a degree of trust. You may have your own views, but we do not lay snares on each other. That is a very important part of legislating—to establish trust, and then you get in there and belt it around and then you move on. That is what I do and have always done in 30 years of this work. I have been in some that are much, much more intense than this particular one.

However, I do have to comment on the one thing that keeps coming back like a theme.

Oh, then I wanted to say that there is one group the Senator left off of that list, the American immigration lawyers. You would not want to leave them off the list. They have messed up more legislation in this area than any living group, and they will continue to do it forever. This is their bread and butter. The bread and butter of the American immigration lawyers is confusion. And when you try to do something, you use families, children, mothers, sons and daughters, and violins. That is the way they work, but they never give us many other options, nor do the opponents ever give us many options.

What priorities would you, I say to the opponents, like to take away if you do not raise the numbers? If you do not raise the numbers, what priorities of the preference system would you reduce? You cannot have it both ways. It cannot be. That is really one of the big issues.

Then the argument is we need to separate legal and illegal immigration because legal immigration reform is so important that it deserves our full and separate consideration on the Senate floor. That is the theme of all of those who are opposed to this amendment.

It is curious, very curious, that many, in the House at least, who support no benefits at all for permanent resident aliens, none, are talking about that as if it were separate and apart. I do not see how that can be. You are talking about permanent resident aliens. That means you are talking about illegal immigration and legal immigration. You cannot separate them.

It is a purpose of the original measure—and I compliment those who created this remarkable—not the Senator from Michigan. Some of the think tanks, whoever, some of the Government reps. Give them the credit. When you see it work, give them the credit. I compliment them on that issue because here we are—and this is the curious part. They say out there, down the street, wherever they are, in support of the argument, that the House voted to divide the legal and illegal issues. That is very true. The House voted to split their bill, and I assume the same arguments were made about the importance of legal immigration and the need to deal with that separately.

What actually occurred in the House is quite instructive. Legal immigration in the House is dead—dead. That is exactly what the message was in the House—dead. It will never get the careful and separate consideration that this body wishes to give to the issue—period. That is exactly what many of those who complain about combining the issues want—death. They want to kill legal immigration in all of its reforms, in every form of reform as suggested by the Commission on Immigration Reform. They want to kill legal immigration reform in any form, in any incubation, in any rebirth, in any form in the Senate just as it has happened in the House. They do not want a reduction of numbers. They do not want reform of the priorities. They want death, and that has worked very well in the House.

In the Senate, I appreciate the remarks of those in opposition because they are telling me they want a separate and careful consideration. I think that is great. I am going to wait for that. I am waiting for the separation. I will wait after this bill is finished to hear the separate and careful consideration of legal immigration. It is very pleasing to me to know that we will have that debate, I take it. I am overjoyed. Perhaps we can work out a time agreement. Perhaps we can work up the amendments. I would certainly drop away from some of the things. But to know that these things should be separated and to know with a heartening of my bosom that we will have that separate and careful consideration of legal immigration, that will be a very appropriate response at some future time. I think that all of us then will be looking forward to that because we know that in the House it was simply the death knell, and to hear it is not here is quite heartening.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I would like to reiterate the sincerity of my comments with respect to having the legal immigration bill considered separately. I was under the impression—during the April recess, in fact, I was approached, I know, by the majority leader and asked if that was an acceptable approach. I know that the people who are here today arguing that these issues be maintained separately, approved and signed off and said they were fully supportive of having that bill come to the floor.

It was my understanding that the Senator from Wyoming had opposed that, and so I am a little bit uncertain right now exactly what did happen a couple of weeks ago. But I would just reiterate, from my point of view, our sincerity, and I guess my understanding was that a proposal to bring the legal bill to the floor had been rejected by the chairman of the Immigration Subcommittee.

Maybe I got the wrong story, but it is my understanding that offer was already extended and rejected. That is why, instead, we are here today trying to merge these issues, notwithstanding the fact that the House sought to split them, notwithstanding the fact that the Senate Judiciary Committee sought to split them. But I will reserve further comments for the moment. I see other speakers here.

Mr. SIMPSON. Madam President, I appreciate that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I guess I remain somewhat skeptical—not of the Senator. Of course there is no House conference, but we will hold the debate. I think that is good. It will be good for America. I yield to the Senator from Texas—I yield the floor.

Mr. GRAMM addressed the chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in opposition to the pending amendment. There is something in American folklore that induces us to believe that America has become a great and powerful country because brilliant and talented people came to live here. There is something in the folklore of each of our families that leads us to believe that we are unique. We all have these stories in the history of our families, of how our grandfathers came here as poor immigrants who did not speak the language.

I love to tell the story of my wife's family. My wife's grandfather came to America as an indentured laborer, where he signed a contract to come to America with a sugar plantation where he agreed to work a number of years to pay off that contract. And, when he had worked off that contract, he looked in a picture book and picked out the picture of a young girl and said, ''That's the one I want.'' And he tore that picture out of the book and sent for her to come to America to be his wife.

His son became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. And his granddaughter—my wife—became Chairman of the Commodity Futures Trading Commission which, among other commodities and commodity futures, regulates the market for cane sugar in the United States of America.

I could have told much the same story about Spence Abraham, and about his grandfather coming to this country, and about my own grandfather, who came from Germany. But the point is, each of us in our own family has a folklore that basically tells a story, and the story is partly true but it is not totally true.

Folklore holds that America became a great country because of us; that America is a great and powerful country because these brilliant people from Lebanon and from Korea and from Germany and from everywhere in the world came to live here and their innate genius made America the richest, freest and happiest country in the world.

And because we believe that, we believe that America became great because we were unique and this miracle only worked for us, but it is not going to work for other people; that is, if people come here and they look different than we do or they sound different than we do or if their customs are different than ours or if their native clothing is different than ours, somehow they are different where we were unique and made America great by our coming, they are ''different'' and it will not work on them. That is a myth, and this amendment is based fundamentally on a belief in that myth.

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And, with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

While it is somehow not so reassuring about ourselves to say it, it is very reassuring about our country to know it. Most of us would be peasants in almost any other country in the world. We are extraordinary only because our country is extraordinary.

Now, with the best of intentions, this amendment says that we have immigrants coming to America and by getting here and getting a foothold and getting a job and building a life, that they are reaching out as each of us would do if we came from somewhere else, and they are trying to bring their mama and their daddy and their sisters and brothers and their cousins and their aunts to America. So what?

Let me just take that one point and develop it for a moment, if I may. Of all immigrant groups in America, to the best of my ability to ascertain, the identifiable group that uses things like the fifth preference in the immigration laws, the people who are the most focused on their extended family, the people, as immigrants to America, who have reached out the most to try to bring their families to America, are people who are from the Indian subcontinent.

Probably more than any other immigrants, at least if one looks at the use of things like the fifth preference—and I am not an expert in this area, but a fifth preference is a preference where you are trying to bring somebody in who is not, by the conventional definition, that close kin—this is a group that has used this provision of law that this amendment tries to reduce.

Let us look at a subsample of this group—Indian Americans. No. 1, of all identifiable ethnic groups in America, Indian Americans have the highest per capita income. Some people might find that shocking. The average Indian American in this country makes more money than does the average Episcopalian—which, if you break down by religious groups, is the highest income group in America. The average Indian American makes substantially more money than the average American who traces his or her lineage back to Great Britain. Madam President, 50 percent of all motels in America are owned by Indian Americans. In fact, 80 percent of them have the same family name. If you go to a hotel and you see an Indian American working there, and the chances are you are going to, and you want to guess at his name or her name, say, ''Mr. or Mrs. Patel,'' and you are going to be right 80 percent of the time. Now, this is not the same family, but it is a very common name.

The point being, why in the world are we trying to keep out of America an ethnic group that has the highest per capita income and the highest average education level in the country? It struck me as I was walking over here for this debate, I was talking to my youngest legislative assistant, named Rohit Kumar, Indian American, honor graduate from Duke University, that his family story is a perfect example of why we ought to crush this amendment. Let me just tell his family story.

His father and mother came to this country in 1972. They did not come on any kind of family preference. They were original immigrants. They both became medical doctors.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. In fact, he is an oncologist in northern California. He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. And they brought their father.

My point is, and I am a conservative as many of you know, but if we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, $500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more.

Why do we want to stop this process? We want to stop it because somehow we believe that people are changing America instead of America changing people. We could have had this debate in the early 1900's. In fact, my guess is if we went back somewhere, we would find we did have the debate, because in

the years between 1901 and 1910, we had, on average, 10.4 immigrants come to America each year for every 1,000 Americans. From 1911 to 1920, we had 5.7 immigrants per year per 1,000 Americans; from 1921 to 1930, we had 3.5. Today, even though the number of immigrants in 1995 was just 2.8 per 1,000 Americans, some would have us believe we are just being flooded, we are being overrun by these people who become doctors and engineers and pay all these taxes, and I could mention win Nobel Prizes.

I could read the list of foreign-born Americans who have won the Nobel Prize, except the list is too long. I could read down the list of people who have become historic names in the scientific history of our country, names that we now think about and the world thinks about as American names, including Ronald Coase, who won the Nobel Prize in 1991 in economics, and Franco Modigliani, who won the Nobel Prize for economics in 1985. As a graduate student, I had no idea that they were foreign born.

The point is, the list goes on and on, full of people who have come here, who have caught fire, who have unleashed creative genius that has made America the greatest country in the world, and they may have brought their mothers. Great. May it never end. Could America be America without immigrants?

I know there are people who say, ''Well, they're taking our jobs.'' I want to make just one point about that. Go out in Washington today, go to a shoe store where they are repairing shoes, go to a laundry, go into a restaurant, in the kitchen of a restaurant, go any place in America where people are getting their hands dirty, and do you know what they are going to discover? They talk funny.

People who work for a living in America often talk with distinct foreign accents. Do you know why? Because we have a welfare system that rewards our own citizens for not working. A lady in Washington, DC, with one child on welfare, if she qualifies for the four big programs, earns what $21,000 of income would be required to buy. I do not think it is fair to say because people come to America and they are willing to work, when some Americans are not, that they are taking jobs away. I think that is our problem; that is not their problem. I know how to fix that. The way to fix it is to reform welfare and, at least on my side of the aisle, there is unanimity we ought to do that.

Let me also say that there is a provision in the bill—and I am a strong supporter of the underlying bill—that changes law, a change that is needed, and I congratulate our distinguished colleague, Senator SIMPSON, for his leadership in this. He and I worked on this together on the welfare bill. It is part of this bill, and it is vitally important.

We change the law to say that you cannot come to America as an immigrant and go on welfare. We have room in America for people who come with their sleeves rolled up, ready to go to work. But we do not have room for people who come with their hand out.

Let us remember that when people come to America legally and go to work, and with their energy and with the sweat of their brow they build their life, they build the future of our country.

A final point that I want to address is this whole question about the changing nature of immigration. There is something in each of us that leads us to believe that we are the unique Americans, that somehow we made the country what it is, that somehow it was because American immigration in the early days was basically drawn first from northern Europe and then from southern Europe that it made us somehow unique.

I think it was the system that made America, and we might have had this debate in the year of 1900 when the immigration patterns of the country had shifted to southern Europe and eastern Europe. I am sure at the turn of the century there were those in corporate boardrooms who were wondering what was going to happen in America with the changing makeup of the country when they, as people from British stock who had come to the country on the Mayflower or in some historic voyage, had to share their America with Americans who had come from Germany or from Italy or with Americans who had come from all over the world who were of the Jewish faith. I do not doubt somebody in 1900, and maybe a lot of people, worried about it.

But look what happened. Did those of us who came from other places prove less worthy of being Americans than the colonists? Did we find ourselves less worthy successors of the original revolution? I do not think so.

I believe we have room for people who want to come and work because America could not be America without immigrants. The story that is uniquely American is the story of people coming to America to build their dream and to build the American dream. I have absolutely no fear that by people coming to America legally and to work—no one should come to America to go on welfare—that America's future is going to be diminished by that process. I believe their new vision, their new energy will transform our country, as it has always transformed it, and we will all be richer for it.

The bill before us tries to stop illegal immigration. We have an obligation to control the borders of our country.

I am proud of the fact that in my year as chairman of Commerce, State, Justice Appropriations Subcommittee, we began the process to double the size of the Border Patrol and we enhanced the strength of that action in this bill. We deny people who come to America illegally welfare benefits, and we deny those benefits to people who come here legally. We do not want people coming to America to go on welfare.

But I do not believe we have a problem today in America with people who have come to this country and succeeded and who want to bring their brother or their cousin or their mother here. When you look at the people who are doing that, you find that they are the ones who are enriching our country.

A final point, and I will yield the floor. It has struck me as I have come to know ethnic Americans that many ethnic groups fight an unending and losing battle to try to preserve their identity in America. It is a losing battle because what happens is that young people who grow up in this country become Americans. There is no way that can ever be changed. Any differences that concern us very quickly vanish in this country with great opportunity, where people are judged on their individual merit.

What we are talking about today is trying to stop illegal immigration, which is what we should do, but we should not back away from our commitment to letting people come to America to build their dream and ours. We should not close the door on people who want to bring their relatives to America as long as their relatives come to work, as long as they continue to achieve the amazing success that immigrants have achieved in America.

There are a lot of things we ought to worry about before we go to bed every night. We ought to worry about the deficit. We ought to worry about the tax burden. We ought to worry about the regulatory burden. We ought to even worry about the weather. But as long as we preserve a system which lets ordinary people achieve extraordinary things, we do not have to worry that our country is somehow going to be diminished when an immigrant has gotten here, succeeded, and put down roots and then wants to bring a sister or mother to America. If that is all you have to worry about, you do not have a problem in the world. Let me assure you, I do not worry about it. I do not want to tear down the Statue of Liberty. There is room in America for people who want to work.

I remember, as a closing thought, 3 years ago I was chairman of the National Republican Senatorial Committee, and we had a big event where we invited our supporters from all over the country. I do not know whether it just happened to be the letter I sent out that time or what, but for some remarkable reason, about 80 percent of the people who came to this particular event were first-generation Americans. As a result, they all talked funny.

So we were about a day into the meeting and this sweet little lady from Florida stood up in the midst of this meeting and with all sincerity said to me, ''Senator GRAMM, why do all the people here talk funny?'' Boy, there was a collective gulp that you could have heard 100 miles away. So I thought for a minute, and in one of the better answers that I have given in my

political life I said, ''Ma'am, 'cause this is America.''

If we ever get to the point where we do not have a few citizens who talk funny, if we ever get to the point where we do not have a new infusion of energy and a new spark to the American dream, then the American dream is going to start to fade and it is going the start to die. It is not going to fade and it is not going to die on my watch in the U.S. Senate.

I yield the floor.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. GRAMM. I am glad to.

Mr. DEWINE. I just want to compliment my colleague from Texas for one of the most eloquent statements I have heard since I have been in the U.S. Senate, a little over a year. His story of his family, but frankly most particularly his story of Wendy Gramm's family, his lovely wife, is America's story. I have heard him, because he and I have been out campaigning before together, I have heard him tell that story I think eight or nine times. Each time I hear it, I am still touched by it because it is truly America's story.

I will also compliment him on his comments about chain migration. When you look at the chart of chain migration, that is America's story, too. Those are people who are trying to bring their families here. You see it—and, again, it is anecdotal—but you see it when you go into restaurants in Ohio or you go into dry cleaning stores or you go into any kind of establishments in Ohio, Washington, or Texas.

You see people in there who, you just assume they are all family. You do not know whether they are brothers or cousins or who. They are all working. They are working. That is what is the American dream. That is what has made this country great. I just want to compliment him on really, after kind of a long, difficult debate, coming over to the floor and really cutting through some of our rhetoric and just getting right down to it. I compliment him for that.

Mr. GRAMM. I thank the Senator very much.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we have had a good debate. I listened attentively to the remarks of my friend from Texas. I heard him speak of a woman who is remarkable, Wendy Gramm. I can only tell him that people have told me many times in the past years that anyone who knows Senator PHIL GRAMM and Senator AL SIMPSON and knows Wendy Gramm and Ann Simpson, knows that the two of us severely overmarried—severely. In fact, a lot of people do not vote for us; they vote for them. But that is just an experience that I share.

As we close the debate, I hope we can keep this in perspective. We will continue to have the most open door of any country in the world, regardless of what we do here. The numbers in my amendment are higher than they have been for most of the last 50 years. We will continue to have the most generous immigration policy in the world. We take more immigrants than all the rest of the world combined. We take more refugees than all the rest of the countries in the world combined. That is our heritage. We have never turned back.

An interesting country, started by land gentries, highly educated people, sophisticates who came here for one reason—to have religious freedom. The only country on Earth founded in a belief in God. That is corny nowadays, but that is what we have in America. And it will always be so. People who came here were not exactly ragamuffins. They read Locke and Montesquieu and Shakespeare and the classics. Interesting country. No other country will ever have a jump-start like that in the history of the world, period. So it is unique, it is extraordinary.

AMENDMENT NO. 3737

Mr. SIMPSON. Let me have a call for the regular order. I alert my friend, Senator KENNEDY, that I call for the regular order with respect to the Coverdell amendment of last night. That was 3737. It was laid down. There was debate. It was held back, the Coverdell amendment.

Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The amendment is now before the Senate.

(The text of amendment No. 3737 was printed in the RECORD of April 24, 1996.)

Mr. SIMPSON. Mr. President, I know of no other speakers on that amendment. I believe the managers are prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3737) was agreed to.

Mr. SIMPSON. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3739

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3739.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment N0. 3739. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 20, nays 80, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—20

Baucus	Faircloth	Lott
Brown	Grassley	Reid
Bryan	Hollings	Roth
Burns	Jeffords	Shelby
Byrd	Johnston	Simpson
Cohen	Kassebaum	Thomas
Exon	Kyl	

NAYS—80

Abraham	Ford	McCain
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Pell
Bumpers	Hatfield	Pressler
Campbell	Heflin	Pryor
Chafee	Helms	Robb
Coats	Hutchison	Rockefeller
Cochran	Inhofe	Santorum
Conrad	Inouye	Sarbanes
Coverdell	Kempthorne	Simon
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Lautenberg	Thompson
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Feingold	Lugar	Wyden
Feinstein	Mack	

The amendment (No. 3739) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 3103

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 3103, the Senate request a conference with the House, and that the Chair be authorized to appoint conferees on part of the Senate.

Mr. KENNEDY. Reserving the right to object, Mr. President, I ask unanimous consent that the request be modified to provide for the appointment of eight Republicans and six Democrats from the Committees on Labor and Human Resources and the Finance Committee instead of the 7 to 4 ratio proposed by the majority leader.

Mr. LOTT. Mr. President, let me clarify the situation. Let me ask for a clarification and the parliamentary situation.

Is the Senator from Massachusetts asking for a modification of my unanimous-consent request that you have appointments to this conference as he outlined just from the Labor Committee and the Finance Committee?

The PRESIDING OFFICER. That is the Chair's interpretation.

Mr. LOTT. I would be constrained to object to that modification of the unanimous-consent request.

Mr. KENNEDY. Then I object to the proposal of the Senator from Mississippi.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request by the assistant majority leader.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, point of order: There is obviously a quorum here, Mr. President.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER (Mr. CRAIG). Objection has been heard. The clerk will call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, we go on now to continue our work. I think most of us know the lay of the land and our colleagues listening would soon know.

I would withdraw my option to offer the next amendment, which is the pending business, with the understanding that Senator FEINSTEIN be recognized to offer an amendment regarding levels of immigration. And you might, I say to my colleagues, expect a motion to table on that particular amendment within the next 20 or 25 minutes.

I yield.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. And that is with the understanding that the time would be equally divided. Is that correct?

Mr. SIMPSON. That would be correct.

The PRESIDING OFFICER. The time would be equally divided between——

Mr. SIMPSON. The time would be equally divided.

Mrs. FEINSTEIN. How much time would we have?

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. SIMPSON. Mr. President, it is not a unanimous-consent request. It was felt that the parties had resolved this and so it was presented on that basis. There was to be little debate, as I understood it, and I was told that there would be a motion to table within 20 or 25 minutes.

The PRESIDING OFFICER. It is the Chair's understanding there is no time agreement.

Mr. SIMPSON. Mr. President, that is correct. I think we will see it take place in its ephemeral form, somewhat obscure but nevertheless quite appropriate, I think.

AMENDMENT NO. 3740 TO AMENDMENT NO. 3725

(Purpose: To limit and improve the system for the admission of family-sponsored immigrants)

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have 10 minutes on amendment 3740. I should like to take 5 minutes of that time and then have 5 minutes accorded to the Senator from Arizona.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk.

Mrs. FEINSTEIN. I call up the amendment. The amendment is at the desk. The amendment is No. 3740.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3740.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mrs. FEINSTEIN. Mr. President, I will explain the amendment this way.

Essentially, the amendment is a compromise between the Simpson amendment and what is in the bill as a product of the Abraham-Kennedy amendment.

I believe we need to stop the pierceable cap, and my amendment would place a hard cap on family totals of 480,000, which is the current law, without the anticipated increase. It would stop the spillover from the unused employment visas, the loophole in the current system. And it would not close out the preference categories.

Under my family amendment, parents and adult children are guaranteed to receive visas every year, remaining consistent with the goal of family reunification. The amendment allocates visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category, always remaining within the hard cap of 480,000. It would allow a backlog clearance of spouse and minor children of permanent residents by allowing 75 percent of any visas left over within the family total to be allocated for this category's backlog clearance.

Now, to control chain migration, which Commissioner Doris Meissner told me is created by the Sibling of Citizens category, it places a moratorium on that category for 5 years, but if there are any visas left over with the hard cap of 480,000, the amendment would allow 25 percent of the leftover to be used for the backlog clearance of siblings, those who have been waiting for many, many years.

The point of this is that if we do not address this issue, the numbers swell 41 percent over what we were indicated they would be in committee to nearly a million. This creates the hard total of 480,000. It permits the sliding scale down the family preference, and it eliminates what is the chain migration concern that had been raised by many in committee.

I believe it is a modest amendment to control overall numbers. Coming from the State with the largest numbers, with the absence of classes for youngsters, with the cutbacks in welfare money, with the absence of adequate housing for people, we cannot keep taking 40 percent of the Nation's total of legal immigrants, of refugees, of asylees, and therefore I think this is a prudent, modest, fair compromise.

So, again, we would place a hard cap at the current law level, 480,000. We would close a loophole where unused employment visas spill over into the family immigration numbers, and we would guarantee that close family members of citizens get visas each year with flexible limits allowing an increase in the allocation of visas with decreases in the immediate family categories.

I retain the remainder of my time and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is essentially the same amendment that we just disposed of. Once you maintain the cap that Senator FEINSTEIN does as well as Senator SIMPSON, you use up 472,000, which leaves 7,000 left over. Senator SIMPSON targeted those to the wives and children of permanent resident aliens. Senator FEINSTEIN spreads those out—adult unmarried citizens, adult children of citizens.

Quite frankly, I think we ought to be dealing with this in the legal immigration, but if you had to ask me I would rather put them in for the children and married members of permanent resident aliens. We are talking about 7,000 visas on this—7,000. That is the amount that will be available under this. So I really fail to see how this is very much more than sort of Simpson-like.

I reserve the remainder of the time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I support the amendment offered by the Senator from California. It is a good-faith effort to try to respond to the critics of the SIMPSON amendment, and I think it does a very good job of doing that.

As Senator KENNEDY pointed out just now, however, it does retain the cap of 480,000, and this is what we are trying to say here today. You really cannot have it both ways. You cannot say that we are not increasing illegal immigration and then not do anything to achieve that goal, because under the bill as written, immigration is going to skyrocket. That is what the INS figures and formally reported by the San Diego Union paper said: 40 percent next year; 41 percent the year after that.

If we are willing to accept those large numbers, then we should be up front about that. But everyone who has supported the bill out of committee and opposed the Simpson amendment has inferred that we are really not going to increase numbers at all. The fact is, we would increase them.

Under both the Simpson and Feinstein amendment, we would have a cap. So that problem, the problem of, in effect, runaway numbers, is solved by this cap of 480,000. But at the same time, Senator FEINSTEIN is attempting to respond to the criticism that opponents of the Simpson amendment made, which is that all of the preference could be used up by the first category, theoretically, and you would never guarantee that some of the second, third and fourth preferences could be satisfied.

So what Senator FEINSTEIN has done is to say there will be certain slots left open for, for example, the grown children of citizens or siblings and, therefore, to the extent the 480,000 cap was not reached by the first preference, that the other preferences would each have a number—and it is not 7,000, the numbers would range between 35,000, 75,000, depending upon how many are available.

Just in conclusion, it seems to me this is a good-faith effort to deal with legitimate concerns that were raised, but, yes, it is also true that there is an absolute cap of 480,000, because the purpose here is twofold: to allow several different categories, each to have a number of slots to be made legal under our system, but at the same time draw an overall limit so that annually no more than 480,000 would be permitted to come in under this particular family category.

So I think the Feinstein amendment is a good compromise, and I urge my colleagues to support it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to respond, if I might, to the argument raised by the Senator from Massachusetts. Using an Immigration and Naturalization Service document entitled ''Immigration and Backlog Reductions Under Current Law,'' and adding the three categories—spouses and children's space, spouses and children's change, an increase due to legalization through IRCA, here are the totals that we come up with: In fiscal year 1995, 206,000; in fiscal year 1996, 270,000; in fiscal year 1997, 370,000; in fiscal year 1998, 349,000. The highest year would be 1997, which leaves 110,000 even in 1997 to filter down through the categories.

I ask that the chart entitled ''Immigration and Backlog Reductions Under Current Law''—these are assumptions, so I recognize that depending on the assumptions that one uses, you can get different figures. These are the ones that, again, are a little different from what Senator KENNEDY is working on because they project this very large total at the bottom of 1 million in 1995, of 984,000 in 1996, of 600,000 in 1997. Those are the total numbers.

So I think if these come in to be the case, even in the most difficult year, there is 110,000 that would filter down through the remaining categories.

Mr. KENNEDY. If I could have a moment to respond.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. These various charts have been provided by the INS to me, as well as the other chart on which we have the numbers. I will put those that were provided by the INS in, and I refer the Senator, if she has these same charts—we do not have to take the time of the Senate. We will be glad to have a quorum or let others speak.

But it points out in 1997, there is 472,781. That is the immediate relative estimate, 472,000. If you have 472,000 and you have a cap at 480,000, it means you have 7,151 left over. The idea of representing to this body that we are going to spill some of those over into these categories is a stretch, I just say.

Those numbers, in fairness to the Senator, build over a period of time. There are still 40,000 in 1998; 86,000 in 1999. So those numbers still go up, but they still do not justify the kind of spilldown in the coverage that the Senator has explained.

It says 7,151 here, which was provided by the INS and 7,151. I will be glad to go into a quorum call to make sure we are not talking about different charts, but these were the ones provided by the INS. Whatever time—it is Senator ABRAHAM's time and Senator FEINGOLD's time.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would appreciate being apprised of the circumstances with respect to time.

The PRESIDING OFFICER. There is no time limit or time designated. It was an approximate time.

Mr. ABRAHAM. I was not sure whether that had actually been formulated in a unanimous-consent agreement. If not, let me make a couple of quick points.

I do not think we want to extend the debate unnecessarily here, because the issues on this amendment are virtually identical to the issues that were on the floor in the context of Senator SIMPSON's amendment.

The fact is that this is almost the same amendment as Senator SIMPSON's amendment. As we heard, modest efforts are being made to apply some of these visas to, as I understand it, some of the other categories besides the children and spouses of permanent residents, but it is going to work out, as Senator KENNEDY has said, to a very, very few, just because those categories will consume such a high percentage of the visas that are going to be available under this very substantial amendment.

Second, the priorities, as I see them, that were established in the previous amendment are in this amendment as well. Once again, we see an overwhelming percentage of the immigration that will be legal under this amendment going not to the children of citizens of the United States, adult children or married children, but rather to the children of noncitizens, many of whom are, in fact, individuals who were once illegal aliens. It seems to me those priorities are not the appropriate ones that we should establish.

But I have to say, Mr. President, already just in the discussion that has happened in the first few minutes of this amendment, it is quite clear—we just received this amendment late this afternoon—the projections that are being made are hypothetical projections. There is confusion with respect to this amendment.

It is unclear to me, after studying it for the last hour or so, exactly what its effects will be. At least we had a little bit of time to look at the effects of the previous amendment. But from what I can tell, it would definitely cut overall family preference immigration by roughly 60 percent. It would cap and slash the immigration of parents of U.S. citizens. It would cut the immigration of adult children of U.S. citizens by over 60 percent. It would eliminate all immigration of siblings, basically. These are dramatic changes in the legal immigration laws of this country.

As I said with some frequency during the debate on the last amendment, Mr. President, they should be dealt with separately from the debate on illegal immigration. These are two very distinct issues with a very powerful and important impact on citizens of this country and their families.

We should deal in this bill with illegal immigration. We should maintain the split which was put together in the Judiciary Committee that divided these two. We should follow the lead of the House keeping legal immigration separate from illegal immigration.

Even if we were to consider legal immigration, I once again argue it should not be done in this type of piecemeal fashion, such weighty, complicated amendments brought in this fashion. It is impossible to even determine the potential impact of this amendment.

For those reasons, Mr. President, I urge the Senate to once again follow the lead of the last amendment, keep these issues separate, keep legal immigration separate from illegal immigration, pursue ahead today, and let us get a good illegal immigration bill through the Senate. I think it will address many of these problems. Then let us take the legal immigration bill that is at the desk, and then let us deal with that in a deliberative fashion here on the floor of the Senate. I think that is the way we should go.

This amendment is hardly different from the last one. It has the same priorities, has the same dramatic changes. I strongly oppose it.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, for those Members in the Chamber or those Members watching back in their offices, this is really the same vote that we just had. It is not substantially changed. The issues are essentially the same. I am not going to take the time of my colleagues to wade through this again. We had about 6 or 7 hours already today on very, very similar issues. It is essentially the same vote.

This bill still, I say with all due respect, is antifamily, is antifamily reunification. It flies in the face of the best traditions of our country as far as immigration policy is concerned. It mixes, unfortunately, the legal immigration issue and the illegal immigration issue. This is the illegal immigration bill. We should continue the tradition, and we should continue what the Judiciary Committee did, and that is to not mix the two.

This is the sheet that has been passed out. When you go through it, what you really find is that it is very, very similar to the previous amendment, very, very similar to the previous issue. It is true that some of these slots have been sprinkled down into some of the family groups, but effectively—effectively—it is very, very little. The essence then is that it is pretty much the same vote that we had a few minutes ago. I urge my colleagues again to reject the amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I agree with the comments of the Senators from Massachusetts, Michigan, and Ohio. We just had an overwhelming vote, that I think in large part reflected the will of this body, that the legal and illegal immigration issues have to be kept separate. I am sure there were a variety of concerns, as well, about the specifics of the previous amendment. But the overwhelming sentiment, I think, is that these issues have to be kept separate.

As indicated in the comments during that debate, that last vote was the vote on whether or not we should take up the legal immigration issues in this bill or not. The vote was very overwhelming.

The Senator from Massachusetts suggests that this amendment might be referred to as Simpson-like. I differ. I argue that it is more like perhaps ''Simpson, the sequel,'' because in both amendments you have this absolute cap. The consequence of that, I think, is very real for families that want to be reunited. In fact, there is an element of the Feinstein amendment that is even harsher.

As I understand, the amendment provides for a 5-year moratorium on siblings being able to come into the country and be reunited in this way. At least the Simpson amendment provided for a category, although, practically speaking, it was pretty clear we would never get to that.

I think anyone who thinks that this is somehow a major compromise or splitting the difference between current law and the Simpson amendment—I think that would be inaccurate. But the most important point is that because of this amendment, if we go this route, there will be families who are conducting themselves legally, who today could legally obtain a visa and will not obtain a visa. Those families will not be reunited. That is what will happen because of this amendment.

In the end, Mr. President, obviously, this is a legitimate debate. It is the kind of thing we should do out here, but we should do it at the right time. There is a legal immigration bill where this subject could be brought up and dealt with at the appropriate time to review this amendment.

So in light of the last vote, in light of the fact that this will have a real harsh consequence on many families conducting themselves legally, in light of the fact that this body clearly has indicated a desire to keep these issues separate, I urge that the amendment be rejected. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I think we are ready to vote on this side. We thoroughly debated this issue. In fact, we debated it all day. This, in reality, is the same amendment we voted on before. It simply does the same thing in a different way. This amendment, in our opinion, is wrongheaded and wronghearted. It needs to be defeated. I hope we can maintain the 80 votes we had before. I hope everyone who voted against the previous amendment will vote exactly the same way they did for exactly the same reason. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I move to table the amendment of the Senator from California and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 3740. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—74

Abraham	Glenn	McConnell
Akaka	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Gregg	Murray
Bond	Harkin	Nickles
Bradley	Hatch	Pell
Bumpers	Hatfield	Pressler
Campbell	Hutchison	Pryor
Chafee	Inhofe	Robb
Coats	Inouye	Rockefeller
Cochran	Kempthorne	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Simon
Craig	Kerry	Smith
D'Amato	Kohl	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lott	Warner
Feingold	Lugar	Wellstone
Ford	Mack	Wyden
Frist	McCain	

NAYS—26

Baucus	Exon	Kassebaum
Boxer	Faircloth	Kyl
Breaux	Feinstein	Nunn
Brown	Grassley	Reid
Bryan	Heflin	Roth
Burns	Helms	Shelby
Byrd	Hollings	Simpson
Cohen	Jeffords	Thomas
Dole	Johnston	

The motion to lay on the table the amendment (No. 3740) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

Mr. President, I yield to the Senator from West Virginia for a personal privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I thank the Senator.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I seek unanimous consent to change my vote on rollcall No. 82 from yesterday, April 24, 1996. At the time of the vote, I did not realize it was a tabling motion. Had I realized that, I would have voted ''no'', not to table it. This vote change, if I get unanimous consent, in no way would change the outcome of the vote.

I, therefore, ask unanimous consent that the permanent RECORD be changed to reflect that I support the Dorgan amendment No. 3667 and that I oppose the motion to table the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, as the U.S. Senate continues to debate the illegal immigration reform legislation, I would like to make a brief statement on an issue of importance to the State of Hawaii and our Nation. Tourism is

the No. 1 industry in the State of Hawaii. The State has expressed an interest in extending the current Visa Waiver Pilot Program to other Asian countries, particularly the Republic of Korea. The current Visa Waiver Pilot Program covers only three countries in the Asia-Pacific region: Japan, New Zealand, and Brunei. New Zealand, Canada, and Guam all have visa waiver agreements with Korea. Since implementing visa waiver agreements with Korea, arrivals increased in the first year by 285 percent to New Zealand, 96 percent to Canada, and 147 percent to Guam. In 1995, the State of Hawaii wecomed over 120,000 visitors from Korea, and the State is anxious to see future growth in visitors from this important emerging market.

Travel and tourism also play a major role in reducing the United States unfavorable balance of trade. There is an increasing demand by citizens of the Republic of Korea to visit the United States. In fiscal year 1994, 320,747 nonimmigrant visas were issued to Korean travelers. In fiscal year 1995, 394,044 nonimmigrants visas were issued to Korean travelers. Of this amount, 320,120 were tourist visas.

The Republic of Korea is not eligible to participate in the current Visa Waiver Pilot Program. On March 14, 1996, I, along with Senators MURKOWSKI, AKAKA, and STEVENS, introduced S. 1616, legislation that would establish a 3-year Visa Waiver Pilot Program for Korean nationals who are traveling in tour groups to the United States. Under the program, selected travel agencies in Korea would be allowed to issue temporary travel permits. The applicants would be required to meet the same prerequisites imposed by the U.S. Embassy.

The pilot legislation also includes additional restrictions to help deter the possibility of illegal immigration. These are:

The stay in the United States is no more than 15 days.

The visitor poses no threat to the welfare, health, and safety, or security of the United States.

The visitor possesses a round-trip ticket.

The visitor who is deemed inadmissible or deportable by an immirgation officer would be returned to Korea by the transportation carrier.

Tour operators will be required to post a $200,000 performance bond with the Secretary of State, and will be penalized if a visitor fails to return on schedule.

Tour operators will be required to provide written certification of the on-time return of each visitor within the tour group.

The Secretary of State and the Attorney General can terminate the pilot program should the overstay rate exceed 2 percent.

Accordingly, I urge Senators SIMPSON and KENNEDY to schedule a hearing on this proposal. I also encourage my colleagues to cosponsor S. 1616.

Mr. MURKOWSKI. Mr. President, during today's debate on S. 1664, I wanted to take the opportunity to speak on a bill I have cosponsored, the Korea visa waiver pilot project legislation, S. 1616. While this legislation is not being offered as an amendment to S. 1664, the subject of the bill is relevant to today's debate.

I would urge all Senators to consider cosponsoring this legislation, and I would hope that the Senate Subcommittee on Immigration of the Senate Judiciary Committee will hold hearings on the problems of visa issuance for Koreans, and the partial solution offered by S. 1616.

I have worked closely with Senators INOUYE, AKAKA, and STEVENS on this legislation. This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens, and their, too often, subsequent decision not to vacation in the United States, including Alaska even though there are direct flights available for tourists from Korea to Alaska. The United States Chamber of Commerce in Korea has made resolving this issue a top priority on their agenda.

The main problem is that Koreans typically wait 2 to 3 weeks to obtain visas from the United States Embassy in Seoul. As a result, these spontaneous travelers decide to go to one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This bill provides the legal basis for a carefully controlled pilot program for visa free travel by Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, in 1994, 296,706 nonimmigrant United States visas were granted to Koreans of which 7,000 came to Alaska. It is predicted that there would be a 500- to 700-percent increase in Korean tourism to Alaska with the visa waiver pilot project. In New Zealand, for example, a 700-percent increase in tourism from Korea occurred after they dropped the visa requirement.

This pilot program allows visitors in a tour group from South Korea to travel to the United States without a visa. However, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used for supervised group tours.

Many restrictions are included in the legislation for the pilot proposal.

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors have to have a round-trip ticket, in addition, the visitors have to arrive by a carrier that agrees to take them back if they are deemed inadmissible.

We recommend to the Secretary of State to institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The on-time return of each tourist in the group would be certified after each tour.

Security checks are done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program. Again, I urge my colleagues to support and cosponsor this legislation.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—47

Akaka	Breaux	Dodd
Baucus	Bryan	Dorgan
Biden	Bumpers	Exon
Bingaman	Byrd	Feingold
Boxer	Conrad	Feinstein
Bradley	Daschle	Ford

Glenn	Kohl	Pell
Graham	Lautenberg	Pryor
Harkin	Leahy	Reid
Heflin	Levin	Robb
Hollings	Lieberman	Rockefeller
Inouye	Mikulski	Sarbanes
Johnston	Moseley-Braun	Simon
Kennedy	Moynihan	Wellstone
Kerrey	Murray	Wyden
Kerry	Nunn	

So the motion to lay on the table the motion to recommit was agreed to.

Mr. DOLE. Let me indicate to my colleagues that it will probably be fairly late. We will have a series of votes here. I will try to reduce the votes from three to one. That may be objected to. If not, there will be three votes. That will be followed by the appropriations bill that is here from the House.

I am not certain how much debate we will have. It is a $160 billion package. I assume there will be considerable debate. We are probably looking at 12 o'clock, somewhere in there.

Having said that, I now ask unanimous consent that it be in order for me to move to table en bloc, which would save time, amendments numbered 3669, 3670, and 3671. I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, reserving the right to object, we inquire from the majority leader whether there is any willingness to set a time for the minimum wage debate so that we could have an up or down vote and the leader could have an up or down vote so we could avoid all of this parliamentary business.

Mr. DOLE. Let me indicate to my colleague from Massachusetts—and I have discussed this briefly with him and with the Democratic leader. I have asked Senator LOTT to discuss it further with the Democratic leader.

We made a proposal—as I understand, it has been objected to—that we would take it up not before June 4 but not later than June 28, and other provisions, but we understood that would not be agreed to. It is not that we have not tried. We will continue to work with the Democratic leader and the Senator from Massachusetts.

I would like to pass the immigration bill. It seems to me that immigration, particularly illegal immigration, is a very, very important issue in this country. It has broad bipartisan support. The minimum wage, whatever its merits may be, does not belong on this bill. We waited 3 years into the Clinton administration for anybody to even mention minimum wage. At least, the President never mentioned minimum wage.

Since the action on the Senate floor, the President has mentioned, I guess this year, minimum wage 50-some times—not once the previous 3 years. So, it is not too difficult to understand the motivation.

Having said that, we are prepared to try to work out some accommodation with my colleagues on the other side, and we hope that we can save some time. These are going to be party line votes. There will be three of them. We could have three votes or we could have one vote, whatever my colleagues would like to have.

Mr. KENNEDY. Further reserving the right to object, it is my understanding the proposal that was made was not an up or down vote and clean vote on the issue of the minimum wage. That was not the proposal that was made. That is what we are asking for. That is what we are asking for. I would also say that we have had some 2½ hours of quorum calls today. All we are asking for is a short time period for an up-or-down vote and for the majority leader's proposal on this, and a reasonable timeframe. If we are not given that kind of an opportunity—we have gone, for three and a half or 4 days, through various gymnastics to try to avoid a vote on the minimum wage, and now we are asked to truncate what has been done in order to avoid the vote on the minimum wage. So I object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3669

Mr. DOLE. Mr. President, I now move to table amendment No. 3669 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I will yield for a question. I do not want to frustrate the Democratic leader.

The PRESIDING OFFICER. Debate is not in order.

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I do not want to delay the vote. I know everybody wants to move on. This issue has two pieces to it. The first is the one the Senator from Massachusetts described, relating to our determination to get a vote on the minimum wage. The other is the opportunity we want to be able to offer amendments. A tree was constructed, parliamentarily, to deny Democrats the opportunity to offer these amendments. That is really what this whole arrangement has been all about—denying Democrats the opportunity to offer amendments. We hope that we can accommodate a way with which to deal with Democratic amendments, and it is only through this process that we are going to be able to do that.

So I am sorry that Senators are inconvenienced, but there is no other way, short of an agreement on amendments, that we are going to be able to resolve this matter.

Mr. McCAIN. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

QUORUM CALL

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	Wyden

The PRESIDING OFFICER. The rollcall has been completed and a quorum is present.

AMENDMENT NO. 3669

The PRESIDING OFFICER. The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—46

Akaka	Bryan	Exon
Baucus	Bumpers	Feingold
Biden	Byrd	Feinstein
Bingaman	Conrad	Ford
Boxer	Daschle	Glenn
Bradley	Dodd	Graham
Breaux	Dorgan	Harkin

Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Lautenberg

So the motion to lay on the table the amendment (No. 3669) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I now ask it be in order for me to table en bloc amendments Nos. 3670 and 3671, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. We object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3670

Mr. DOLE. I now move to table amendment No. 3670 and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent the vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3670) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3671

Mr. DOLE. Mr. President, I move to table amendment No. 3671 and ask for the yeas and nays. I ask unanimous consent that the vote be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3671

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

McCain

So the motion to lay on the table the amendment (No. 3671) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, we still have just a couple of items to do with reference to the pending legislation. But I have had a discussion with the distinguished Democratic leader. We would like to move now to the conference report, then following the vote on the conference report go back and complete action on the pending measure.

1996 BALANCED BUDGET DOWNPAYMENT ACT—CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 3019, the omnibus appropriations bill, with the reading having been waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019), a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 24, 1996.)

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, maybe just for 1 minute the chairman and the distinguished Senator from West Virginia might give us a summary of the bill. This will be the last vote of the day.

There will be a vote on Monday, late Monday on cloture.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that we make it 2 minutes for a brief outline.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, let me, first of all, assure the body that the leadership of this committee will be here on the floor following the vote to engage in any colloquy required or asked for or to answer any questions.

Basically, this is where we are. Seven months into the fiscal year we are completing 5 of the 13 appropriations bills, totalling $162 billion in nondefense discretionary funds.

This covers the Labor-HHS, Commerce, State, Justice, HUD and related agencies, Interior, and the District of Columbia. I want to say that we have accomplished this by a very strong bipartisan effort on the part of both the House and the Senate and the White House.

Leon Panetta, representing the White House, and DAVID OBEY and Chairman LIVINGSTON from the House, Senator BYRD and myself from the Senate were the five principals, with staff assisting us, and we resolved seven riders relating to environmental issues and to the other riders that were very controversial: population control, HIV, repeal of the military, and the abortion package relating to certification.

We had the opportunity to engage in having the administration and executive branch help offset the add-backs

that were requested by the administration. We added $4.2 billion totally offset the $8 billion that they had asked for as add-backs. We took a .00009 percent reduction across the board on all travel accounts in the executive branch of Government, which was about $350 million offset—some of those matters that we had on some of the add-backs for the administration.

This is a compromise bill, and it is one that has been crafted in the best condition and under the best circumstance that we function under.

I ask further, Mr. President, for the same amount of time to be allocated to the ranking minority member of the committee. Senator BYRD and his staff were an absolutely key and integral part of being able to bring this bill to the floor. I want to thank him and his staff very much for that cooperation.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Oregon, the chairman of the committee. I thank him for his work. I thank him for his cooperation and his friendship.

I intend to vote for the continuing resolution.

Mr. President, enactment of the thirteen Fiscal Year 1996 Appropriations Bills has been a long and arduous process. As Senators are aware, the departments and agencies funded under five FY 1996 Appropriations Bills are presently operating under a one day Continuing Resolution (the thirteenth continuing resolution this year). That continuing resolution expires at midnight tonight. Further continuing resolutions will not be necessary for FY 1996 if the Senate adopts the pending measure and if it is signed into law by the President by midnight tonight.

Title I of this Conference Agreement contains the Fiscal Year 1996 appropriations for the following appropriations subcommittees: Commerce, Justice, State; D.C.; Interior; Labor-HHS; and VA–HUD. In addition, Title II includes emergency and supplemental appropriations totaling $2.125 billion. Contained in that amount are funds for emergency disaster assistance payments to States and communities throughout the nation which have suffered devastation from floods, tornadoes, and other natural disasters. These amounts are fully paid for by rescissions and other offsets contained in Title III of the measure.

In total, H.R. 3019 provides net spending totaling $159.4 billion. This is $794 million in greater spending than the Senate-passed bill. However, the Conference Agreement also contains $2.1 billion more in spending cuts than the Senate-passed bill. These additional spending reductions were necessary in order to fully offset the emergency appropriations contained in the measure, as well as the additional spending agreed to in conference.

The bill before the Senate restores $5.1 billion for education and training, national service, law enforcement, technology, and other key priorities of Congress and the Administration. This amounts to well over half of the President's requested $8.1 billion increase. Among the major provisions contained in the bill are the following:

For Labor/HHS/Education, the conference agreement provides for increases of nearly $3 billion for key programs including: $195 million more for Goals 2000 (for a total of $350 million); $953 million more for Title I—Education for the Disadvantaged (total of $7.2 billion); $266 million more for Safe and Drug-Free Schools (total of $466 million); $71 million more for School-to-Work at the Education Department (total of $180 million), and $61 million more for School-to-Work at the Labor Department (total of $170 million); $625 million more for Summer Jobs for Youth (total of $625 million); $233 million more for Dislocated Worker Assistance (total of $1.1 billion); and $169 million more for Head Start (total of $3.6 billion).

For VA/HUD the bill provides $1.6 billion more for key programs in this part of the bill, out of the President's request for $2.5 billion, including: $387 million more for national service (total of $402 million); $45 million more for Community Development Financial Institutions (total of $45 million); and $817 million for the EPA budget, including: $465 million more for Water Programs (total of $1.8 billion); $40 million more for EPA enforcement (total of $231 million); $150 million more for Superfund (total of $1.3 billion).

For Commerce/Justice/State the bill provides increases for key programs including: $1.4 billion for the ''COPS'' program, together with conference report language which stipulates that Congress is committed to deploying 100,000 police officers across the nation by the year 2000; $503 million for a new local law enforcement block grant; $403 million for a new state prison grant program; and $221 million more for the Advanced Technology Program (total of $221 million).

Finally, as members are aware, there were a number of controversial legislative riders which had to be addressed in this conference. To their great credit, the Chairmen of the Appropriations Committees, my distinguished colleague from Oregon [Mr. HATFIELD] and the distinguished gentleman from Louisiana, [Mr. LIVINGSTON], after devoting many long hours to these issues, were able to conclude them in a way that addressed the concerns of members of the House and Senate, but also met the concerns of the President in a way that will enable this measure to be signed into law. Without addressing each of these controversial riders, suffice it to say that a number were dropped, others were left in the agreement but with waiver authority provided to the President, and still others were modified sufficiently to achieve agreement on all sides.

I commend the Chairmen and Ranking Members of all of the Subcommittees involved in this conference, as well as the excellent work of all of the staff. I particularly want to recognize the outstanding efforts of the Chairman of the Senate Appropriations Committee, Mr. HATFIELD. As Chairman of the Conference, he carried out his responsibilities with great patience and aplomb, which are characteristic of my good friend from Oregon. I appreciate your efforts, Senator HATFIELD, and I congratulate you on the successful completion of this very difficult conference. I am hopeful that all Senators will vote to adopt H.R. 3019 and that later today it will receive the President's signature. At that point, we will have completed the most difficult and trying appropriations cycle for any fiscal year that I can recall in my years of service in the U.S. Senate. I look forward to working with the distinguished Chairman of the Committee on the upcoming FY 1997 Appropriations Bills and I pledge to him my total cooperation in hopes that we can avoid many of the difficulties we have had to overcome in fiscal year 1996. Mr. President, I ask that a more complete statement be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMERCE, JUSTICE, STATE

The conference agreement includes $1.4 billion for the Community Oriented Policing Services program or the ''COPS'' program as it is commonly known. This is $100 million above fiscal year 1995, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000.

The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called ''Truth in Sentencing.'' This program, which will provide grants to States to build or renovate or expand prisons.

The conference agreement provides $221 million for the Commerce Department's Advanced Technology Program. This is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. These funds will be principally used to pay for continuation of ATP awards made in fiscal year 1995 and prior years. The ATP program provides for cost-shared R&D projects with industry to help bring leading edge technologies from the drawing board to the market place. This was a high priority for the President and the Secretary of Commerce in these negotiations. I should note, that the late Secretary of Commerce, Ron Brown was a major advocate of this program.

The conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization

of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076.

The agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization.

Finally, the Conference Agreement includes $100 million for the Small Business Administration (SBA) disaster loan program. This will replenish SBA's funds and enable the agency to respond to future disasters. Further, the Conference Agreement also includes $18 million for Economic Development Administration (EDA) within the Commerce Department. This funding, which requires a certification and request by the President, provides for emergency repairs of facilities that were damaged by flooding in the Northwest and provides for mitigation of flooding at Devil's Lake, North Dakota, as well as other disasters.

DISTRICT OF COLUMBIA

With regard to the District of Columbia, the annual Federal payment to the District of Columbia was provided to the District of Columbia government in earlier continuing resolutions. This bill provides for the appropriations for programs, projects, and activities in the District of Columbia budget. The bill also includes a number of legislative provisions designed to improve the quality of education in the District of Columbia public school system.

Among the provisions are several which I authored which are intended to improve order and discipline in the D.C. public school system. These include: a dress code which shall include a prohibition of gang membership symbols and which may include a requirement that students wear uniforms; a requirement that any students suspended from classes should perform community service during the period of suspension; and the placement of the Chief of the National Guard Bureau, who manages a number of programs for at-risk youth, on the Commission on Consensus Reform in the District of Columbia Public Schools.

DEFENSE

The conferees agreed to provide $820 million of costs of on-going operations in Bosnia. The amounts have been designated an emergency, as recommended by the House. However, the full amount included is offset by recommended rescissions from existing defense resources.

The amount included for Bosnia operations represents the second phase of financing for the Defense Department portion of the costs. Previously, the Committees on Appropriations have approved a reprogramming to cover an additional $875 million of the funding requirement. Congress is expected to consider additional reprogrammings to cover the remaining balance which is estimated to be around $640 million for the remainder of this fiscal year.

The conferees agreed to a Senate proposal to repeal Section 1177 of title 10 which would have required the mandatory discharge or retirement of members of the Armed Forces infected with the HIV–1 virus.

As proposed by the Senate, the conferees agree to authorize the Air Force to award a multiyear procurement contract for the C–17 program. The conferees direct that savings from this contract must exceed those of current proposal under consideration by the Air Force.

In addition, the conference agreement includes several technical corrections, and clarifies guidance offered in the FY 1996 DoD Appropriations Act. To more closely track authorization recommendations of the Congress, the conferees have added $44.9 million for continued B–52 operations, and $50 million for SEMATECH. All funding recommended in the Defense Chapter is fully offset by proposed rescissions of $994.9 million from classified programs and savings from lower inflation.

ENERGY AND WATER DEVELOPMENT

For programs and activities under the jurisdiction of the Subcommittee on Energy and Water Development, the Conference Agreement includes $135 million, the same as the budget request and the amount proposed by the House and Senate, for the Corps of Engineers to damages to non-Federal levies and other flood control works in states affected by recent natural disasters, and to replenish funds transferred from other accounts for emergency work, under Public Law 84–99.

In addition, the Agreement includes $30 million, the same as the budget request, for repair of Corps of Engineers projects caused by severe flooding in the Northeast and Northwest.

For the Bureau of Reclamation, an amount of $9 million is included for emergency repairs as Folsom Dam in California.

An amount of $15 million is provided for the Department of Energy to accelerate activities in the Materials Protection, Control and Accounting program, to improve facilities and institute national standards to secure stockpiles of weapons usable fissile materials in Russia, and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

In addition, the conference agreement also includes several provisions dealing with the transfer of funds for the Western Area Power Administration, an item under the Federal Energy Regulatory Commission's jurisdiction involving the Flint Creek Project in Montana, additional language involving appropriations for the Upper Mississippi River and Illinois Waterway navigation study, and language regarding refinancing of the Bonneville Power Administration debt.

Finally, the conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the Corporation to the private sector.

FOREIGN OPERATIONS

Title II of the Conference Report contains two provisions under the heading Foreign Operations, Export Financing, and Related Programs.

The first provides $50 million for emergency expenses necessary to meet unanticipated needs for the acquisition and eradication of terrorism in and around Israel. The conferees agreed that the fragility of the Middle East peace process warranted this extraordinary action. This emergency appropriation is fully offset.

The second provides $70 million, also fully offset, for grant Foreign Military Financing for Jordan in recognition of its central role in the search for peace in the Middle East. These funds are to be used to finance transfers by lease of 16 F–16 fighter aircraft to the Government of Jordan. In recognition of the downsizing of the U.S. defense industry and the loss of jobs this is causing, the conferees directed that the Department of Defense give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to delivery.

INTERIOR

Mr. President, the Interior portion of this omnibus bill finally brings to closure action on the Interior bill. As many Senators know, the Interior bill went to conference three different times, only to be vetoed by the President. In response to the concerns raised by the Administration, this bill has made significant changes, particularly with respect to the legislative language. These items were among the most contentious items in the conference on H.R. 3019 and were among the last items to be resolved.

With regard to the Tongass National Forest, the language follows closely the provisions proposed by the Senate regarding the land management plan and alternative P, as well as the contested timber sales under a recent lawsuit (AWARTA). However, these provisions may be waived by the President pursuant to the terms of this legislation. The language clarifies that the AWARTA provisions in section 325(b) shall have no effect during a suspension. To assist with the economic impacts of a declining timber sales program on the Tongass National Forest, a disaster assistance fund of $110 million is established.

Language from earlier conferences about the management of the Mojave National Preserve and the endangered species moratorium has been modified to address concerns expressed by the Administration. However, in the event the President believes such improvements do not allow for adequate protection of the resource, a waiver is provided wherein these provisions can be suspended.

Language about the Columbia Basin ecosystem project has been deleted and instead, language is included which clarifies that this project does not apply to non-Federal lands and will not provide the basis for any regulation of private property.

Because of concerns expressed by the Administration, the timber provisions that provided authority for substitution of alternative timber sales or buyout of timber sales are deleted.

Language, and funding of $3 million, is extended to the Smithsonian Institution to conduct another round of employee buy-outs between enactment of this legislation and October 1, 1996.

In total, the Interior bill ends up being funded at a level $1.2 billion below the fiscal year 1995 enacted level. There are very real spending cuts in this legislation—many agencies have already begun reducing programs and downsizing their workforces. Some reductions in force have occurred, but further drastic actions should be avoided as a result of completion of this legislation.

With respect to funding, the Interior portion of this bill seeks to protect the operating base budgets for the land management agencies. Additional funding of $25 million each for the Bureau of Indian Affairs and the Indian Health Service is included above earlier conference levels. Funding for the Payments in Lieu of Taxes (PILT) program is increased $12 million above the earlier conference agreement. A total of $4 million is provided to the Fish and Wildlife Service to handle the emergency listings allowed by the act, or to address program requirements in the event a waiver is issued.

In addition, this bill provides funding of $245.3 million for natural disaster recovery efforts, stemming from flooding earlier this year in the East and Pacific Northwest, as well as other disasters in other regions of the country.

LABOR, HEALTH, AND EDUCATION

I am pleased that an agreement has finally been reached on the funding levels for the Labor, HHS programs, and that the most controversial legislative riders have been dropped or substantially modified.

The conference agreement closely follows the Senate bill providing overall funding at $64.6 billion. This is $206 million over the

Senate bill and $2.6 billion above the House bill. Moreover, the agreement is fully $3.8 billion over the original House-passed Labor, HHS bill, H.R. 2127. Nonetheless, critical health, education and job training programs sustained cuts of $2.6 billion or 4% below the fiscal year 1994 funding level. Certain programs, such as the Low Income Home Energy Assistance program which was slashed by 30%, were cut much deeper than the overall spending reduction.

I am also pleased that it was bi-partisan cooperation in the Senate which resulted in the overwhelming vote, 84–16, for passage of the Specter-Harkin education restoration amendment. This amendment restored $2.7 billion to high priority education programs including Title I grants to school districts with large numbers of poor children, and the Goals 2000 program which funds state-wide public school improvement initiatives. The conference agreement includes education restorations which slightly exceed the funding level in the Senate bi-partisan amendment.

There are a number of programs important to me and the state of West Virginia which were terminated by the original House Labor, HHS bill but which were restored in the Senate bill and the conference committee. These include black lung clinics, the Byrd Scholarship program, and full funding for staffing the new, state-of-the-art NIOSH facility in Morgantown.

Included in the bill is the termination of over 110 programs viewed by the conferees as having met their objectives, being duplicative of other programs, or having low priority. Protected are high priority programs, such as, medical research, student aid, compensatory education for the disadvantaged, and summer youth jobs. The bill's highlights include the following:

$625 Million for the 1996 Summer Youth Employment Program of the Department of Labor. The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 Million for the School to Work program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate America Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided.

As Senators know, the House included many legislative riders in its version of the FY 1996 Labor-HHS appropriations bill. Disposition of some of these provisions occurred as follows:

1. OSHA—Ergonomics Rider: House Recedes to the Senate language that was included in last year's rescission bill prohibiting OSHA from promulgating an ergonomic standard or guideline. The language is modified to include the reference in the House language ''directly or through section 23(g) of the Occupational Safety and Health Act.''

2. NLRB—Single Site Bargaining Units: Senate Recedes to language proposed by the House to prohibit the Board from using funds in FY'96 to promulgate a rule regarding single location bargaining units in representation cases.

3. Direct Lending: House recedes to the Senate with no cap on loan volume, but a cap on administrative costs. This saves $114 million by reducing the amounts available for administrative costs from $550 million to $436.

4. Female Genital Mutilation: The agreement modifies the Senate amendment to include the language requiring the Secretary of HHS to collect data, conduct surveillance, and develop outreach, prevention and education programs regarding female genital mutilation, both for the general public and the medical community. However, the agreement does not establish new federal criminal penalties.

5. Abortion: The agreement adopts the Senate position on the abortion riders in the bill, including the ''Hyde'' language prohibiting the use of federal funds for abortions, except in the cases of rape or incest, or for the life of the mother. Also included is the ''Coats/Snowe'' amendment related to the accreditation of OBGYN training programs.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

The conference agreement deletes the appropriations cap of $1,406,000 for Customs Service Small Airports to permit the Customs Service to fund requests for user fee airports through full reimbursement from requesting airports.

The conferees also added a new general provision requiring the Internal Revenue Service to provide a level of taxpayer service in fiscal year 1996 not below that provided in fiscal year 1995.

In addition, the conference agreement adds a new general provision to provide $1 million to the Office of National Drug Control Policy to fund conferences on model state drug laws through funding made available in fiscal year 1996 for the Counter-Drug Technology Assessment Center. The bill also includes a supplemental appropriation of $3,400,000 for the Office of National Drug Control Policy. This supplemental funding will permit the new Director of ONDCP, General McCaffrey, to hire and retain an additional 80 FTEs bringing the total number of FTE for this Office to 125 in fiscal year 1996. This supplemental funding has been fully offset through rescissions in the General Services Administration, installment acquisition payments account ($−3.5 million).

The conference agreement also includes a section proposed by the Senate to increase the number of appointees to the Commission on Restructuring the IRS by 4, bringing the number of members of the Commission up to a new level of 17. This provision permits the Majority Leader of the Senate and the Speaker of the House to each name 4 members to the Commission instead of 2 each as provided in current law.

VA–HUD-INDEPENDENT AGENCIES

The final conference agreement maintains, and even strengthens, the bipartisan agreement passed overwhelmingly by the Senate restoring funding cuts in environmental programs. The final package includes an additional $817 million over the amounts in the vetoed VA–HUD bill for Environmental Protection Agency programs.

The VA–HUD chapter also includes increased funding for science and technology programs, including an additional $83,000,000 for the National Aeronautic and Space Administration (NASA) and $40,000,000 for the National Science Foundation.

The final conference agreement deletes two controversial riders proposed in the original bill, including: (1) language which would have taken away EPA's ability to overrule Corps of Engineers decisions on wetlands, and (2) language which would have transferred oversight of Fair Housing from HUD to the Department of Justice.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. DOLE. Mr. President, let me just clarify, following the vote we will finish the action on the immigration matter. We will then come back, and it will be all the time anybody needs for colloquy, debate, or any other question they may want to ask either Senator BYRD or Senator HATFIELD on the large appropriations bill.

Mr. WARNER. That would include matters which are cleared on both sides.

Mr. DOLE. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—88

Abraham	Dole	Kohl
Akaka	Domenici	Lautenberg
Baucus	Dorgan	Leahy
Bennett	Exon	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lott
Bond	Ford	Lugar
Boxer	Frist	Mack
Bradley	Glenn	McConnell
Breaux	Gorton	Mikulski
Bryan	Graham	Moseley-Braun
Bumpers	Grams	Moynihan
Burns	Gregg	Murray
Byrd	Harkin	Nickles
Campbell	Hatch	Nunn
Chafee	Hatfield	Pell
Coats	Heflin	Pressler
Cochran	Hollings	Pryor
Cohen	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnston	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Santorum
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Shelby
Dodd	Kerry	Simon

Simpson	Thomas	Wellstone
Snowe	Thompson	Wyden
Specter	Thurmond	
Stevens	Warner	

NAYS—11

Ashcroft	Grassley	Kyl
Brown	Helms	Murkowski
Faircloth	Hutchison	Smith
Gramm	Inhofe	

NOT VOTING—1

McCain

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. I think now we can complete action on the other and turn it over to the chairman of the Appropriations Committee and anybody else who wishes to speak.

I will start where we left off.

For the information of all Senators, pending before the Senate is 1664, as reported by the Judiciary Committee.

I now ask unanimous consent that all remaining amendments to the immigration bill be relevant.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3743

Mr. DOLE. Therefore, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3743.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

[Amendment No. 3743 is located in todays RECORD under ''Amendments Submitted.'']

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3744 TO AMENDMENT NO. 3743

Mr. DOLE. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3744 to amendment No. 3743.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

[Amendment No. 3744 is located in today's RECORD under ''Amendments Submitted''.]

MOTION TO RECOMMIT

Mr. DOLE. I move to recommit the bill, and I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith.

AMENDMENT NO. 3745 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3745 to instructions of motion to recommit.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith''.

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745

Mr. DOLE. Now I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3746 to amendment No. 3745.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

CLOTURE MOTION

Mr. DOLE. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No. 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Dirk Kempthorne, Strom Thurmond, Dan Coats, James Inhofe, Jesse Helms, Richard Shelby, Trent Lott, Conrad Burns, Connie Mack, Hank Brown, Kay Bailey Hutchison, Paul Coverdell, Fred Thompson, and Rick Santorum.

CLOTURE MOTION

Mr. DOLE. I now send a second motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Jesse Helms, Fred Thompson, Richard Shelby, Judd Gregg, Jon Kyl, Dirk Kempthorne, Trent Lott, Orrin Hatch, Larry Craig, Rick Santorum, John McCain, Kay Bailey Hutchison, Slade Gorton, and Don Nickles.

Mr. DOLE. Mr. President, for the information of all Senators, I just sent two cloture motions to the desk which would limit debate on the new Simpson amendment which encompasses all the Senate has adopted on the immigration bill to date.

The first cloture vote will occur on Monday, April 29, and I will consult with the Democratic leader before setting the cloture vote. I have been thinking about 5 o'clock, or something near that, so that all Members can be prepared for the cloture vote on Monday.

The second cloture vote will occur on Tuesday. And, again, I will speak with the distinguished Democratic leader.

I also indicate that I regret that I had to file cloture motions to fill up the amendment tree. But we would like to finish the immigration bill.

We still have ongoing discussions of when we can agree, if we can agree, on a procedure to handle a minimum wage. If we can work that out, a lot of this would end, and we could finally end the immigration bill very quickly.

So I do not really have much alternative unless I submit to the request of the Senator from Massachusetts.

It seems to me that we can work out some agreeable time for all Senators and some agreeable procedure. We will try to do that between now and Monday. Maybe we can vitiate many of these things.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the comments of the distinguished majority leader.

The leader is absolutely right. This is all necessary because we are not in a position to agree tonight apparently on when that time certain may be for the minimum wage. I am optimistic, given our conversations in the last few hours, that we might be able to find a way in which to schedule the vote on the minimum wage in the not too distant future.

I am very hopeful that that can be done, that we can preclude in the future this kind of unnecessary filling of the tree and the parliamentary procedures involved with it. It is unfortunate, but under the circumstances there may not be an alternative.

1996 BALANCED BUDGET DOWNPAYMENT ACT—CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I commend the distinguished chairman of the Appropriations Committee and our ranking member, the very distinguished Senator from West Virginia, for their work in bringing us to the point we are tonight. This has been a very long, difficult struggle. Seven months, two Government shutdowns and 13 continuing resolutions later, we resolved many of these extraordinarily difficult and contentious issues in a way that I feel has done a real service to the Senate.

I commend our colleagues. I commend all of those involved for having finally concluded this effort. I certainly appreciate the effort on both sides. I know others wish to speak, and I now yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to the distinguished chairman of the Appropriations Committee, who, as I understand it, is going to manage some time here under the agreement we have with the distinguished majority leader so that we can make the comments we would have made before the passage of the omnibus bill at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I believe that was the majority leader's indication of the procedure we would follow. Let me say at this point in time, I suggest that those who have statements to make that do not relate to a colloquy which requires my presence would then follow after the colloquy that does require my presence with the Senator from Texas [Mrs. HUTCHISON]. So that would be the procedure. And then if there are no questions for me afterward, I am going to retire and let the speeches flow on.

Mr. President, returning now to the omnibus appropriations bill that just passed the Senate by an 88 to 11 vote, has passed the House of Representatives by a 399 to 25 vote, remarkable votes on a matter that has as much controversy and issues that excited people's passions as has this particular bill, I would like to acknowledge the support and the backing of the Senate and House leadership. We kept the leadership informed periodically throughout the negotiations with the White House, and we had the constant and consistent support by the leadership for the strategy that we had laid out and for the steps we were able to achieve.

I also want to pay particular attention to the subcommittee chairmen who served on the Appropriations Committee and the ranking members of those subcommittees, because they were involved in the negotiations as they related to their particular issues under their jurisdiction in the subcommittees. So we had a very broad base of participation in spite of the fact that five individuals had been put together in order to achieve the agreement—Senator BYRD and myself, and Chairman LIVINGSTON and Mr. OBEY of the House, and Mr. Panetta representing the White House.

I also want to express our deep appreciation to the White House negotiators for their responding to short-time notices. When we were ready to meet again—and all these meetings took place in the Appropriations Committee room of the Senate side of the building—they responded within minutes of the times when we said we would like to talk to you again on this issue, or we are ready to return to the table on a package of issues.

I want to also acknowledge Senator DOMENICI, as chairman of the Budget Committee. As you know, we function in a linked, and oftentimes in a lockstep with the Budget Committee, vis-a-vis the budget resolution and maintaining the caps and limits of spending established by that budget resolution. In this particular case we were making add-backs and offsets, but it impacted upon the scoring system of the CBO. We had constant, immediate response to needs by the Budget Committee and its staff, under the leadership of Senator DOMENICI, to give us an update or an immediate response to a question of scoring. We also had, for every add-back, offsets; so that it was deficit neutral in every step we took. Those offsets had to be called upon again by imaginative, creative ideas—uranium enrichment programs and other such things, again, which had a scoring implication that the Budget Committee responded to regarding our need and helping us along.

In any case, there is something that comes up in the tail end that you do not anticipate and do not suspect. One such incident is illustrative of the close working relationship with the Budget Committee. In a case where $15 million was asked for nuclear safety as it related to nuclear nonproliferation, it was considered as one of those oversights for some reason, but nevertheless it had to be acted upon at the request of the sponsoring Member. Here we had to reopen, in a sense, the Energy Subcommittee that had been closed in relation to this conference on the omnibus package. Again, Senator DOMENICI, as chairman of that subcommittee, came with the assistance required in order to not only reopen that committee but also to, in effect, find an offset. So, I want to pay special attention to the support from the Budget Committee, particularly Senator DOMENICI.

Mr. President, I am sure at the time the Senate acted upon these issues one by one, when we came out of our committee with a reported bill, people were very much aware of the heated debates that took place here on the floor before we were able to take that bill, having passed the Senate, with leadership support of both Senator DOLE and Senator DASCHLE, with the overwhelming support of Republicans and Democrats—we went into that conference with that kind of vote support which was very important. But we tend to forget, after we have gone through these debates and do not relive them as those of us do who have to relive them within a smaller context of a conference. Let me tell you, those debates were just as intense, they were just as heated, they were just as divisive as they are on the floor, if not more so, because here you are sitting across a table, looking eyeball to eyeball to the adversary in the debate.

Let me just say, we got into abortion. That was the Coats amendment. We got into population planning. We got into HIV, which was lifting the ban that had been done in the managers' report here on this floor. But we got into it in that situation within this very small context of basically five principals. We got into seven debates on environmental issues. I think they are equal in the intensity that people express their viewpoints and ideas as were the social issues. And we had to work through every one of those.

Let me say, the White House position initially was that all seven of those environmental issues that had been put there by the Senate and the House had to be excised; it would be a veto on the entire package if any one of those amendments, riders, stayed on this package. We kept five of them. We kept five of the seven, modifying four of the five, but we kept five of those environmental riders.

So, you see from that, the White House had moved. The White House had asked for $8 billion in add-backs. We agreed with offsets on $4.8 billion, about a split. We denied the White House half of what they wanted. The White House got half of what they wanted.

I think, when you come to a conference, it is a matter of giving and getting, so when the conference is over, everybody can say we won. That is a successful conference. I think we spend too much of our time trying to determine who loses and who wins, and if we do not spend that time, the media do.

The media likes winners and losers. It is kind of strange. It is difficult for them to comprehend and handle a situation where everybody wins. They may not have won everything, and they did not lose everything. To me that is the art of compromise. That is the art of legislation. That is recognizing the pluralism of our society.

We do not all think alike. God forbid we should ever. But, nevertheless, what I am saying is these votes in both the House of Representatives and in the Senate of the United States demonstrated my thesis—everybody won, or at least they can claim victory in this or that or the other thing.

We have to recognize one other thing. The Appropriations Committee, 7 months into this 1996 fiscal year, are behind already for the 1997 fiscal year. What we did in this conference was going to affect how expedited we can make the 1997 procedure. Sure, we might have won more from the House on the Senate side, but we would have done so at the expense of being able to find the kind of compromises to expedite the 1997 process. So we always, I think, have to realize that what we are doing at the moment has an impact on what we are going to have to do next. Again, we live in the moment and in a culture of instantaneous gratification: instant this, instant news, bite-size everything, and very few people in our culture are looking beyond today and this very hour.

I want to say, in my view, the exception to that is the Republican determination to balance the budget by the year 2002, because we are looking ahead to what implications today's actions are going to have on our children and our grandchildren, to the year 2002. But very few things are happening in our culture total, not just the political, that gives any indication that people are looking beyond the moment.

We were looking as well to resolve this issue, knowing we were going to be immediately thrust into the next fiscal year activity, of 1997. We have to always remain conscious of the fact that the President has legislative power.

He cannot force us to legislate anything, but we cannot legislate independent of the President either. That is the marvelous mystery of our mixing of powers within a separation of powers organization.

So when you look at the issues, the riders on the bill—and I am going to use any and every occasion that I have an opportunity to remind ourselves that, blast it all, it is the authorizers who should be doing these riders in the first place and they are dumping on to us, complicating the appropriations process unnecessarily.

Why? Well, we are the only committee that has to act. A lot of people like to talk, and they do. The appropriators not only talk, they have to act. We have to pass our bills. No other committee in this Congress, except the appropriators, are required by law to pass their bills to keep the Government going. Not even the Budget Committee has to act. In fact, the Budget Committee did not give the appropriators a budget resolution until August a few years ago which, really, by that time, was a rather futile gesture because we had to move ahead before the Budget Committee even acted in order to meet the October 1 fiscal year deadline.

So I want to say again, a lot of people talk about budget reductions, but it is the appropriators who have done it. We have cut the budget over $22 billion. No other committee has done it. They have talked about it. We have done the cutting, $22 billion. And sometimes we have had to do that without the benefit of anesthetic. This is a bloody surgery we are into.

I am always amused by the Members who come around to the appropriating committee and say, ''Be sure and put that in. Be sure and hang on to that one,'' spend that money and then get up here and talk about the appropriators or people refusing to cut spending. We are all guilty of it. It gets a little weary at times, I must say, but, nevertheless, that is the way the system functions. It is still the best system in the world, no matter how many times we find fault with it.

So I can say this to the body today that it is not the bill I would have written if I had been the only one, but it certainly is a bill of consensus. We had to deal with Democrats, Republicans, House Members, Senate Members and the White House, and to have engaged in that was, indeed, both an experience and one that took team effort. I am indebted to my colleagues in the Senate for this vote of 88 to 11 and to the superior leadership of Congressman LIVINGSTON. Let me tell you, we have sometimes divisions on this side, and we think it is hard to bridge those differences and so forth, but let me tell you, that House side—it is an amazing, amazing accomplishment that the leadership and Chairman LIVINGSTON were able to get a 399-to-25 vote and, again, everybody won.

Mr. President, I said I would yield to my friend from Texas, Mrs. HUTCHISON, and engage in a colloquy, and if there are no other questions, I will engage in that colloquy at this time in order to accommodate the Senator. If there are no questions, then I will depart.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the chairman of the committee. There is a high price for leadership, and he certainly has provided the leadership in this body in a very difficult circumstance. I appreciate the courtesies that he has given to me because it has been a very tough vote. I feel very strongly on principle, and I will talk about that later, but I appreciate the integrity of the process and of the Senator from the State of Oregon.

Mr. President, today the Senate passed H.R. 3019, the omnibus appropriations bill for 1996. Included in that bill as part of the appropriations for the Fish and Wildlife Service of the Department of the Interior was a provision that has twice passed the Senate. It puts a moratorium on the listing of endangered species and the designation of critical habitat in order to permit the reauthorization of the Endangered Species Act to go forward without the controversy of new listings and seeks to prevent further unnecessary harm to workers and property owners in the meantime.

As reported by the conference committee, the moratorium was revised to include language permitting the moratorium to be suspended if the President determines that it is in the public interest in the protection of naturally or locally affected interests. I certainly agree that it is in the national and local interest to have sound environmental management. But I also believe that it is in the national and local interest to protect agricultural, ranching and timber jobs. We must have the food, clothing, and shelter that our farmers, ranchers and lumberjacks provide. It is also in the national and local interest to protect human access to water for health, safety and economic reasons. We cannot have the people's access to water threatened, as it has been in my State, by environmental laws that were enacted before their effect on the water supply was fully understood.

Mr. President, I ask the Senator from Oregon, is it his intention and understanding that in using this provision, the President shall take into account jobs and people in addition to species?

Mr. HATFIELD. Mr. President, I thank Senator HUTCHISON. That is correct. In his exercise of the Executive power, the President is bound to consider the health and safety of the people and the economy in making Executive orders.

This is, of course, true with the suspension provision, too. I appreciate the assistance of the Senator from Texas in bringing this issue into focus at this particular time.

Mrs. HUTCHISON. I thank the Senator from Oregon, Mr. President. I thank him very much. I think that clarification should be a guide for the President if he decides to override what the Senate has passed.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Texas will yield momentarily for a unanimous-consent request.

I ask unanimous consent that a summary of this bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS IN TITLE I OF H.R. 3019, OMNIBUS APPROPRIATIONS FOR FISCAL YEAR 1996

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES

A total of $14.7 billion for the Department of Justice, roughly a 20 percent increase over FY 1995 levels.

$1.4 billion for the Community-Oriented Policing Services to meet the goal of putting

cops on the beat. This program received no direct funding in the conference report to accompany H.R. 2076, the FY 96 Commerce, Justice, State & the Judiciary Appropriations bill.

$503 million for a Local Law Enforcement Block Grant, which will give those on the front lines in the fight against crime greater authority to make decisions about which crime-fighting strategies can work best in their communities.

Under the Department of Commerce, $221 million for the Advanced Technology Program (ATP), which receive no funding in the conference report to H.R. 2076, the FY 1996 Commerce, Justice, State and the Judiciary Appropriations bill, and $80 million for the Manufacturing Extension Partnership Program (MEP). Both ATP and MEP are part of NIST's (National Institute of Standards and Technology) Industrial Technology Services.

$185 million for the Federal Communication Commission, an increase of $10 million over the conference report to H.R. 2076.

Under the Department of State, sufficient funding for the United States to maintain its commitment to the United Nations at the 25 percent assessment rate, including $395 million to support U.N. Peacekeeping.

$278 million for the Legal Services Corporation.

DISTRICT OF COLUMBIA

$4.9 billion spending limit on total city expenditures.

In response the District's request, language regarding reductions-in-force (RIF) procedures is provided to make it easier for the city to reduce staff and control spending.

Public education reforms: authority for establishing independent charter schools; an oversight Commission on Consensus Reform in the public schools to ensure implementation of a required reform plan; technical assistance from GSA to repair school facilities.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

$1.321 billion is provided for the National Park Service activities, an increase over the FY 1995 level.

The partial moratorium on Endangered Species Act listings is retained in the bill, as is language protecting historical management practices in the Mojave National Preserve. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection.

Language providing a one-year moratorium on establishment of a new Tongass Land Management Plan and allows certain timber sales on the Tongass National Forest to be awarded if the Forest Service determines additional analysis is not necessary. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection. Should the provision be suspended, $110 million would be available for economic disaster assistance in Southeast Alaska timber communities.

Language affecting Western Oregon and Western Washington, that would give greater flexibility to the Forest Service and the Bureau of Land Management to offer alternative timber sale volume to timber sale purchasers, has been dropped.

Language providing the Administration the authority to purchase all or portions of previously sold timber sales in Western Oregon and Western Washington has been dropped.

DEPARTMENTS OF LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

$625 million for the 1996 Summer Youth Employment Program of the Department of Labor; The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 million for the School to Work program, jointly administered by the Department of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate American Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged, program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2.47 billion. This is an increase of $130 million in the maximum grant and is the highest maximum grant ever provided.

DEPARTMENT OF VETERANS AFFAIRS, HOUSING & URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

$16.564 billion for Veteran's Medical Care, an increase of $400 million over FY 1995.

The overall EPA level is increased to $6.528 billion, which is $818 million more than was included in the conference report to accompany H.R. 2099, the FY 96 VA, HUD & Independent Agencies Appropriations bill.

Under EPA, $490 million was provided for enforcement, $40 million more than was included in the conference report and an increase of $10 million over FY95.

Superfund receives an additional appropriation of $150 million bringing its total to $1,313,400,000.

State Revolving Funds: an increase of $448,500,000 over the conference level, including $225 million for drinking water SRFs and $223,500,000 for clean water SRFs.

Council on Environmental Quality: $2,150,000, which is double the CEQ conference level.

Economic Development Initiative: $80 million. No funding was provided for EDI in the conference report to accompany H.R. 2099.

Severely Distressed Public Housing: $380 million, an increase of $100 million over the H.R. 2099 conference report level.

Community Development Financial Institutions: $45 million compared to zero in the conference report.

National Service: $400 million compared to $15 million for termination in conference report.

$3.2 billion for the National Science Foundation, an increase of $40 million over the amount provided in H.R. 2099.

$13.9 billion for NASA, and increase of $83 million over the original amount in H.R. 2099.

H.R. 3019, OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

	Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed	Senate reported S. 1594	Senate passed	H.R. 3019 conference	Conference compared to— Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed H.R. 3019	Committee reported S. 1594	Senate passed
Commerce-Justice:													
New budget (obligational) authority	$26,698,342,000	$31,158,679,000	$27,287,525,000	$27,284,734,000	$27,285,234,000	$27,299,134,000	$27,841,284,000	$1,142,942,000	($3,317,395,000)	$553,759,000	$556,550,000	$556,050,000	$542,150,000
Appropriations	24,541,692,000	27,148,479,000	23,538,956,000	23,536,165,000	23,572,165,000	23,586,065,000	24,097,215,000	(444,477,000)	(3,051,264,000)	558,259,000	561,050,000	525,050,000	511,150,000
Rescissions	(171,250,000)		(207,400,000)	(207,400,000)	(242,900,000)	(242,900,000)	(211,900,000)	(40,650,000)	(211,900,000)	(4,500,000)	(4,500,000)	31,000,000	31,000,000
Crime trust fund	2,327,900,000	4,010,200,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	1,628,069,000	(54,231,000)				
(By transfer)	56,500,000	55,500,000	106,000,000	106,000,000	106,000,000	106,000,000	106,000,000	49,500,000	50,500,000				
(Limitation on administrative expenses)	3,463,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	96,000					
(Limitation on direct loans)	741,000	741,000	741,000	741,000	741,000	741,000	741,000						
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)					
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000						
District of Columbia: Appropriations	712,070,000	712,070,000	727,000,000	727,000,000	727,000,000	727,000,000	712,070,000			(14,930,000)	(14,930,000)	(14,930,000)	(14,930,000)
Interior:													
New budget (obligational) authority	13,519,230,000	13,817,404,000	12,164,636,000	12,164,505,000	12,165,355,000	12,167,985,999	12,294,592,000	(1,224,638,000)	(1,522,812,000)	129,956,000	130,087,000	129,237,000	126,606,001
Appropriations	13,549,230,000	13,832,204,000	12,194,636,000	12,194,505,000	12,197,527,000	12,200,157,999	12,324,592,000	(1,224,638,000)	(1,507,612,000)	129,956,000	130,087,000	127,065,000	124,434,001
Rescissions	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	(32,172,000)	(32,172,000)	(30,000,000)					2,172,000	2,172,000
Crime trust fund		15,200,000							(15,200,000)				
(By transfer)	107,764,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	79,236,000					
Labor-HHS-Education:													
Total budget (obligational) authority	244,495,303,000	268,133,087,000	258,971,170,000	257,256,285,000	258,357,553,000	257,914,331,000	260,151,017,000	15,655,714,000	(7,982,070,000)	1,179,847,000	2,894,732,000	1,793,464,000	2,236,686,000
New budget (obligational) authority, 1996	204,547,586,000	226,132,133,000	217,325,820,000	216,620,935,000	216,722,203,000	216,278,981,000	218,217,281,000	13,669,695,000	(7,914,852,000)	891,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Appropriations	205,154,584,000	225,956,733,000	217,360,820,000	216,667,935,000	216,769,203,000	216,325,981,000	218,264,281,000	13,109,697,000	(7,692,452,000)	903,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Rescissions	(617,998,000)		(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	517,998,000	(100,000,000)				
Crime trust fund	11,000,000	175,400,000	65,000,000	53,000,000	53,000,000	53,000,000	53,000,000	42,000,000	(122,400,000)	(12,000,000)			
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)			
(Limitation on trust funds)	11,396,796,000	12,259,261,000	11,487,093,000	11,573,093,000	11,490,092,000	11,490,766,000	11,546,926,000	150,130,000	(712,335,000)	59,833,000	(26,167,000)	56,834,000	56,160,000
VA, HUD:													
New budget (obligational) authority	89,927,686,000	90,551,351,093	80,606,927,000	81,311,016,000	81,995,196,000	81,995,196,000	82,442,966,000	(7,484,720,000)	(8,108,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Appropriations	90,260,686,000	90,746,470,093	80,805,046,000	81,509,135,000	82,193,315,000	82,193,315,000	82,641,085,000	(7,619,601,000)	(8,105,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Rescissions	(333,000,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	134,881,000					
Crime trust fund		3,000,000							(3,000,000)				
(By transfer)	100,061,000	63,000	17,561,000	17,561,000	17,561,000	17,561,000	17,561,000	(82,500,000)	17,498,000				
(Limitation on administrative e	623,746,500	2,502,000	17,602,000	17,602,000	17,602,000	17,602,000	17,602,000	(606,144,500)	15,100,000				
(Limitation on direct loans)	1,200,523,034	1,075,421,120	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	(125,160,034)	(58,120)				
(Limitation on guaranteed loans	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000				
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000				
Title I—Omnibus Appropriations													
Total budget (obligational) authority	375,352,631,000	404,372,591,093	379,757,258,000	378,743,540,000	380,530,338,000	380,103,646,999	383,441,929,000	8,089,298,000	(20,930,662,093)	3,684,671,000	4,698,389,000	2,911,591,000	3,338,282,001
New budget (obligational) authority	335,404,914,000	362,371,637,093	338,111,908,000	338,108,190,000	338,894,988,000	338,468,296,999	341,508,193,000	6,103,279,000	(20,863,444,093)	3,396,285,000	3,400,003,000	2,613,205,000	3,039,896,001
Appropriations	334,218,262,000	358,395,956,093	334,626,458,000	334,634,740,000	335,459,210,000	335,032,518,999	338,039,243,000	3,820,981,000	(20,356,713,093)	3,412,785,000	3,404,503,000	2,580,033,000	3,006,724,001
Rescissions	(1,152,248,000)	(228,119,000)	(535,519,000)	(535,519,000)	(573,191,000)	(573,191,000)	(540,019,000)	612,229,000	(311,900,000)	(4,500,000)	(4,500,000)	33,172,000	33,172,000
Crime trust fund	2,338,900,000	4,203,800,000	4,020,969,000	4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	(12,000,000)			
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)			
(By transfer)	264,325,000	242,563,000	310,561,000	310,561,000	310,561,000	310,561,000	310,561,000	46,236,000	67,998,000				
(Limitation on administrative expenses)	627,209,500	6,061,000	21,161,000	21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000				
(Limitation on direct loans)	1,201,264,034	1,076,162,120	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)				
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000				
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000				
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)					
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000						
Title II—Emergency Supplemental Appropriations													
New budget (obligational) authority		1,033,329,000		1,147,600,000	1,529,214,000	1,585,814,000	2,124,714,000	2,124,714,000	1,091,385,000	2,124,714,000	977,114,000	595,500,000	538,900,000
Appropriations		140,000,000		70,000,000	847,700,000	901,600,000	193,300,000	193,300,000	53,300,000	193,300,000	123,300,000	(654,400,000)	(708,300,000)
Emergency appropriation		1,784,329,000		1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations		69,000,000		173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Rescissions		(960,000,000)		(931,000,000)	(820,000,000)	(895,200,000)			960,000,000		931,000,000	820,000,000	895,200,000

(By transfer)		5,500,000		10,500,000		64,900,000	28,500,000	28,500,000	23,000,000	28,500,000	18,000,000	28,500,000	(36,400,000)
(Liquidation of contract authority)		375,000,000		375,000,000	375,000,000	375,000,000	375,000,000	375,000,000		375,000,000			
(Exempt obligations)		267,000,000		267,000,000	300,000,000	300,000,000	300,000,000	300,000,000	33,000,000	300,000,000	33,000,000		
(Limitation on direct loans)		118,874,000							(118,874,000)				
Title III—Offsets and Rescissions													
New budget (obligational) authority							(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)
Rescissions							(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)
Offsets							(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)
Rescissions of contract authority							(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Title IV—Contingency Appropriations													
Total budget (obligational) authority				3,332,900,000	4,781,500,000	3,649,102,000					(3,332,900,000)	(4,781,500,000)	(3,649,102,000)
New budget (obligational) authority				3,332,900,000	4,781,500,000	2,382,863,000					(3,332,900,000)	(4,781,500,000)	(2,382,863,000)
Appropriations						1,458,000,000							(1,458,000,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Advance Appropriations, 1997						1,266,239,000							(1,266,239,000)
Rescission of contract authority						(616,000,000)							616,000,000
Offset: Petroleum reserves						(227,000,000)							227,000,000
Title V—Environmental Initiatives													
New budget (obligational) authority						439,000,000							(439,000,000)
Appropriations						487,000,000							(487,000,000)
Rescission of contract authority						(48,000,000)							48,000,000
Offset: Debt collection						(440,000,000)							440,000,000
TOTAL													
Total budget (obligational) authority	375,352,631,000	405,405,920,093		383,224,040,000	386,841,052,000	384,623,562,999	381,396,397,000	6,043,766,000	(24,009,523,093)	381,396,397,000	(1,827,643,000)	(5,444,655,000)	(3,227,165,999)
New budget (obligational) authority	335,404,914,000	363,404,966,093		342,588,690,000	345,205,702,000	341,721,973,999	339,462,661,000	4,057,747,000	(23,942,305,093)	339,462,661,000	(3,126,029,000)	(5,743,041,000)	(2,259,312,999)
Appropriations	334,218,262,000	358,535,956,093		334,704,740,000	336,306,910,000	337,392,118,999	338,232,543,000	4,014,281,000	(20,303,413,093)	338,232,543,000	3,527,803,000	1,925,633,000	840,424,001
Emergency appropriation		1,784,329,000		1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations		69,000,000		173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Rescissions	(1,152,248,000)	(1,188,119,000)		(1,466,519,000)	(1,393,191,000)	(1,468,391,000)	(2,171,265,000)	(1,019,017,000)	(983,146,000)	(2,171,265,000)	(704,746,000)	(778,074,000)	(702,874,000)
Rescissions of contract authority						(664,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(98,000,000)
Crime trust fund	2,338,900,000	4,203,800,000		4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	4,008,969,000			
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Offsets						(667,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(110,000,000)
Advance Appropriations, 1997	39,687,717,000	41,704,554,000		40,385,350,000	41,385,350,000	42,651,589,000	41,683,736,000	1,996,019,000	(20,818,000)	41,683,736,000	1,298,386,000	298,386,000	(967,853,000)
Advance Appropriations, 1998	260,000,000	296,400,000		250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	250,000,000			
(By transfer)	264,325,000	248,063,000		321,061,000	310,561,000	375,461,000	339,061,000	74,736,000	90,998,000	339,061,000	18,000,000	28,500,000	(36,400,000)
(Limitation on administrative expenses)	627,209,500	6,061,000		21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000	21,161,000			
(Limitation on direct loans)	1,201,264,034	1,076,162,120		1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)	1,076,104,000			
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000		238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000	238,900,000,000			
(Limitation on corporate funds)	516,041,000	549,626,000		554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000	554,401,000			
(Liquidation of contract authority)	214,356,000	537,610,000		537,610,000	537,610,000	537,610,000	537,610,000	323,254,000		537,610,000			
(Foreign currency appropriation)	1,420,000	1,420,000		1,420,000	1,420,000	1,420,000	1,420,000			1,420,000			

[1] Senate-reported level for Labor-HHS-Education.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, once again, I thank the Senator from Oregon for completing a very tough job, and I commend him for the job that he has done.

Mr. President, I want to talk about my vote, because I voted against this bill on a principle that I think is very important, and I would like to step back and talk about the background.

Over the past 20 years, we have greatly improved the environment in the United States. As a Nation, we have spent over a trillion dollars to clean our air, water, and land. We have cleaner air and water than we have had for the past 40 years in our country. Now we are at a crossroads in environmental policy. We can preserve all of the environmental gains that we have made and still move forward to assure our children a safer, cleaner, and healthier environment.

But we will not be able to move forward if we continue to rely on the old, top-down command and control solutions from Washington, DC. Instead of orders from Washington, DC, we need to allow communities and businesses to find the best way to meet our national environmental standards themselves.

The administration and its leaders on Capitol Hill have used every opportunity to demagog and politicize environmental policy in order to protect the status quo and appease extremist environmental ideologs. They seek to take every opportunity to accuse Republicans of harming the environment, as if we had a separate supply of water and air to breathe.

I was accused by one of these groups of being supported by antienvironmental groups. So I asked the question, ''What groups are you referring to as antienvironment?'' And they said, ''Realtors, home builders, electrical co-ops, farm bureaus.''

Mr. President, I am proud to be associated with those groups that give to our economy and create the jobs in our country. They are not antienvironmental. And neither are any of us in this body. The rhetoric is misleading and it is even false in some cases.

They claimed that the Senate bill that we passed originally lowered clean air standards. It did not. They claimed that the Senate bill would have increased industrial pollution. It did not. It provided increases in clean water and drinking water programs.

They claimed the Senate bill would have ignored toxic waste sites. It did not. In fact, it is time for this administration to stop rhetoric like that and stop dragging its heels on Superfund cleanups, to put aside the red tape and get things done that actually clean our water and air.

So what happened tonight? In order to prevent the President from shutting down the Government again, to protect the Washington bureaucrats' power, today's bill cedes to the President too much authority that is our authority to write laws and then to make sure that the regulators are doing what we intended for them to do. I think that is a mistake.

Last year this Congress recognized that reform of the Endangered Species Act is long overdue. It called a timeout on new listings and new designations of critical habitat. Congress recognizes that we must protect the environment at the least possible cost to American workers and families.

The conference report that was before us today permits President Clinton to suspend the moratorium on new listings at will. The Endangered Species Act has been good. It has focused us on the need to preserve plants and animals. There have been some notable successes. But the heavyhanded means that are being employed now to preserve hundreds of subspecies of bait fish and rats are increasingly counterproductive.

The moratorium on listings have kept American workers from losing their jobs. It has stopped narrow-minded interest groups from hijacking the Endangered Species Act and hurting our economy. Timber growers that have worked for years to grow trees to save for their retirement or for their children's education have had to cut trees on the basis of a rumor that their land might be listed as an endangered species habitat. Why? In order to avoid having Washington bureaucrats tell these people that they cannot cut down a tree after they have cultivated it for decades.

In central Texas, my home State, the Fish and Wildlife Service limited cutting of cedars to protect habitat for the golden-cheeked warbler. The warbler uses cedar bark to make its nest. Cedars are a weed. They are a weed. Our homeowners and land owners clear the land. If they are not cleared, in fact it hurts health. It also absorbs water that should be going into the Edwards Aquifer which is a water supply to the city of San Antonio and ranches and farms all over the area.

If we cannot rely on the support and cooperation of the people who live with the animals that we want to save, I do not think the animals are going to be saved. And that is not in anyone's interest nor is it in the interest of saving the animals.

That is why I have made such a high priority of reforming the Endangered Species Act. We need to forge a new consensus about saving endangered species. We need to make private property owners stakeholders, not adversaries in the process.

That is why I proposed and the President signed into law the moratorium on new listings. The President says we must go back to the old law that is obsolete that everyone admits does not work. Even the people who are trying to keep it admit it does not work. It puts the power back in the hands of Washington bureaucrats.

The President should not be able to change what has passed this body twice in the last year with the stroke of a pen and take away the savings, the property, and even the jobs of hard-working Americans. We can set national environmental standards.

We can put Federal resources behind environmental cleanup and enforcement. But it must be done in a sensible way. It must take human needs into account. Before we list species again we must put common sense into the law, put control back in the hands of the people. Only then will we be able to assure a healthier, safer environment for all Americans.

Mr. President, there is some good in the bill that passed tonight. There are some lower spending levels. That was a step in the right direction in many ways. But the President pushed too far. Economic damage could occur. Jobs could be lost. If the Fish and Wildlife Service acts without considering good science, local concerns, and water supplies for people, there could be untold damage to the people of our country.

I feel that I must oppose the compromise that passed tonight on this principle and say to the President, Mr. President, you must assume full responsibility for your administration's actions. If people and communities are not considered in this process, when farmers cannot farm, and water sources for cities are shut down, and when working people lose their jobs, Mr. President, you have pushed too far, and this politicization of the environment must stop. Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, as the only Democratic member of this body who sits on both the Appropriations Subcommittee dealing with EPA and on the Environment and Public Works Committee, I have had a special interest in the funding of the Environmental Protection Agency.

And I want to thank Senators BOND and MIKULSKI for their work on these issues.

Mr. President, when the EPA budget first passed the the Senate, EPA's funding level was 17 percent below the fiscal year 1995 level. The House was 33 percent below the previous year level. Those figures were unacceptable to me, to the President and the American people.

The people of America have made clear that they want us do all we can to protect their drinking water from contaminates, their air from harmful smog and their land from the improper disposal of toxic wastes. Since the President vetoed that funding bill for EPA, there has been significant progress.

When this pending continuing resolution was considered in the Senate, I offered an amendment that would have raised EPA funding $726 million. That would have raised EPA to the full 1995 level by adding money for state assistance for drinking water and sewage treatment, for global climate change research, for environmental enforcement and for Boston Harbor clean up.

Once that amendment was offered, there were long, and ultimately painful negotiations among the parties. Needless to say, negotiations were not easy; if they had been today would be October 25,1995 not April 25, 1996.

I want to especially acknowledge the efforts of the Junior Senator from Massachusetts, JOHN KERRY, who fought relentlessly to fund EPA and, in particular, to address the special needs of Boston Harbor. Without his persistent efforts during our negotiations, the additonal dollars for Boston Harbor would not be in this bill.

As a member of the Conference, I want to take this opportunity to thank Senator KERRY for his hard work and persistent efforts in getting the funding for this important water pollution control program.

Mr. CRAIG. Mr. President, this bill contains extremely important funding for the State of Idaho, along with other items I must clearly support. For that reason, I will be voting in favor of this bill.

However, I think it is important to make a record of some of the shortcomings of this bill.

First, I am extremely disappointed that this bill ignores the concerns of many communities and citizens in the Columbia Basin who worked honestly and deliberately over the years to develop local forest management plans. Those plans will now be summarily overridden by two gigantic environmental impact statements which will dramatically alter all the existing local plans on 144 million acres. It remains my opinion that these EIS's represent an inappropriate application of the National Environmental Policy Act. They are too big; they are too remote for comment by the citizens who will be affected; and they are too complex for any reasonable understanding by any affected party. I am told that this project will have cost the Forest Service and Bureau of Land Management up to $30 million. I submit that the advancement of science through this project has been worth but a fraction. Despite my efforts and those of Congressman NETHERCUTT to interject some common sense and fiscal responsibility, the language we worked hard to support has been dropped. As a result, I am very apprehensive that our local governments, our citizens who depend upon the public lands for livelihood and recreation, and many others who use the forest will be locked out of the forest for reasons none of us will ever understand.

Another item missing from this agreement that concerns me is my amendment, passed by the Senate, relating to the Legal Services Corporation. Let me acknowledge the efforts of the Senate conferees—and particularly, Senator GREGG—to protect this amendment. As my colleagues will recall, this amendment was aimed at what some of us believe is a pattern of straying from the important mandate of providing legal services to the poor, instead pursuing a political agenda. In the case I highlighted, the Legal Services Corporation grantee drove my constituents to the edge of bankruptcy in a 6-year battle over an adoption that went all the way to the U.S. Supreme Court and twice to the Idaho State Supreme Court. Eventually, my constituents prevailed and the adoption was finalized. If anyone benefited from this gross waste of taxpayer funds, I have yet to discover it. It's my intention to continue pursuing my amendment to redress this unfairness in another forum.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3019, the Omnibus Fiscal Year 1996 Appropriations Bill which includes five separate appropriations bills for the balance of fiscal year 1996. This bill provides full year funding for the Veterans, Housing Urban Development and Independent Agencies appropriations bill, the Labor, Health and Human Services appropriations bill, the District of Columbia appropriations bill, the Interior and Related Agencies appropriations bill, and the Commerce, Justice and State appropriations bill. It also includes emergency funding to deal with the floods in the Pacific Northwest and other disasters.

Mr. President, I serve as ranking member on the Commerce, Justice and State Subcommittee. I have served in that capacity or as Chairman of that Subcommittee since 1977. And, I want to speak today most of all in support of the conference agreement as it pertains to the departments, agencies, programs and people covered by that important appropriations bill.

We need to keep in mind that we have had 13 stop-gap ''continuing resolutions'' since October 1, 1995 when the fiscal year began. In the case of the CJS bill, the Senate completed action on the bill on September 29, 1995, and passed the conference report to H.R. 2076 on December 7, 1995. I voted against that conference report as did 48 of my colleagues. The President then vetoed H.R. 2076 on December 19, 1995. While the President's official veto message mentioned many problems with the CJS bill, in his actual statement he mentioned only the elimination of the Cops on the Beat program and the Advanced Technology Program as his reasons for finding the bill to be unacceptable.

So, we have now gone through this somewhat difficult process and conferenced what is essentially a new Commerce, Justice and State bill. During the past weeks, we have had negotiations between the White House and the Congressional leadership. And, during the past week, we have had intensive negotiations going on between the White House represented by President's Chief of Staff, Leon Panetta, his able assistant Martha Foley, and Jack Lew of OMB and the Congressional leadership represented by our distinguished Chairman, Senator HATFIELD, Senator BYRD, House Chairman Mr. LIVINGSTON, and Mr. OBEY. They have had to work long hours on a number of difficult, controversial issues. I think that they have done an excellent job. I think that our Congressional team deserves special praise. They conducted these negotiations in a bipartisan manner, something that has been seriously lacking in the 104th Congress.

Mr. President, the Commerce, Justice and State portion of this agreement represents a good, realistic compromise that responds to our spending priorities at the same time that it cutbacks overall spending. This conference report provides $27.8 billion for the CJS bill. This is $3.2 billion BELOW the level requested in the FY 1996 President's Budget request.

This agreement restores funding for several high priority programs and makes several other changes that lead me to conclude that it is a vast improvement over the CJS bill that the President vetoed. I will just mention a few.

First, and most important to me, this agreement provides $221 million for the Commerce Department's Advanced Technology Program (ATP). I authored this program in the 1988 Trade Act and I can tell you that it is strongly supported by the President and was a high priority for our late Secretary of Commerce. Ron Brown. ATP provides cooperative agreements that are cost-shared with industry. These ATP awards are intended to help industry take leading edge technologies from the drawing board to the marketplace. It is intended to develop entirely new industries, create high-paying jobs, and to help us compete with the Japanese, French, and Germans who maintain quite similar programs.

This conference agreement is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. Report language notes that the highest priority should be to continue ATP awards made in fiscal year 1995 and prior years—but, the new Commerce Secretary, Mickey Kantor, is allowed under this agreement to continue to make new ATP awards.

And, I should note, that the agreement includes an additional $2 million for the Office of our Under Secretary of Commerce for Technology, Mary Lowe Good. She is the best. And report language expresses our commitment to continue the U.S./Israel Science and Technology Agreement which is overseen by her office.

Second, this conference agreement includes $1.4 billion for the Community Oriented Policing Services program or ''COPS'' as it is commonly known. This is $100 million above the fiscal year 1995 level, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. I should note that it is almost the identical amount that was restored on the Senate floor in September when the Senate

considered H.R. 2076. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000. The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment. It is my hope that this latter program will not simply become a new Law Enforcement Assistance Administration (LEAA) program.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called ''Truth in Sentencing.'' This program, which will provide grants to States to build or renovate or expand prisons. Senator GREGG, our Chairman, and his staff director, David Taylor, worked very, very hard on this issue. I think they have come up with a program that is much better than the existing program which is authorized in the 1994 Crime Bill. This new prison program will now really address the needs of small states, and will help all states add prison cells to incarcerate violent offenders.

Third, this conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076. While this is not a personal priority of mine, I know that the Administration's view was that these funds would have to be restored for the President to sign this bill.

Fourth, the agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization. Only in this CJS bill do we have this crazy situation where an agency is told that it legally cannot obligate appropriations if an annual authorization has not been enacted. The Department of Defense doesn't live under this ridiculous rule. Nor does the Justice Department or Health and Human Services, or anyone else. I'm all for the importance of the authorization process—I am ranking minority and former Chairman of an authorization committee. But, I would never think of trying to stop NASA, or the Transportation Department, or the National Science Foundation or other agencies from obligating appropriations that the Congress and the President considered, approved, and enacted.

I also should note that the bill language regarding Vietnam allows the State Department, USIA, and Foreign Commercial Service to maintain a presence in that nation. We have opened diplomatic relations with Vietnam and have an Embassy in that nation. It's time to move forward in our relations with Hanoi. I'm glad that Senators HATFIELD, KERRY, KERREY, MCCAIN, and LAUTENBERG were able to prevail on this issue.

Fifth, this bill includes some very important appropriations for disaster assistance: $100 million is provided for the SBA for disaster loans. This ensures that parts of the United States that are hit by disasters in the future, such as tornadoes and hurricanes, can receive assistance. And, $18 million is provided to EDA to help the Northwest and North Dakota deal with flooding and to address other disasters if necessary.

I urge my colleagues to support this bill. What is most important to note is that this bill will become law unlike the previous appropriations bills that were vetoed. This is happening because members from my side of the aisle were included in the appropriations process. The role of the Presidency was recognized and the administration's views were considered in making spending decisions. This is not the way the Appropriations Committee and the Commerce, Justice and State Subcommittee started business in the 104th Congress. I truly hope it is the way we now will continue to do business as we embark on fiscal year 1997.

In conclusion, I think there are many people who deserve credit for getting this bill to this point. But, no one deserves more credit than our distinguished Chairman, Senator HATFIELD. He and I have been Governors and know what it means to run a government. We have been legislators together in this Senate for some thirty years. Senator HATFIELD understands the responsibilities of being a Senator and what it means to be Chairman of the Senate Appropriations Committee, a Committee with such an important tradition and mission. Senator HATFIELD took control a few months ago and literally brought the appropriations process back from total chaos. During this fiscal year, he has repeatedly tried to bring some sanity, and bipartisanship to the appropriations decisions. I think the President and the many Federal employees in the Executive Branch owe him a real debt of gratitude. But, most of all, I think he has done this Senate, this Congress, and this Nation a very real service and I, for one, want to express my appreciation.

Mr. JEFFORDS. Mr. President, this conference agreement includes the final conference agreement on the District of Columbia appropriations for fiscal year 1996. Like each of the other appropriations bills contained in this omnibus agreement, the District's bill has endured a long and arduous course to enactment today.

The District of Columbia portion is not all that we would want, but it is the best we can do. A key feature of this bill is the education reform that it contains. It would have been better and more effective if we could have included the $15 million in additional assistance that our original conference agreement included to begin these reforms. But that was not possible. However, legislative language is included on many of the reforms and I will work with the Superintendent, the Board of Education, other city officials and the control board to make sure that these reforms are implemented. The children of this city can not, and now will not, wait another day.

The District is in a fiscal crisis. Research by the General Accounting Office and the Congressional Research Service of cities who have faced similar crises tells us that if we are to restore the economic vitality, an essential ingredient to restoring fiscal health, we must reform the schools. We must provide quality public schools to retain and attract a tax base. That pursuit within Congress begins with this bill.

One of the important reforms in the bill is the creation of a Consensus Commission on Education Reform. This group of citizens will cast a watchful eye over the reform process in the District and, if there are impediments or a failure to act on the required reform plan, it will recommend and request the control board to take the required steps to make reform a reality. I am determined that we will no longer have wonderful plans or insightful reports that go unimplemented. This time the intentions of the reformers will be realized.

The agreement does not include additional funds to carry out these reforms in 1996, but it does authorize funds for fiscal year 1997 and beyond. I can assure city officials and my colleagues that I intend to do everything that I can to see that these funds are appropriated next year and in the future so that the changes envisioned are achieved.

Mr. President, in closing I want to thank the Senator from Oregon for his tenacious and tireless work on this bill and his invaluable help in the regular D.C. conference. His help and guidance made an agreement possible. Many others contributed to the D.C. bill and the Omnibus bill's success, especially the Senator from West Virginia who helped craft the agreement we are considering today.

I also need to thank our subcommittee's distinguished ranking member, the Senator from Wisconsin, Senator KOHL, for his cooperation and support during the consideration of this bill. Finally, Mr. President, our counterparts in the House, Representative JIM WALSH and Representative JULIAN DIXON, who worked with us in a partnership to find common ground and bring this bill to this point today.

Mr. President, I urge Senators to support this agreement, we need to get on with the task of reforming public education in the District and restoring

fiscal sense to it's budget process. This bill sets that course. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to gratefully express my relief that finally, 7 months into the current fiscal year, we are debating the bill that will put this year's budget to bed. And I am pleased to be able to support this bill based on changes that have been made over the past few days.

This agreement did not come easy, and it comes nearly too late for many people. It's unfortunate that it took two Government shut-downs, innumerable furloughs, and needlessly bitter partisan disputes, before we reached the path of resolution: serious bipartisan negotiations.

I do not think many families would make their budgets this way, 6 months late. I know I would not. But I am glad we've reached an agreement nonetheless.

I said to all my colleagues and the people of Washington State early last year there is a right way, and a wrong way, to balance the Federal budget. The wrong way would be to use quick and dirty gimmicks, paper tigers like the constitutional amendment or the line item veto.

I said the right way is to go through the budget line-by-line, program-by-program, and make the tough choices necessary to balance the books. Well, that is what happened on this bill. It reflects tough decisions, and strong, clearly-set priorities of both political parties.

The final agreement saves the taxpayers another $23 billion under last year's budget, and I think that's a good thing. But it also redirects funds to support important education programs, health programs, and environmental programs. In other words, we achieved a rare balance between spending cuts and spending increases that is good for the people.

I want to talk briefly about each of these three areas, environmental priorities, education priorities, and public health priorities.

Mr. President, I am so pleased with the progress the administration made in stripping this bill of almost all environmental riders. I believe this cleaner bill represents a victory for all of us who care about the health of our environment and protection of natural resources. Two provisions I spoke against on the floor 3 days ago have been dropped: those affecting the Columbia Basin Ecosystem Project and those addressing the timber salvage provisions.

Now, the Columbia Basin Ecosystem Project can go forward, providing resource managers with comprehensive, scientific information about how best to protect the land, restore riparian habitat, and sustainably use our natural resources. This offers us one of our first opportunities to get ahead of the curve, and proactively address resource management before it we face a debilitating crisis. I appreciate my Senate colleagues agreeing to allow this project to move forward.

Likewise, I appreciate Senator HATFIELD dropping the salvage provisions. I know there was legitimate disagreement between the chairman and the President about whether these provisions would help or hinder the administration's ability to alter current timber contracts to protect old growth forests. This has been such a contentious, divisive issue that finding the right course of action in this atmosphere has been nearly impossible. I wish this Senate had chosen simply to repeal the entire timber salvage rider and replace it with the long-term salvage program I had advocated in my amendment.

Overall, the Interior portion of this bill is balanced and fair. The President's Forest Plan is well-funded, the Elwha Dam has initial acquisition funds, Native American programs have been sufficiently funded, some important land acquisitions have been made, and many vital programs remain intact. I am very sorry the Lummi People are still being coerced about water rights on their reservation and wish we could have made more progress on this provision.

Now on to education. Mr. President, my greatest concerns in this budget were the deep and painful cuts to programs that support America's young people. When we began this debate, we were faced with a proposal that would have slashed nearly $4 billion away from the education of our next generation. Had these cuts been enacted, we would have faced the largest setback to education in our Nation's history.

Thankfully, for children in Washington State and the millions of young people who can not be heard through the vote, rational and thoughtful leadership prevailed. The add backs to education and training represent a commitment to programs that provide opportunity and hope.

We have restored $333 million for dislocated worker retraining that puts my State's timber workers back into the work force. We have added back $137 million Head Start dollars that insure our kids begin school ready to learn. We have restored $635 million for summer youth jobs for our young people that provide many of our most disadvantaged kids with the opportunity to give back to their communities. We have also saved the Safe and Drug Free Schools Program with $200 million that works proactively to take the fear out of our classrooms. Finally, the School-to-Work Program, which has been proven effective in the State of Washington received an additional $182 million. These programs, along with $814 million new Title I dollars that provide our schools with the essentials of learning, will immeasurably benefit our kids and our Nation's future.

I also want to talk about how AIDS research, prevention, and treatment issues have been handled by this Congress. Today's agreement has been a long-time coming. Finally, we have the opportunity to vote and pass a spending measure that will give help and peace of mind to many who need it most. Of course, we can always do more and there is always room for improvement. But, after months of debate and disagreement, we have come up with a plan that I can vote for. I recognize the need to cut spending and allocate Federal resources with strict scrutiny.

But, these decisions cannot be made at the expense of our most vulnerable citizens.

Programs like the Ryan White CARE Act receive a much needed increase. This bill raises funding for programs which care for those living with HIV/AIDS by $106 million over last year. These are critical dollars for: emergency care for particularly hard-hit cities like Seattle; comprehensive care for all our States to cope with the epidemic; early intervention services to save money down the road; and funds for Pediatric AIDS demonstration projects.

The AIDS Education Training Center program, which I fought so hard to protect last fall, and which I fought hard for throughout this process, will be maintained. This critical program provides information to health care professionals about HIV and keeps them up-to-date on the latest in treatment for those living with HIV and AIDS. We must make sure that information and public awareness are kept at an all-time high, and I congratulate my colleagues for having the good sense to recognize the importance of the AETC program.

I also want to briefly express my relief that the blatantly discriminatory policy of discharging HIV-infected service members is repealed in this bill. This proposal was closed-minded, unfounded, and offensive to our men and women in uniform who have chosen to serve our country. The Dornan-provision sent the wrong message; it said that Congress bases decisions on ignorance, fear and hate. I want no part of sending that message, and today we have the chance to right a terrible wrong.

Finally, Mr. President, while I am pleased with many of the changes that were made to this bill, I am deeply disappointed that Senator HATFIELD's language on International Family Planning was not maintained. Like many issues in this Congress, the Senate has taken a different approach than our counterparts in the House with respect to International Family Planning assistance. Throughout the debate on this issue, the Senate has continually supported funding for this program, and I have spoken many times in favor of our efforts to continue providing these services.

As it stands now, none of the appropriated funds can be spent until July 1. After that, money can only be spent on a month-to-month basis at a rate of 6.7 percent a month until the new fiscal year begins on October 1. The result is funding for U.S. population assistance will be reduced by about 85 percent

from last year's level. This is a disastrous situation that will severely hamper this program.

As a member of the Appropriations Subcommittee on Foreign Operations, I will work this year to try to restore these funds in fiscal year 1997. The millions of couples who rely on these valuable services are counting on this assistance.

Mr. President, I am glad we have finished the fiscal year 1996 budget. It's the people's business, and it's our responsibility to conduct. While the process over the past several months has been dominated by partisanship and dispute, the past few weeks have demonstrated that if reasonable leaders get together, they can usually resolve their differences and reach agreements that serve the public interest.

I sincerely hope this example sets a new tone that will carry into the fiscal year 1997 budget process. We have a short year, only a few months left to complete work on 13 new budget bills, before the political season completely overtakes Congress. I think it is in everyone's interest that we remain at the table and complete our next set of tasks with good humor and discipline.

Mr. SPECTER. Mr. President, when H.R. 3019 passed the Senate on March 19, substantial progress had been made to protect critical funding for education and training programs. The amendment I offered with Senator Harkin during Senate consideration provided $2.7 billion more for education, job training and Head Start programs for the 1996/1997 academic year. These additional funds were fully offset, thus preserving the balanced budget objectives for discretionary appropriations in fiscal year 1996.

The conference agreement before the Senate today maintains the increased funds for education provided by the Specter/Harkin amendment. It also protects funding for other important objectives, such as, worker safety, medical research, health services, and domestic violence prevention.

Overall, H.R, 3019 appropriates $64.6 billion for discretionary programs of the Labor, HHS and Education Subcommittee. This is $204 million above the Senate passed bill, $2.6 billion above the House bill, and $2.6 billion, or 4 percent, below the 1995 post-rescission level. Included in the bill is the termination of over 110 programs viewed by the conferees as either having met their objectives, being duplicative of other programs, or having low priority. The bill's highlights include the following: $625 million for the 1996 Summer Youth Employment Program of the Department of Labor; the House bill had terminated this program; $1.1 billion for the Dislocated Worker Retraining Program, bringing the total $233 million above the House bill; $1.3 billion for worker protection programs, bringing the average funding level for each enforcement agency to 98 percent of the 1995 level; $350 million for the School to Work Program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level. $11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over the 1995 level, or 5.8 percent; $738 million for the Ryan White AIDS Programs. this is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs; $93 million to continue the Healthy Start Program. This is $43 million above the original level passed by the House. $3.57 billion for the Head Start Program. This is $36 million above the 1995 level; 350 million for the GOALS 2000 Educate America Act Program. The House bill had terminated funding for this program; $7.2 billion for the Title I, Compensatory Education for the Disadvantaged Program. This is the same as the 1995 level and nearly $1 billion more than the House bill; $466 million for the Safe and Drug Free Schools Program. This is $266 million above the House bill; and $78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

H.R. 3019 also preserves funding for student aid programs. The agreement raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided. Funds also are provided to maintain the capital contributions to the Perkins Loan Program and Federal support for the State Student Incentive Grants Program.

Finally, the agreement includes $900 million for the Low Income Home Energy Assistance Program (LIHEAP) in fiscal year 1996. The original House bill, H.R. 2127, had included no funding for the LIHEAP Program. H.R. 3019, also makes available $420 million in ''emergency'' contingency funds for the fiscal year 1997 program. Regular funding for next winter's LIHEAP Program will be considered during the fiscal year 1997 appropriations process.

It is always easy to add money, but much more difficult to find the offsets for additional spending in order to not add to the Federal deficit. The conference agreement before the Senate today succeeds in both restoring funding to critical education, health and training programs and in maintaining our commitment to balance the federal budget. It is an excellent appropriations bill, and I urge my colleagues to give it their support.

Ms. MOSELEY-BRAUN. Mr. President, with the passage of this bill, and with the signature of the President, the Federal Government will, at long last, resume normal operations. The Federal Government will function as planned—for the first time in 7 months.

Much has happened in those past 7 months. Thirteen times, the Government of the United States faced uncertain funding. Twice, the Government ground to a halt. Federal services were interrupted, Federal paychecks were stopped, and Federal employees were treated as helpless pawns in the midst of congressional grandstanding. Financial markets, international image, and public confidence were put at risk. There seems to be no resolution to this situation.

Seven months of uncertainty, said some of my colleagues, yes—but a necessary sacrifice to achieve 7 years of deficit reduction and a balanced budget by 2002.

That reasoning, Mr. President, was just plain wrong.

The type of Federal spending that pays for Government salaries and Government programs, known as domestic discretionary spending, is not responsible for our Federal deficits. Discretionary spending has not increased as a percentage of the Gross Domestic Product since 1969—the last time we had a balanced budget. Discretionary spending is a mere one-sixth of the $1.5 trillion total of Federal spending—and that is steadily declining.

The real problems with the deficit are with what are known as entitlement spending—Social Security, Medicare, Medicaid, federal retirement programs, and interest on the national debt. These programs are consuming a rapidly growing portion of overall federal revenues, and, by 2012, will consume 100 percent of the revenue the Federal Government takes in.

I know how important it is to reduce the deficit. That's why I cosponsored the Balanced Budget Amendment. We cannot leave a legacy of debt to our children. We have an obligation to restore budget discipline, so that our children—and future generations—will be able to achieve the American Dream.

In order to do that, tough choices must be made. All federal programs must be on the table. Nothing can be exempt from review. Everything must be examined to see where we can do better, and what we no longer need to do.

That does not mean, however, that reducing the debt can be achieved simply by cutting one Federal program in favor of another. Yet that's exactly what this omnibus appropriations bill attempts to do.

This $163 billion bill funds programs normally funded through individual appropriations bills, such as education, job training, Head Start, crime and the environment. Over $5 billion in programs once targeted for termination or deep cuts are restored, such as Community Development Financial Institutions, Head Start, Safe and Drug Free Schools, and School-to-Work programs.

The bill provides $1.4 billion to put 100,000 additional police officers on the streets. The bill restores the Summer Jobs for Youth Program, restores $195

million for the Goals 2000 program, for a total $350 million; restores $387 million more for National Service, for a total of $402 million, and restores Title I funding for disadvantaged students. The bill also boosts Ryan White funds by $82 million, EPA water programs by $465 million, and Superfund by $150 million.

The agreement deletes, or allows the President to waive such controversial legislative riders as the anti-environmental provisions associated with the Tongass National Forest, Mojave National Preserve, and Endangered Species Act.

Also included in the bill is a repeal of the discriminatory provision that would have forced HIV-positive members of the military to leave the service.

This bill is a great improvement over the spending levels initially proposed by this Congress. The restoration, or near restoration, of many of these education and job training programs means that the priorities of the American people have prevailed.

The bill still cuts important discretionary spending by $23 billion.

Some may hail that as deficit reduction, Mr. President, and yes, a number of these program reductions and terminations are justified.

But cutting those items will not make a dent in Federal deficits. The appropriations process cannot be expected to compensate for our failure to address our deficit problem.

We can cut this $23 billion, cut welfare and foreign aid, stop pork barrel spending, and eliminate funding for Congress altogether, but we still will not solve our more fundamental budget problems.

The only way to really balance the budget is to act based on the budgetary realities, rather than the myths. If we fail to do so, in less than 20 years, the skyrocketing growth in entitlement programs means there will not be one single dollar for agriculture, for education, for national defense, or transportation, cancer research, or flood control, or any of the myriad of other Federal activities.

It is as simple as that, Mr. President, and it's a critical fact that this bill, with all its cuts, simply misses.

We are halfway into this fiscal year. There is a time to debate, and a time to act. While I believe we can do far better than this bill, going forward with additional temporary funding extensions is something I find even more unpalatable, and that is why I reluctantly will support final passage of this conference report.

Mr. COATS. Mr. President, I rise to voice my serious concerns that this omnibus appropriations bill fails to include an important provision: a limitation on the expansion of the Federal Direct Loan Program to 40 percent of loan volume for the academic year that begins on July 1, 1996.

As my colleagues know, back in the fall when we passed the Balanced Budget and Reconciliation Act, Congress agreed to return this questionable, big-government program to a true demonstration size—10 percent of total student loan volume. Many of us viewed the 10 percent cap as a reasonable compromise, especially in light of the House vote to repeal the program altogether. And, many of us would still prefer to repeal this misguided takeover of the student loan program.

Nonetheless, I and many of my colleagues on both sides of the aisle, were willing to support a middle ground on this issue: a limit on the expansion of direct lending to 40 percent of loan volume. I believe that this was a more-than-reasonable compromise because it would permit all currently participating schools to remain in the program. Let me say that again: not one school that is already participating in direct loans would be forced out.

However, the administration would not accept this reasonable compromise. The President allegedly threatened to veto the entire omnibus appropriations bill if a cap on direct lending was included. This is incredible! That the President would be willing to hold the entire appropriations process hostage to ensure the continued expansion of a program which is nothing more than a delivery system for loans, is truly an extreme position.

Remember, this President told the country just a few short months ago, during his State of the Union address, that the era of big Government is over. This same President stressed the need for stronger public-private partnerships in meeting the needs of the American people. Yet he threatened to stop the budget process once again if this omnibus appropriations bill included a cap on a massive, new government bureaucracy which seeks to end a public/private partnership which has been successfully serving students for 30 years!

We should not allow the President to pretend to be moderate on the campaign trail while he engineers a potentially disastrous federal takeover of the student loan industry. The President's refusal to negotiate a reasonable cap on the untested direct loan program exposes the true colors of this administration: rather than new Democrats they are clearly old-fashioned, bureaucracy-building, Washington-knows-best liberals.

Unlike the more complex debates over Medicare, Medicaid and welfare delivery systems, it is quite obvious that direct lending is an intuitively backward idea that will:

Make the Department of Education the single largest consumer finance lender in the country, while driving private lenders out of the student loan business.

Result in a $150 billion increase in federal debt by 2002, and a $350 billion increase over the next 20 years.

Eliminate a program where the private lenders share default risk, and replace it with a system where private sector contractors shift the entire risk to the taxpayer.

Replace private sector competition with government contractors.

Substitute an untested student aid delivery system that has yet to demonstrate the ability to collect the loans it makes for the guaranteed loan program, which has dramatically improved the performance of the student loan portfolio in recent years.

We should keep in mind that the Department of Education's management track record bodes ill for the future of the direct loan program.

The management track record of the Department of Education over the past few years—and the last several months in particular—raises grave questions concerning whether the Department has the management ability to take over student lending without jeopardizing the uninterrupted flow of funds in the Nation's largest program of student financial assistance.

Major missteps in the past year have included:

I. Inability to process on a timely basis the Federal Application for Student Financial Aid (FAFSA), the basis calculation of financial need required of all applicants for student assistance.

Although the Department continues to blame weather and Federal furloughs for the unprecedented delays, the fact is that the Department started 6 months behind schedule, and hired new contractors using new, untested technology. In trying to cover up their very serious mistakes, the Department has had to hire additional processors and authorized 24-hour, 7-day-a-week operation, at unknown additional taxpayer cost.

Students and institutions have been severely affected by this mix-up at the Department: institutional financial aid officers and State scholarship programs are unable to offer student aid packages to prospective students; a million students do not know where or whether they will be able to attend college this fall; and 23 percent of our Nation's colleges are planning to push back their May 1 deadline for students to decide which college to attend.

II. The Department has mismanaged the congressionally mandated anti-default initiative, which is designed to terminate high-default schools from Federal student loan programs.

Although the law requires the Department to decide institutional appeals within 45 days, the Department failed to meet this requirement. In an effort to get rid of its 1992 backlog, the Department threw in the towel and accepted whatever default rate a school claimed for itself, without investigation. As a result, schools with default rates of as high as 24 percent now boast single digit official rates for fiscal year 1992. Incredibly, there is still a backlog of 400 appeals of rates calculated for 1990 and 1991!

As a result, students at high-default institutions have remained eligible for student loans—loans which have a high

probability of defaulting, burdening taxpayers with millions of dollars in unnecessary costs. The Department's default rate for 1993 for high risk schools was so flawed that it had to be withdrawn and reissued in February 1996.

III. The Inspector General severely criticized the cost effectiveness of the Department's efforts to encourage defaulters to consolidate their defaulted loans into direct lending's income contingent repayment.

The Inspector General estimated this flawed initiative could cost taxpayers $38 million.

IV. Failure of the Department's contractor to post information received from guaranty agencies on a timely basis has resulted in thousands of defaulted borrowers having their income tax refunds wrongly withheld.

In addition, these individuals have been subjected to Federal collections efforts despite the fact that they had entered into satisfactory repayment arrangements with their guarantor.

V. The National Student Loan Data System, mandated by Congress in 1986 and only implemented by the Department in 1995, is so flawed that it has erroneously calculated school default rates and cannot be relied upon for its basic function of determining student's eligibility for grants or loans.

What does this woeful litany of mismanagement mean?

It means that the Department of Education has used poor judgment in developing its computer systems and overseeing its contractors.

It means that its current management is incapable of performing essential technological functions which it had been performing successfully for a number of years.

It means that the taxpayer will be unnecessarily burdened with additional costs incurred because of the Department's inability to manage.

It means that millions of students and their parents are, at the very least, extremely inconvenienced by the Department's inability to generate information essential to awarding of student financial aid on a timely basis. And in far too many cases, a student's entire future—whether or not he/she attends college—may be jeopardized by the Department's mismanagement.

And it means that it would be foolhardy to trust the Nation's largest student financial assistance program—student loans—to the same Departmental officials that have in the past few months mismanaged every major contract and system for which they have been responsible.

This debate is about what is the best way of delivering student loans—whether through a Federal bureaucracy, or through a private-public partnership. While I believe very strongly that the latter will prevail in the long run, the compromise that the President would not allow simply called for leaving things where they are, and not expanding this program further.

We should not be allowing the administration to go forward with its grandiose plans for taking over the student loan program with its own untested, costly direct government lending program. The administration's direct loan program is more Federal bureaucrats, more Government spending, and a more costly program. The administration wants this massive, new bureaucracy to replace the current bank-based student loan program.

By not including a cap on this experimental program in this omnibus appropriations bill we are trusting the Department of Education to distribute, account for, and collect billions of dollars in student loans. This is the same Department that is currently causing students across the country to have to worry needlessly about their financial aid awards because the Department was unable to manage the processing of the forms.

We should be stopping this insanity today. A reasonable cap of 40 percent on direct lending would have forced the Department to slow down and pay attention to all the student aid programs, not just direct lending—hopefully avoiding a repeat of the trauma which is facing students now during the application cycle. Unfortunately, this reasonable approach was lost along the way.

President Clinton's pronouncements in his State of the Union Address notwithstanding, the era of big government continues.

Mr. KOHL. Mr. President, there is no excuse for the Congress to have delayed the fiscal 1996 budget this long. But thankfully, the high stakes game of political chicken is finally over. After closing the Government on two occasions, passing 13 separate stop-gap funding bills, and waiting a full 7 months beyond the start of the budget year, Congress will finally pass the 1996 spending bill.

This $160 billion measure funds the programs from five separate appropriations bills throughout the rest of this fiscal year. I will vote for the bill because it demonstrates that, when we work as a bipartisan majority, we can do what America has been asking us to do for a long time: cut the budget while protecting priorities like education, health care, and the environment. With this plan, overall Federal spending will be cut by $23 billion. However, $5 billion for health, education, environment, and job training programs has been restored under this measure.

Because some were intent on trying to score political points this year rather than finishing our budget in a timely fashion, important programs for education, public health and job training and safety had been left in precarious funding situations since October 1, the beginning of the fiscal year. State labor departments were hampered in their ability to help those affected by plant closings. Head Start administrators wondered if they would have to close doors in the middle of their program year, negating recent gains from this early intervention program. And it looked like Americorps would be killed before the benefits from this promising community service program were ever realized.

But no cuts would have had a more detrimental and long-term effect than the proposed cuts in education. I say this as a strong advocate of balancing the budget. To get to that goal, I know we have to consider cuts in programs we support. And I am willing to do so in every area—except education. The drastic cuts in education initially proposed would have set our Nation back in the attempt to build a work force needed to lead our economy into the 21st Century.

During negotiations with the House, the Senate and the administration insisted on basing overall education funding on the levels contained in the Senate bill—that is, funding at least at last year's level. As a Member of the Appropriations Committee, I have fought for the Senate education levels. With the diligent leadership of Senators HATFIELD, BYRD, SPECTER, and HARKIN, the Senate position on education prevailed.

The title I education program, our largest contribution to schools across the country to help teach disadvantaged kids, has been funded at $7.2 billion. This is a full restoration to last year's level. Safe and drug free schools, a program granting schools the resources they need to curb drugs and violence and create a productive learning environment, is funded at last year's amount of $466 million. GOALS 2000 will be funded at $350 million, $22 million less than 1995, but enough to allow States and school districts to continue in their efforts to pursue effective education benchmarks. I am very pleased to say that the School to Work Program, which helps kids obtain technical skills critically needed in today's work force, received a $105 million increase.

Although these levels may not seem like a huge victory, just take a look at what could have been, and what would have been, had the Senate and the President caved to extremist policies. The House proposed cutting title I education by almost $1 billion; Goals 2000 was completely eliminated as was the State student incentive grant program; $266 million was slashed from the Safe and Drug Free Schools Program; vocational education was cut $83 million; and, school to work cut $55 million.

These levels would have had dire consequences for Wisconsin's education system. Wisconsin was originally slated to lose $28 million in education resources—including over $1 million in cuts to Goals 2000, almost $2 million in cuts to safe and drug free schools, over $4 million in vocational education cuts, and an unsustainable $20 million cut in title I, the money that goes to our most disadvantaged young students. This bill today prevents these shortsighted education cuts.

Other programs important to the future of Wisconsin received needed investments under this bill. The Ryan White AIDS programs received a $105 million increase from last year. This total includes $52 million directed to the AIDS drug reimbursement program so that States may better meet demands for breakthrough drugs. Healthy start, which funds a promising demonstration program in Milwaukee aimed at preventing infant mortality, was restored to $93 million, or $43 million above the House cut. Funding was added back to the mental health block grant, which provides resources to help adults and children with severe mental illness and emotional disturbance. Dislocated worker assistance and the Summer Youth Employment Program were also restored under the bill.

Mr. President, this bill is much more than a day late, but at least it's not billions of dollars short on education. Although I am disappointed with some provisions of the bill, I am pleased that our efforts to restore the investment in education prevailed.

I am also pleased that the most egregious antienvironmental riders have been either eliminated or modified in this bill. Further, I am pleased that a significant portion of the funding for environmental programs has been restored. While overall fiscal constraints will undoubtedly become more severe in the coming years as we take the steps necessary to move toward a balanced budget, I think we should take a closer look at our priorities for discretionary spending. In my view, spending on the environment, as an investment in our future, should be a priority.

There are some aspects of this bill with which I am much less happy. I am very disappointed that this budget fails to fund an adequate amount of crime prevention—programs that can reach young people before they are lost to a life of crime. Last fall, a bipartisan Senate agreed to shift $80 million into crime prevention programs like Weed & Seed, the Boys and Girls Clubs, and DARE—only about one-quarter of what was authorized by the 1994 Crime Act for prevention in 1996. As we started on a new version of the budget this spring, a separate bipartisan vote of the full Appropriations Committee again set aside $80 million for a broad range of local crime prevention—less than 5 percent out of the $1.9 billion local law enforcement block grant.

Despite these votes, and continuing bipartisan support on the Senate side, our $80 million in crime prevention funding was quietly stripped out of this legislation, leaving only a small increase for Weed & Seed and the Boys and Girls Clubs, and entirely neglecting those areas that do not have one of these programs. After all these months, we are shut out—and so are all of the young people who are looking for a little help in their efforts to get off the streets and stay out of prison.

The 1994 Crime Act authorized a reasonable 80 percent to 20 percent split between law enforcement and prevention. But this budget wipes out almost all prevention funding. As any professional in the juvenile justice system will tell you, that is a big mistake.

I am also disappointed with the conferees' action on agricultural credit. The fiscal year 1996 agriculture appropriations bill was completed by Congress and signed by the President in a timely manner last year, and therefore we have not needed to include regular agriculture funding in any of the continuing resolutions. However, there is an agricultural credit provision in this bill, which seeks to rectify a credit provision of the recently passed farm bill that I believe is very unfair.

The farm bill provision in question essentially prohibits farmers from receiving USDA loans or loan guarantees if they ever had their debts restructured. During the 1980s, the Federal Government actively encouraged farmers to restructure and write down their debts. Now the new farm bill tells farmers that they are barred from getting more loans if they took that advice, even if they are creditworthy today. In my mind, that's close to a breach of contract.

A number of us in this body have cosponsored a bill S. 1690, introduced by Senators CONRAD and GRASSLEY, that would provide some short-term relief for farmers that have been caught by this mid-stream change of policy by delaying implementation of these unfortunate credit eligibility provisions for 90 days.

Further, as a member of the Agriculture Appropriations Subcommittee, I have also been working with others to try to craft language to be included in this continuing resolution to resolve this matter. While there is a provision included in the bill to try to provide some relief, I believe that it is far too narrow because it doesn't address the plight of farmers with farm ownership loans that have been approved, but not yet obligated. Even under the credit provision included in this bill, those farmers will be denied those loans that they had previously been promised. To address this problem, 11 Senators recently signed a letter asking for the necessary revisions to the provision. I am discouraged that these efforts were rejected.

All in all, I think this bill is a victory for fiscal sanity and a victory for education, health care, and the environment. Unfortunately, the battle went on too long and extracted too high a price—the uncertainty for Federal fund recipients, the Government shutdowns, the partisan budget negotiations, and the divisive parliamentary maneuvering around the 13 continuing resolutions. We should strive for a similar end next year. But lets hope that our means of getting there is more sensible, more bipartisan, and more productive.

NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Mr. KERREY. Mr. President, I want to compliment the work of the distinguished Senator from Alabama, Mr. SHELBY, for securing the adoption of an amendment in the conference to modify the composition of the National Commission on Restructuring the IRS, which was authorized in Public Law 104–52. This amendment increases to 17 the number of members of the Commission. With this change, Mr. President, I believe we can stop the logjam which we have found ourselves in and get the majority and minority leaders of both bodies and the President to make their appointments to this Commission in an expeditious manner. I would, however, like to take this opportunity to clarify two points with respect to the Commission with the distinguished subcommittee chairman, Mr. SHELBY. First, by increasing the number of Commission members to 17 under section 637(b)(2) of Public Law 104–52, we intended that the number of members to constitute a quorum under section 637(b)(4), would increase from seven to nine. Is that the Senator's understanding?

Mr. SHELBY. Yes, that is my understanding. Because we did not want to reopen the Treasury chapter in the conference, this technical change was not made, but it is certainly my intention as the subcommittee chairman that the Commission should honor our intent that nine members of the Commission will constitute a quorum.

Mr. KERREY. I thank the distinguished Senator for that clarification. Finally, I want to ask if it is the Senator's understanding we intended that the Commission not issue its report until after December 31, 1996?

Mr. SHELBY. Yes, that is my understanding.

Mr. KERREY. Again, I thank the distinguished Senator for all of his work on this important matter. In addition, I want to thank the distinguished majority and minority leaders and the President for their involvement in this issue and urge them to make their appointments to this Commission as quickly as possible.

ESTABLISHMENT OF A PEDIATRIC INTENSIVE CARE CENTER IN AN EMPOWERMENT ZONE ENCOMPASSING CAMDEN, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to bring to the chairman's attention, and to the attention of my esteemed colleague, Senator HARKIN, that Cooper Hospital/University Medical Center and its Children's Regional Hospital are the only acute care hospitals in the empowerment zone that encompass Camden, NJ. These hospitals provide critical services to the Camden community. Now they are proposing to establish a new pediatric rehabilitation center which will address a vital unmet need in the community. There are many worthy organizations seeking these empowerment funds; however, this project is expected to provide community based quality care for children from communities in the Camden area. I strongly suggest that this project be considered for empowerment zone funding.

Mr. HARKIN. I thank the Senator for bringing this matter to our attention. I

concur with his recommendation and underscore the value of such a facility. This project should certainly be considered for empowerment zone funding.

Mr. SPECTER. I agree with my distinguished colleagues and am encouraged by the significant contributions such a project can make. Consideration should be given to the establishment of the pediatric intensive care center with empowerment zone funds.

UNIVERSAL NEWBORN HEARING SCREENING COLLOQUY

Mr. HARKIN. Mr. President, I would like to engage the chairman of the subcommittee, Senator SPECTER, in a colloquy. As you know, the Department of Health and Human Services recently issued a plan to improve the health of this country's citizens by the year 2000. Included in that plan, commonly referred to as the healthy people 2000 report, was a goal to reduce the average age at which children with significant hearing impairment are identified to no more than 12 months.

In March 1993, NIH convened a consensus panel on early identification of hearing impairments in infants and young children. That panel recommended that all children be screened for hearing impairment before they discharged from the birthing hospital. Unfortunately, at that time, few hospitals or audiologists and experience with the newborn hearing screening techniques which were recommended. Therefore, in October 1993, the Maternal and Child Health Bureau funded a consortium of sites who were experienced with NIH-recommended technique to encourage and assist with the implementation of the NIH recommendation. That consortium, with a relatively small amount of Federal money, has been extremely successful in assisting with the implementation of newborn hearing screening programs. Through their efforts, there are now over 70 hospitals in 14 different States doing universal newborn hearing screening following the NIH-recommended protocol.

Mr. SPECTER. I think the work of the consortium which you have described is the kind of work which is needed to continue universal newborn hearing screening consistent with the healthy people 2000 report and the NIH recommendations. I would support the continued funding of these activities by the Maternal and Child Health Bureau.

VISTA LITERACY CORPS

Mr. SIMON. Mr. President, I would like to clarify the intent of the conferees in regard to funding for the VISTA Program. It is my understanding that the conference agreement provides an additional $2.1 million for VISTA and that this represents half of the $5 million added by amendment in the Senate for the VISTA Literacy Corps. Is this correct?

Mr. SPECTER. The Senator is correct.

Mr. SIMON. Am I also correct in assuming that the conferees intend that these funds may be allocated specifically to the efforts to combat illiteracy that have been carried out by the VISTA Literacy Corps?

Mr. SPECTER. The Senator is correct in his understanding of our intent.

Mr. SIMON. I thank the Senator and appreciate the support of the Committee for the effective work of the VISTA Literacy Corps.

DISASTER ASSISTANCE

Mr. DORGAN. Mr. President, I see the distinguished chairman of the Senate Appropriations Committee, Senator HATFIELD, on the floor and wonder if he would be willing to engage in a short colloquy with Senator CONRAD and myself on the disaster assistance section of the omnibus appropriations bill, H.R. 3019.

Mr. HATFIELD. I will be happy to respond to any questions you may have.

Mr. CONRAD. We are particularly concerned that the conference agreement does not explicitly mention that Devils Lake, ND, is eligible to receive disaster and hazard mitigation assistance from the Economic Development Administration, as was the case in the Senate-passed version of the bill.

Mr. DORGAN. Is it the Chairman's view that the ongoing and severe flooding problems at Devils Lake should be given serious consideration for EDA assistance under the terms of this agreement?

Mr. HATFIELD. That was the position of the Senate, and these severe problems remain eligible for some assistance under this agreement.

Mr. DORGAN. We thank you for your help on this extremely urgent matter for North Dakota, and sincerely appreciate your views as chairman of the Appropriations Committee.

Mr. CONRAD. I also thank the chairman, and sincerely appreciate all his assistance.

SMALL AIRPORT USER-FEE PROGRAM

Mr. COHEN. I am concerned that section 107 of this bill, which lifts the cap on the amount of funds that may be expended on a customs service program for small airports, could lead to abuse of this program and unfair competition.

Under current law, all large airports, such as Bangor International Airport, which are designated ports of entry, must charge passengers $6.50 per ticket to pay for the cost of customs inspection and processing. In 1984, Congress established a program for small airports that could not qualify for port-of-entry status to enable them to provide customs services to international passengers. Passengers arriving at airports that qualify for this program do not pay the $6.50 fee. Instead, a user-fee airport pays a user fee directly to the Customs Service, which goes into an account that pays the salaries of the customs inspector and the cost of customs inspections and other services at the user fee airport. By law, the Secretary of the Treasury may only qualify an airport to participate in this user-fee program upon finding that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport.

Guidelines published by the Customs Service provide that airports with over 15,000 international passengers annually, or which meet other criteria, can qualify for port-of-entry status. By implication, airports receiving more than 15,000 passengers annually should not qualify for the user-fee program because they have sufficient volume to justify full-time customs' services. Unfortunately, there is no mechanism under current law for automatic graduation of user-fee airports into port-of-entry status. This loophole enables airports designated by the Secretary as a user-fee airport to service substantial numbers of international passengers, but circumvent the $6.50 per passenger fee that must be paid by passengers arriving at port-of-entry airports. Unless the law is changed, airports with user-fee status, that nonetheless enter the business of large-scale international transit, have a built-in competitive advantage over port-of-entry airports that must charge each passenger $6.50.

I would like to ask the Chairman of the Finance Committee for his comments on this situation.

Mr. ROTH. I agree that there appears to be a significant loophole in the current law that should be closed regarding user fee airports. We need to ensure that the advantages of the user-fee program benefit the small airports it is designed to help and not give an unfair and unintended advantage to big airports that remain in the program.

Therefore, I think we need to find a way to discourage user fee airports that have a substantial increase in the number of international passengers from remaining in the user-fee program and to encourage their designation as a port of entry, which is appropriate for larger airports. Otherwise, a user fee airport could receive an unfair competitive advantage over port-of-entry airports merely by avoiding the $6.50 passenger processing fee on airline tickets, as the Senator from Maine has pointed out.

Ms. SNOWE. I thank the distinguished chairman of the Finance Committee for his comments. As the chairman may be aware, this is a critical issue for the State of Maine, as abuse of the user-fee program by airports that no longer qualify for that program have the potential of causing severe economic harm to Bangor International Airport, one of Maine's most important employers. If this abuse of the program is permitted to continue, flights that currently refuel and clear Customs in Bangor could decide to move their refueling operations to Canada, where the Government heavily subsidizes fuel costs at competing transit airports. Those flights could then continue on to Sanford Airport in Florida, a user-fee airport that has been able to gain an unfair competitive advantage because it can offer to international charter flights the ability to

avoid the $6.50-per-passenger fee that must be paid by port-of-entry airports such as Bangor. Indeed, there can be little doubt that this diversion of air traffic will occur, as, according to press reports, Sanford Airport is scheduled to receive 325,000 passengers during the remainder of the year, a level far above the 15,000-passenger threshold for user-fee airports. I am very concerned that the expansion of the user-fee program, made possible by the lifting of the funding cap in this appropriations bill, will create an immediate threat to Bangor International Airport's business and have the unintended effect of diverting to a Canadian airport important international air traffic that currently uses American transit airport facilities.

Can the chairman of the Finance Committee provide assurances that this problem will be dealt with as expeditiously as possible and that he will support a legislative remedy to close the loophole that currently provides user-fee airports engaged in substantial international business to circumvent the $6.50 per passenger fee?

Mr. ROTH. I am sensitive to the imminent problems facing Bangor International Airport as a result of the loophole in the user-fee airport program. I assure you that I will provide whatever help I can to ensure that the customs laws provide a level playing field for all airports that receive significant numbers of international passengers.

TONGASS LAND MANAGEMENT PLAN

Mr. MURKOWSKI. Mr. President, the language agreed to by the conferees and the President directs the Secretary to: first, maintain the land base of the 1992 Tongass Land Management Plan—1.7 million acres—for timber for 1 year; and second, release the enjoined AWRTA sales. The President may waive either or both of these requirements. If he so chooses, he triggers a $110 million appropriation over 4 years—fiscal years 1996–99—for timber worker employment, community development, and to replace lost timber sale receipts.

I want to extend to my colleague, Senator STEVENS, well deserved credit for protecting the people of southeast Alaska and penalizing the administration for not meeting its obligations under the Tongass Timber Reform Act of 1990 to sustain the timber dependent communities of southeast Alaska. And I want to thank all of my colleagues, particularly Senator HATFIELD and Senator GORTON, for standing by us in the fact of Clinton administration recalcitrance, ignorance about the conditions in Alaska, and extreme prejudice about sustainable forest management.

Like the Sierra Club earlier this week, the Clinton administration appears opposed to any forest management on the national forests. I suppose this should not be terribly surprising, given the high number of former Sierra Club lobbyists in the Clinton administration. At least the current lobbyists at the Sierra Club had the honesty to publicly announce their total opposition to all timber harvesting.

I am going to be equally candid. My bottom-line goal over the next year is going to be to make it as difficult and painful as possible for the administration to complete its draft Tongass Land Management Plan preferred alternative and suspend the 1.7 million acre land base requirement that we have just enacted. It would unacceptably reduce the productive forest land base and throw workers out of jobs and families in the streets. The draft TLMP contains alternatives that maintain the 1.7 million acre land base and allowable sales quantity. One of these alternatives can and should be selected.

Let me make a few additional points so that there is no confusion about what we are doing today and so that all of my colleagues have a complete context for the current and coming debate. And the debate will definitely continue.

The purpose of today's amendment is to penalize the Clinton administration for failing to meet its multiple use obligations under the Tongass Timber Reform Act of 1990, and to make it as difficult as possible for the administration to shirk these obligations in the future.

The administration has been—and, under our amendment, will continue to be—required to seek to meet market demand for Tongass forest products and thereby protect southeast Alaska communities under the provisions of the 1990 act.

All along, what we have wanted to do was to protect the forest land base so a sustainable industry and associated communities can exist in southeast Alaska. We can't make the administration—particularly this administration—manage the forest. Our hope is that we can at least protect the landbase, and to the greatest extent possible we have done this.

In my oversight of the Forest Service's development of a new Tongass Land Management Plan I have been flatly appalled by: first, the lack of sound scientific information involved in the effort; second, the poor credibility of the socio-economic impact analysis conducted; third, the offering of more multiple-use promises that can't be kept; and fourth, the rush to complete this effort which is, in part, politically driven. Indeed, the White House press office's statement today that the President would use the suspension, without even consulting with the Forest Service is evidence of crass politicization of the resource agency. Last week, we had an 8-hour hearing on this draft plan. Here are the transcripts; I would be happy to share them with anyone who wants to read them to see how little the Forest Service knows about the resources and the people of the Tongass.

The TLMP uses voodoo economics to evaluate the effects of weird science employed to justify Greenpeace politics in southeast Alaska.

We will proceed with our oversight of the TLMP process to continue to press the Forest Service to do a professionally credible job in developing a final plan.

This is important because nothing requires the Forest Service or the President to ignore the requirements of common sense and multiple use and reduce the forest land base. There are TLMP alternatives which would maintain the land base.

The challenge today's amendment lays before Bill Clinton is to manage a Federal forest resource wisely to protect the environment, provide jobs, and sustain communities without falling back as a substitute to the old, large Federal grants programs of the past. We sincerely hope the President doesn't rely on a failed policy of large Federal grants to shore up a failed policy of forest preservation that has reduced the health of our forests nationwide.

The challenge to Phil Janik, our regional forester, is to get a lot better data before he selects an approach which costs the taxpayers $110 million. But at least the people of southeast Alaska will not be penalized if he fails to meet this responsibility.

Janik is a $110 million man. His decisions, if not wisely made, will take $110 million from the U.S. Treasury, assuming the administration does not eliminate his authority to make a decision.

Mr. DOLE. Mr. President, we have just passed in the last hour and a half the Omnibus Appropriations Act for fiscal year 1996. I think we have dealt a big blow to the era of big government. My view is the Americans—whether Republicans, Democrats or Independents—wanted us to make changes, and we have delivered a true victory for all of America's taxpayers.

We have saved $23 billion over last year's level of discretionary spending. That is $23 billion less Washington spending, and $30 billion less than the President requested. That is a lot more savings than many people predicted. I think we probably could have done more had we had a little more time. It is the biggest decrease in Washington spending in more than half a century, according to some who have been around.

It has been a long and difficult process and has taken a lot of bipartisanship in many cases, working with the White House in other cases, but it covers five separate appropriations bills, nine Cabinet agencies, and appropriates over $160 billion.

There has been a lot of back and forth with the White House. A lot of negotiations. A lot of give and take. Both sides had to give a little. Certainly nobody got everything they wanted in the final version of this bill.

But what the American people got was a spending bill that is $23 billion less than last year and $30 billion less than President Clinton's request. We did our duty for the taxpayers of America.

If we maintain our path of savings, we will stay on path to a balanced budget in 2002.

We will continue to follow through on our promise for smaller Government, less Washington spending, and letting America's working families keep more of their hard-earned money.

There is also good news in other parts of this bill. For instance, the ''stop-fril'' language will help stop frivolous inmate litigation. This much-needed legislation makes it harder for inmates to sue States and localities on prison conditions—like the prisoner who sued because he wanted ''Reebok'' brand tennis shoes instead of the ''Converse'' brand shoes provided by the prison.

Some 33 States have estimated that frivolous lawsuits cost them more than $55 million annually. We are doing something about that in this bill.

I also want to say a word about the funding restriction on Vietnam in this legislation. I am disappointed the certification standard was changed from ''fully cooperating'' to ''cooperating in full faith'' in this conference report. This is an issue of great importance to many Members of Congress, including myself. I know some voted against the entire bill because of this provision. It is also very important to me. The administration was successful in including this change, but Congress will continue to monitor cooperation on POW/MIA issues very closely—regardless of the certification standard.

I want to thank the chairman of the Appropriations Committee, Senator HATFIELD, for his leadership, and also the distinguished ranking minority member, Senator BYRD, for his leadership, in putting together this historic legislation, as well as all the other Senators on the Appropriations Committee who worked so hard and so successfully on this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

ENDANGERED SPECIES ACT

Mr. KEMPTHORNE. Mr. President, first, I would like to acknowledge the Senate Appropriations Committee chairman, Senator HATFIELD, for his efforts on bringing us to the point where we now have the appropriations bills resolved. Tough, tough assignment. Senator HATFIELD did it with a great deal of insight and skill.

Mr. President, I would like to make a few points concerning the language that is contained in the appropriations bill. I would like to reference the moratorium on the listing of the endangered species. I appreciated what the Senator from Texas, Senator HUTCHISON, stated in her comments. I also want to inform Members of the Senate as to the progress toward reform of the Endangered Species Act. The appropriations bill before us continues the moratorium language that has been in previous bills before this Congress. I remind all of us that the authorization of the Endangered Species Act expired in 1993. Yet, the act continues. And it is not working.

It also contains a provision that allows the President to waive the moratorium in its entirety. I am concerned that the latter provision will bring a halt to real progress for Endangered Species Act reform.

When the Senate adopted the omnibus appropriations bill, which continued the moratorium, I was already in negotiations on Endangered Species Act reform with Senators CHAFEE and REID. Soon following that, Senator BAUCUS joined us in a very intensive effort in finding a way to reform the Endangered Species Act in a true bipartisan fashion. We have made significant progress in these talks.

Starting in each case with Senate bill 1364, the Endangered Species Conservation Act, which I have introduced, and its companion bills, S. 1365 and S. 1366, we have come to agreement on reform of conservation plans; we are near agreement on recovery; and will soon discuss listing and consultation. There are a number of other issues, no less important, that we are already discussing that are on the table as well.

As of this week, the U.S. Fish and Wildlife Service informs me that they have proposed 239 United States and foreign species for which they have not completed final action. I am told the National Marine Fisheries Service has no proposed rules outstanding at this time.

I want to provide you with a summary of the list of proposed species that could be immediately listed upon lifting of the moratorium, which the President may do.

I ask unanimous consent that this data provided by the Department of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE LISTS OF SPECIES PROPOSED FOR LISTING

The U.S. Fish and Wildlife Service has proposed 239 species for which they have not completed a final action (U.S. and Foreign as of October, 1995).

The National Marine Fisheries Service has no proposed rules outstanding at this time.

Most of the 239 FWS species are from California (>120) and Hawaii (79). Twenty-five other states have from 1 to 9 species proposed more than one year ago.[1] They are:

ALABAMA

Combshell, Cumberlandian (*Epioblasma brevidans*)
Mussel, oyster (*Epioblasma capsaeformis*)
Slabshall, Chipola (*Elliptio chipolaensis*)
Bankclimber, purple (*Ellptodieus sloatianus*)
Pocketbook, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medlonidus panicillatus*)
Pigtoe, oval (*Pleurobema pyriforme*)
Eggert's sunflower (*Hellanthus eggertil*)

ALASKA

Elder, Steller's (AK breeding population) (*Polysticta stellen*)

ARIZONA (9) NOTE: 8 ON MAP

Lizard, flat-tailed horned (*Phrynosoma mcalll*)
Talussnail, San Xavier (*Sonorella aremita*)
Parish's alkali grass (*Puccinella parishii*)
Spindace, Virgin (*Lepidomada mollispiris mollispinis*)
Jaguar, US population (*Panthera onca*)
Pygmy-owl, cactus ferruginous (*Glaucidium brasilianum cactorum*)
Salamander, Sonoran tiger (*Ambystoma tigrinum stebbinsi*)
Hauchuca water umbel (*Lilaeopsis schaffneriana* ssp. *recurva*)
Canelo Hills ladies'-tresses (*Spiranthes delitescents*)

ARKANSAS

Shiner, Arkansas River (native pop. only) (*Notropis girardi*)

CALIFORNIA (121) NOTE: 123 ON MAP

Sheep, Peninsular bighorn (*Ovis canadensis cremnobates*)
Lane Mountain (=Coolgardle) milk-vetch (*Astragalus jaegarianus*)
Coachella Valley milk-vetch (*Astraglus lentiginosus* var. *coachellae*)
Shining (=shiny) milk vetch *(Astragalus lentiginosus* var. *micans)*
Fish Slough milk-vetch *(Astragalus lentiginosus* var. *Piscinansis)*
Sodaville milk-vetch *(Astragalus lantiginosus* var. *sesquimetralis)*
Pairson's milk-vetch *(Astragalus magdainae* var. *pairsonil)*
Triple-ribbed milk-vetch *(Astragalus tricarinatus)*
Braunton's milk-vetch *(Astragalus brauntonil)*
Conejo dudleya *(Dudleya abramsil* ssp. *parva)*
Marcascent dudleya *(Dudleye cymosa* ssp. *marcencans)*
Santa Monica Mountains dudleya *(Dudleya cymosa* ssp. *ovatifolla)*
Verity's dudleya *(Dudleya verityl)*
Lyon's pentachaeta *(Pentachaeta lyonil)*
Hartweg's golden sunburst *(Pseudobahia bahilfolla)*
San Joaquin adobe sunburst *(Pseudobahia peirsonll)*
Fleshy owl's-clover *(Castilleja campestris* ssp. *succelenta)*
Hoover's spurge *(Chamaesyce hooveri)*
Colusa grass *(Neostaplla colusana)*
San Joquin orcutt grass *(Orcuttla inequalls)*
Hairy (=pilose) orcutt grass *(Orcuttla pilosa)*
Slender orcutt grass *(Orcuttla tenuis)*
Sacramento orcutt grass *(Orcuttla visida)*
Green's orcutt grass *(Tuctoria greenel)*
Del Mar manzanita *(Arctostaphylos glandulosa* ssp. *crassifolla)*
Encinitis baccharis (=Coyote brush) *Baccharis vanessae)*
Orcutt's spineflower *(Chorizanthe orcuttiana)*
Del Mar sand aster *(Corethrogyne filaginifolla* var. *linifolia)*
Short-leaved dudleya *(Dudleya blochmaniae* ssp. *bravifolia)*
Big-leaved crownbeard *(Verbesina cissita)*
Lizard, flat-tailed horned *(Phrynosoma mcallll)*
Splittail, Sacramento *(Pogonichthys macrolepidotus)*
Frog, California red-legged *(Rana aurora draytonl)*
Whipsnake, (=striped racer) Alameda *(Masticophis lateralis euryxanthus)*
Butterfly, Callippe silverspot *(Speyeria callippe callippe)*
Butterfly, Behren's silverspot *(Speyeria zerene behrenzil)*
Parish's alkali grass *(Puccinellia parishil)*
Stabbins morning glory *(Calystegia stubbinsil)*
Pine Hill ceanothus *(Ceanothus roderickil)*
Pine Hill flannelbush *(Fremontodedron decumbens)*
El Dorado bedstraw *(Callum californicum* ssp. *sierrae)*

[1] These lists were made from a Department of Interior list and map. Discrepancies between the list and the map in the number of proposed species in each State are shown.

Layne's butterweed *(Senacio layneae)*
Grasshopper, Zayanta band-winged *(Trimerotropis infantilis)*
Beetle, Santa Cruz rain *(Pleocoma conugens conjugens)*
Beetle, Mount Hermon June *(Polyphylia barbata)*
Jaguar, U.S. population *(Panthera onca)*
Butterfly, Quino checkerspot *(Euphydryas editha quino)*
Skipper, Laguna Mountains *(Pyrgus rurlis lagunae)*
Fairy shrimp, San Diego *(Branchinecta sandiegoenis)*
Cuyamaca Lake downingia *(Downingia concolar* var. *brevior)*
Parish's meadowfoam *(Limnanthes gracillis* ssp. *parishil)*
Rawhide Hill onion *(Allium tuolumnense)*
San Bruno Mountain manzanita *(Arctosstaphyios imbircata)*
Chinese Camp brodiaea *(Brodiaea pallida)*
Carpenteria *(Carpenteria californica)*
Mariposa pussy-paws *(Calyptridium pulchellum)*
Springville clarkia *(Clarkia springvillensis)*
Greenhorn adobe-lily *(Fritillaria striata)*
San Francisco lessingia *(Lessingia germanorum* var. *germanorum)*
Mariposa lupine *(Lupinus citrinus* var. *deflexus)*
Kelso Creek monkey-flower *(Mimulus shevockil)*
Plute Mountains navarretia *(Navarretia setiloba)*
Red Hills vervain *(Verbena californica)*
Munz's onion *(Allium munzil)*
San Jacinto Valley crownscale (=saltbush) *(Atriplex coronata* var. *notatior)*
Thread-leaved brodilaea *(brodlaea fillfolia)*
Navarretia few-flowered *(Navarretia leucocephla* ssp. *pauciflora)*
Navarretia, many-flowered *(Navarretia laucocephala* ssp. *plleantha)*
Lake County stonecrop *(Parvisadum leiocarpum)*
Suisun thistie *(Cirsium hydrophilum* var. *hydrophilum)*
Soft bird's-beak *(Cordylanthus mollis* ssp. *mollis)*
Hoffmann's Rock-crass *(Arabis hoffmannll)*
Santa Rosa Island manzanita *(Arctostaphyios confertiflora)*
Island barberry *(Barberis pinnata* ssp. *insufaris)*
Soft-leaved paintbrush *(Castilleja mollis)*
Catalina Island mountain-mahogany *(Carcocarpus trasklae)*
Santa Rosa Island dudleya *(Dudleya blochmaniae* ssp. *insularis)*
Santa Cruz Island dudleya *(Dudleya nesiotica)*
Island bedstraw *(Galium buxifolium)*
Hoffmann's gilla *(Gilla tenuiflora* ssp. *hoffmannil)*
Island rush-rose *(Helianthermum greenel)*
Island alumroot *(Heuchera maxima)*
San Clemente Island woodland-star *(Lithophragma maximum)*
Santa Cruz Island bush-mallow *(Matacothamnus fasciculatus* var. *nesioticus)*
Santa Cruz Island malocothrix *(Malacothrix indecora)*
Island malacothrix *(Malacothrix squalida)*
Island phacelia *(Phacelia insuiaris* var. *insuiaris)*
Santa Cruz Island rockcress *(Sibara flifolla)*
Santa Cruz Island lacepod (=fringepod) *(Thysanocarpus conchuliferus)*
Munchkin dudleya *(Dudleya* sp. nov. *fined* ''East Point'')
Black legless lizard *(Anniella pulchra nigra)*
Sonoma alopecurus *(Alopecurus awqualis* var. *sonomensis)*
Johnaton's rock-cress *(Arabis johnstonil)*
Pailid manzanita *(Arctostaphios pailida)*
Bear Valley sandwort *(Arenaria ursina)*
Clara Hunt's milk-vetch *(Astragalus clarianus)*
Coastal dunes milk-vetch *(Astragalus tener* var. *titi)*
White sedge *(Carex albida)*
Ash-gray Indian paintbrush *(Castilleja cinerae)*
Vine Hill clarkia *(Clarkia imbrieata)*
Gowen cypress *(Cupressus goveniana* ssp. *goveniana)*
Southern mountain wild buckwheat *(Eriogonum kennedyl* var. *austromontanum)*
Pitkin Marsh lily *(Lilium partalinum* ssp. *pitkinense)*
Yadon's piperia *(Piperia vadonll)*
Callstoga allocarya *(Plagiobothrys strictus)*
San Bernadino bluegrass *(Pos atropurpurea)*
Napa bleugrass *(Poa napensis)*
Hickman's potentillia *(Potentilla hickmanll)*
Kenwood Marsh checkemallow *(Sidalcea oregana* ssp. *valida)*
California dandelion *(Taraxacum californicum)*
Hidden Lake bluecuris *(Trichostema austromontanum* ssp. *compactum)*
Showy Indian clover *(Trifolium amoenum)*
Monterey (=Del Monte) clover *(Trifolium trichocalyx)*
San Diego thornmint *(Acanthomintha licifolia)*
Laguna Beach liveforever *(Dudleya stolonifera)*
Otay tarweed *(hemizonia conjugens)*
Willowy monardella *(Monardella linoides* ssp. *viminea)*
Nevin's barberry *(Berberis nevinll)*
Vail Lake ceanothus *(Ceanothus ophiochilus)*
Mexican flannelbush *(Fremontodendron mexicanum)*
Dehasa bear-grass *(Nolina interrata)*

COLORADO (1) NOTE: 0 ON MAP

Jaguar, US population *(Panthera onca)*

FLORIDA

Mussel, fat three-ridge *(Amblema naisteril)*
Slabshell, Chipola *(Elliptia chipolaensis)*
Bankclimber, purple *(Ellptoideus sloatianus)*
Pocket, shiny-rayed *(lampsilis subanguiata)*
Gulf, moccasinshell *(Medionidus penicillatus)*
Ochiockonee, moccasinshell *(Medionidus simpsonianus)*
Pigtoe, oval *(Pleurobema pyriforme)*

GEORGIA

Mussel; fat three-ridge (*Amblema neisteril*)
Bankclimber, purple (*Ellptoideus sloatianus*)
Pocket, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medionidus penicillatus*)
Ochiockonee, moccasinshell (*Medionidus simpsonianus*)
Pigtoe, oval (*Pleurobema pyriforme*)

HAWAII

Wahane (=Hawane or lo'ulu) (*Pritchardia aylemer-robinsonll*)
Amaranthus brownli (plant-no common name)
Lo'ulu (*Pritchardia remota*)
Schledee verticillata (plant-no common name)
Delissea undutata (plant-no common name)
Kuawawaenohu (*Alsinidendron lychnoides*)
'Oha wal (*Clermontia drepanomorpha*)
Mapele (*Cyrtandra cyaneoldes*)
Hau kuahiwi (*hibiscadelphus gitfanlianus*)
Hau kuahiwi (*Hibiscadelphus hualalalensis*)
Kokl'o ke'oke'o (*Hisbiscu waimeae* ssp. *hannerae*)
Kaua'i Kokl' o (*Kokia kauaiensis*)
Alani (*Melicope zahibrucknerl*)
Myrsine llnearifolla (plant-no common name)
Neraudia ovata (plant-no common name)
Kiponapona (*Phyilostegia racemosa*)
Phyllostegia veluntina (plant-no common name)
Phyllostegia warshaureri (plant-no common name)
Hala pepe (*Pleomela hawaliensis*)
Loulu (*Pritchardia napallensis*)
Loulu (*Pritchardia schattaueri*)
Loulu (*Pritchardia viscosa*)
Schiedea membranacea (plant-no common name)
'Anunu (*Sicyos alba*)
Nani wai 'ale 'ale (*Viola kauaiensis* var. *wahiawaensis*)
A'e (*Zanthozylum dipetlum* var. *tomentosum*)
Aisinodendron viscasum (plant-no common name)
Haha (*Cyanea platyphylla*)
Haha (*Cyanea recta*)
Oha (*Dollssea rivularis*)
Phyllostegia knudsenll (plant-no common name)
Phyllostegia wawrana (plant-no common name)
Schiedea helleri (plant-no common name)
Laulihillhi (*Schleda stellarioides*)
Haha (*Cyanea remyi*)
Hau kuahiwi *(Hibiscadelphus woodll)*
Kamakahala *(Labordia tinifolla)*
Haha *(Cyanea grimesiana* ssp. *grimesiana)*
Pu'uka'a *(Cyperus trachysanthos)*
Ha'iwale *(Cyrtandra subumbeilata)*
Ha'iwale *(Cyrtandra viridiflora)*
Fosberg's love grass *(Eragrostis fosbergil)*
Aupaka *(Isodendrion laurifollum)*
Kamakahala *(Labordia cyrtandrae)*
'Anaunau *(Lepidium arbuscula)*
Kotea *(Myrsine juddil)*
Lau 'ehu *(Panicum nilheuense)*
Platanthera holochila (Plant, no common name)
Schiedea hookeri (Plant, no common name)
Schiedea nuttallii (Plant, no common name)
Trematolobella sinoularis (Plant, no common name)
Viola cabuansis (Plant, no common name)
Achyranthes mutica (Plant, no common name)
Haha *(Cyanea dunbarii)*
Ha 'lwale *(Cyrtandra dentata)*
'Oha *(Delissea subcortata)*
'Akoko *(euphorbia haelaeleana)*
Aupaka *(Isodendrion longifolium)*
Lobelia gaudichaudii ssp. *koolauensis* (Plant, no common name)
Lobelia monostechya (Plant, no common name)
Alani *(Mellcope saint-johnll)*
Phyllostegia hirsuta (Plant, no common name)
Phyllostegia parviflora (Plant, no common name)
Loulu *(Pritchardia kaatae)*
Sanicula purpurea (Plant, no common name)
Ma 'oli 'oli *(Schiedae kealiae)*
Kamanomano *(Cenchrus agrimonioides)*
Haha *(Cyanea (=Rollandia) humboldtiana)*
Haha *(Cyanea (=Rollandia) st-johnll)*
Lysimachia macima (=tenmifolia) (Plant, no common name)
Schladea kaualensis (Plant, no common name)
Schladea sarmentosa (Plant, no common name)
'Akoko *(Chamaesyca herbstll)*
'Akoko *(Chamaesyca rockii)*
Haha *(Cyanea koolauensis)*
Haha *(Cyanea acuminata)*
Haha *(Cyanea longiflora)*
Nanu *(Gardenia mannii)*
Phyilostegia kallaensis (Plant, no common name)

ILLINOIS

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

INDIANA

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

KANSAS

Shiner, Arkansas River (native population only) *(Notropis girardi)*

KENTUCKY

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Eggert's sunflower *(Hellanthus eggertll)*

LOUISIANA

Jaguar, US population *(Panthera onca)*

MAINE

Atlantic salmon *(Salmo salar)* distinct pop. in seven Maine rivers.

MICHIGAN

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

MONTANA (1) NOTE: 0 ON MAP

Parish's alkali grass *(Puccinellia parishll)*

NEVADA (2) NOTE: 1 ON MAP

Sodaville mild-vetch *(Astragalus lentiginosus var. Piscinensis)*
Spindace, Virgin *(Lepidomeda mollspinis mollispinis)*

NEW MEXICO

Parish's alkali grass *(Puccinellia parishll)*
Spindace, Virgin *(Lepidomada mollspinis mollispinis)*
Jaguar, US population *(Panthera onca)*

OHIO

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*
Snake, Lake Erie water *(Nerodia sipadon insultarum)*

OKLAHOMA

Shiner, Arkansas River (native population only) *(Notropis girardi)*

OREGON

Golden paintbrush *(Castilleja levisetta)*

TENNESSEE

Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*
Spring Creek badderpod *(Lesquerella perforata)*
Eggert's sunflower *(Hellanthus eggertll)*

TEXAS (4) NOTE: 7 ON MAP

Salamander, Barton Springs *(Eurycea sosorum)*
Jaguar, US population *(Panthera onca)*
Shriner, Arkansas River (native population only) *(Notropis girardi)*
Pygmy-owl, cactus ferruginous *(Glaucidium brasillanum cactorum)*

UTAH

Spindace, Virgin *(Lepidomada mollispinis mollispinis)*
Least chub *(Lotichthys phlegethontis)*

VIRGINIA

Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*

WASHINGTON

Golden paintbrush *(Castilleja levisetta)*

Mr. KEMPTHORNE. Mr. President, most of the 239 species are from California and Hawaii; 25 other States have from 1 to 9 species proposed each. If I may, I would like to just reference this chart and show you a sampling of what we are talking about.

In the State of California, you see ready to be listed 123 species. In Hawaii, there are 79. In State of Arizona, 8. Texas, 7 species. Alabama, 8. Georgia has 6. Florida has 7. Tennessee has 7 species. Kentucky has 6 species.

I am concerned that the President will decide to waive the moratorium. I am concerned for the people whose lives will be affected by an additional 239 species being placed on the list. These people, and those species, would fall victim to a law that does not work.

If this language passes, I urge the President to not waive the moratorium language. I hope that he will agree with me that it is better to consider these species for listing under a new reformed bill that we have worked together to create. In 23 years, since the Endangered Species Act first became law, we have made significant progress in science that has been identified, and techniques that have been utilized, and in management practices.

I remind the President that if there are species that are in imminent danger of extinction, he can still use the emergency authority to list them. Rather than exercise the waiver, I believe the administration would be wiser to accelerate negotiations with Congress on a comprehensive reform of the Endangered Species Act.

Now, should the President choose to waive the moratorium on these 239 species, there are other considerations. I think under the current law we can expect these newly listed species to be the subject of many lawsuits. The $4 million that we have provided to accomplish emergency listing activities, to manage petitions, and deal with existing lawsuits would soon be totally exhausted. Waiving the moratorium would leave us worse off than before.

I met with my negotiating partners this week. We made a commitment to continue our talks. We have made a commitment that we are going to do everything possible to reach a reformed Endangered Species Act that will have bipartisan support. I sincerely hope the possible lifting of the moratorium on listings will not change that commitment. Now I urge all of the Members of the Senate to join Senators CHAFEE, BAUCUS, REID, and myself, in reforming the Endangered Species Act this year. This is a task we must accomplish so that endangered and threatened species can be protected for future generations and, also, so that future generations will have the quality of life that goes with a strong economy. We can and, I believe with all sincerity, we will save species without putting people and their communities at risk.

DISASTER RELIEF

Mr. President, contained in the omnibus bill is disaster relief for a number of States that have experienced recent disaster. In the State of Idaho, in February, 10 of the northern counties were deemed national disasters because of the onslaught of flooding. As of yesterday, Mr. President, 6 of those 10 counties have, once again, by the Governor of Idaho, been declared disasters because the rains, once again, are hitting. In a 24-hour period, one river rose 4 feet. So, once again, we are right back in it. Therefore, these funds are so critical and the timing of this is absolutely important.

While we can rebuild and we can put back into place the infrastructure for these communities, and while people can see their homes restored, I have to point out that one of the other provisions that was lost in this omnibus bill is the fact that we no longer have the timber salvage language in there. They dropped the Senate additions made during the March conference.

I can show you in the State of Idaho miles upon miles the acres of blackened forest from forest fires. We simply wanted to get in there and be able to remove up to 10 percent of the dead trees because there is still economic value in those trees. We also wanted to remove them because they simply become new fodder for future forest fires.

That is what that language provided. It also provided jobs to the people that live in those areas that have been so devastated by the floods. Yes, we will rebuild the infrastructure. But I do not know what kind of a future is upon us now.

That is one of the implications of the passage of this omnibus bill. It concerns me deeply. And, therefore, again I urge all Members of the Senate, let us work together to find a solution to this so that we, the stewards of this land, can demonstrate our love and appreciation for this environment but also so that a good, strong environment also can produce a good, strong economy. They are not mutually exclusive.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE INFRASTRUCTURE COSTS

Mr. GRASSLEY. Mr. President, I would like to speak briefly about Department of Defense [DOD] infrastructure costs.

DOD is expected to spend $152 billion in fiscal year 1996 on infrastructure. Infrastructure dollars are spent to maintain the bases, facilities, and activities that house and sustain the Armed Forces. They support costs.

The General Accounting Office [GAO] has just completed a report on DOD infrastructure costs. The report was prepared by one of GAO's best analysts, Mr. Bill Crocker.

The GAO's findings are truly amazing. Despite four rounds of base closures since 1988 and dramatic cuts in the force structure, there are no savings. DOD infrastructure costs are going up—not down.

We have had four rounds of base closures—1988, 1991, 1993, and 1995. This was the Base Realignment and Closure or BRAC process. And BRAC was quite painful for many communities.

Well, the driving force behind BRAC was ''to save money by reducing overhead.''

Mr. President, that was the promise. Streamline Defense Infrastructure and save money. That was the deal. The base structure exceeded the needs of a shrinking force structure. The whole idea was to close excess, obsolete bases and save money.

Well, once again savings promised by the Pentagon have evaporated into thin air.

Now, I know that base closings require upfront costs. In some cases, these are quite substantial. But the upfront costs are supposed to be followed by down stream savings. Secretary of Defense Perry made this very point in testimony before the Senate Armed Services Committee as recently as March 5, 1996.

This is what he said, and I quote: ''While BRAC initially costs money, there will be significant savings in the future.''

To back up his assertion, Mr. Perry points to the fiscal year 1999 budget.

Again, this is what Mr. Perry said, and I quote: ''In the FY 1999 budget, the Department projects $6 billion in savings from closing the bases, thus allowing a $10 billion 'swing' in savings.''

He went on to say:

These and future savings from baseclosing will be devoted to modernization.

Well, Mr. President, what happened to those savings?

The GAO can't find them.

The GAO audited the fiscal year 1996 to 2001 Future Years Defense Program or FYDP.

The Department's own numbers—the numbers in the FYDP—indicate that infrastructure costs will rise in the outyears.

Infrastructure costs rise as follows, beginning with fiscal year 1998: 1998, $147 billion; 1999, $152 billion; 2000, $156 billion; 2001, $162 billion.

Where are the savings promised by Mr. Perry?

Why are not those savings reflected in the department's books?

I think the GAO report provides a partial answer to the question.

It is true.

Base closing did produce some decreases in base support costs.

BRAC did produce some real savings.

But I underscore ''did,'' which is past tense.

Bureaucrats at the Pentagon don't look on savings like the average American citizen.

To bureaucrats, it is theirs to spend. It's not the peoples' money to be returned to the Treasury.

Put a sponge on it, and make it disappear. That is how they see savings.

As soon as the savings popped up on the radar screen, they grabbed the money and spent it.

Those savings are not being plowed into readiness and modernization—as Mr. Perry promised.

Those savings are being diverted into new infrastructure projects.

Those savings are being used to create more excess overhead.

''Force Management'' is an excellent case in point.

Force Management is one of the infrastructure cost categories.

More money for force management sounds reasonable enough, but it does not stand up too well under scrutiny.

Force management covers such things as military and departmental headquarters and public affairs.

To me, more money in force management means fatter headquarters.

Fattening up the headquarters doesn't come cheap, either.

Spending for expanded headquarters will rise as follows, beginning in fiscal year 1998: 1988, $13.6 billion; 1999, $15.2 billion; 2000, $16.1 billion; 2001, $17.2 billion.

Now, Mr. President, why is DOD planning to beef up headquarters, when DOD continues to make dramatic deceases in the force structure?

A much smaller force structure should be much cheaper to manage.

Right?

And a smaller force should mean much smaller and fewer headquarters.

Right?

Not at the Pentagon.

As the force gets smaller and smaller, the headquarters are getting bigger and bigger. Why?

It's needed to accommodate a top-heavy rank structure.

Base closures and realignments mean that some headquarters will have to be consolidated with others.

We know that.

But with continued shrinkage in the force structure, there still should be plenty of excess headquarters space.

There is no need to fatten up headquarters operations.

That just does not make any sense at all right now.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE V–3—FORCE STRUCTURE [a] —PART V: FORMULATING THE DEFENSE BUDGET

	Cold war fiscal year 1990	Base force plan [b]	Fiscal year 1996	Fiscal year 1997	BUR-based plan [c]
Army—active divisions	18	12	10	10	10
Reserve component brigades [d]	57	34	47	42	42
Marine expeditionary force [e]	3	3	3	3	3
Navy aircraft carriers (active/reserve)	15/1	12/1	11/1	11/1	11/1
Carrier air wings (active/reserve)	13/2	11/2	10/1	10/1	10/1
Battle force ships (active/reserve)	546	430	359	357	346
Fighter wing equivalents (active/reserve)	24/12	15/11	13/8	13/7	13/7

[a] Dual entries in the table show data for active/reserve forces, except for carriers, which depicts deployable/training carriers.
[b] Bush Administration's planned fiscal year 1995 force levels, as reflected in the January 1993 Annual Defense Report.
[c] Shown are planned force levels, which may differ slightly from those recommended by the BUR, but which are consistent with its proposals.
[d] An approximate equivalent. The BUR plan calls for 15 enhanced readiness brigades, a goal that DoD will begin to reach in fiscal year 1996. Backing up this force will be an Army National Guard strategic reserve of eight divisions (24 brigades), two separate brigade equivalents, and a scout group.
[e] One reserve Marine division, wing, and force service support group supports the active structure in all cases.

TABLE V–4—DEPARTMENT OF DEFENSE PERSONNEL

[End of fiscal year strength in thousands]

	Fiscal year—			Goal	Percent change fiscal year 1987–1997
	1987	1996	1997		
Active military	2,174	1,482	1,457	1,418	−33
Army	781	495	495	475	−37
Navy	587	424	407	394	−31
Marine Corps	199	174	174	174	−13
Air Force	607	388	381	375	−37
Selected reserves	1,151	931	901	893	−19
DoD civilians	1,133	841	807	728	−27

Mr. GRASSLEY. These two tables are taken from page 254 of Secretary Perry's March 1996 report to Congress.

These tables contain the data that point to dramatic decreases in our force structure since the late 1980's.

Those tables tell the tale:

They tell me that there should be dramatic cuts in infrastructure costs.

But the savings are nowhere in sight.

Once again, the Pentagon is proving that it is incapable of allocating money in sensible ways.

Once again, the Pentagon is proving that it is incapable of saving money—even with such a golden opportunity.

Mr. President, it makes me sad to say this.

The Pentagon bureaucrats are just frittering away the money on stupid projects.

The benefits of the painful base closure process are being wasted.

If Pentagon bureaucrats have their way, the goals of base closure effort will never be reached.

The GAO has presented 13 different options for cutting defense infrastructure costs.

The GAO says these options would save about $12.0 billion between fiscal years 1997–2001.

Mr. President, I hope the defense committees will examine the GAO options.

I hope the defense committees will consider using those options to recoup some lost savings.

I hope they will do that, rather than ask for more money in this year's defense budget.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745, AS MODIFIED

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that amendment No. 3746 be modified, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3746), as modified, is as follows:

At the end of the amendment add the following: ''Notwithstanding any other provisions of the bill, provisions of the bill regarding the use of volunteers shall become effective 30 days after enactment''.

MORNING BUSINESS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO M. GAYLE CORY

Mr. DASCHLE. The Senate family this week lost one of its own, Gayle Cory, the former postmaster of the Senate, who died of cancer on Wednesday evening.

Gayle's Senate career spanned 35 years. Beginning as a receptionist with Senator Ed Muskie in 1959, Gayle became the executive assistant to our former majority leader, George Mitchell, before her appointment to the Senate post office.

As an officer of the Senate, Gayle reformed and strengthened the operations of the Senate post office, improving service to Members and assuring the strong financial controls so essential as a matter of public trust. The Senate lost a dedicated employee of enormous personal integrity when Gayle resigned in January of 1995.

It was not her work, however, that defined Gayle. It was her personal warmth and her generous spirit. Gayle gave of herself and her time to all who asked—colleagues at work, constituents from Maine, citizens from around the entire country. All who turned to Gayle Cory knew they were heard and that she would do her best.

She was realistic about people's behavior but optimistic about their potential. Perhaps that is why she dedicated all of her life to public service. Gayle believed that if people were given the opportunity to behave well, most of them would, so she made it her business to create such opportunities for everyone who came into contact with her. Perhaps that is why Gayle was so well loved by so many. She brought out the best in everyone.

On behalf of the Senate family, I extend my condolences to Don Cory, Gayle's husband, to her daughters and stepchildren, to her brother, Buzz Fitzgerald, and her sister, Carol. Our prayers and our thoughts are with them.

Mr. COHEN. Mr. President, many of us in the Senate are today mourning the loss of a very dear friend, long-time aide to Senators Edmund S. Muskie and George J. Mitchell, and former Postmaster of the U.S. Senate.

Gayle Cory died Wednesday night, succumbing to the cancer that caused her retirement in January 1995 after a too brief career as Senate Postmaster. Her death comes nearly 1 month after the death of her dear friend, former Secretary of State Edmund S. Muskie. Gayle was a member of Senator Muskie's staff from the very beginning of his Senate career in 1959, and she was at his side throughout his years in the Senate. She was one of a very few Senate aides who moved with him to the Department of State when Senator Muskie was appointed Secretary of State in 1980. But their friendship, and Gayle's friendship with Jane Muskie and the Muskie children, continued long after Senator Muskie left public life.

She returned to the Senate to join the staff of former Senator George J. Mitchell. She served as his top personal assistant until he became Senate Majority Leader, when he appointed her Postmaster of the U.S. Senate. As Senate Postmaster, Gayle oversaw many improvements in the post office security operations. She also instituted many reforms which effectively preserved the integrity of the Senate Post Office during the same period of time that the House postal services were engulfed by scandal.

Gayle Cory was very special to all of us fortunate enough to know her and work with her. She did not have acquaintances * * * to meet Gayle was to be her friend, and all of us, regardless of our political affiliation, knew we could count on her help and her wise counsel. Few of us in this body today understand the workings of the Senate as thoroughly as Gayle did, and she used her knowledge and experience to work for the people of Maine. She loved Maine deeply, and the people of Maine were always her first priority. She was the first contact for many Mainers coming to Washington, and even those meeting her for the first time were made to feel welcome, to know they had found a friend. In fact recently, my office was visited by a family from Gayle's hometown of Bath, whose sole reason for stopping by was to inquire about Gayle.

Gayle worked hard and successfully over the years but she never sought personal recognition for her efforts. She was loved and deeply respected by members of my staff, many of whom kept in touch with her after her retirement. We are deeply saddened by her passing. We have lost a wonderful friend, but she will live on in our memories and in our hearts.

I want to extend my deepest sympathies to Gayle's husband, Don, to their two daughters, Carole and Melissa, and to her brother and sister, Duane Fitzgerald and Carole Rouillard of Bath, ME.

I extend my sympathies, too, to Gayle's extended family here in the Senate—the staffs of former Senators Edmund S. Muskie and George Mitchell, and the staff of the Senate Post Office. They, too, have lost a member of their family.

THE SALVAGE LAW AND NATURAL RESOURCES DECISION MAKING

Mr. HATFIELD. Mr. President, as part of the negotiations with the White House on appropriations for the remainder of Fiscal Year 1996, we have agreed to eliminate language designed to make the so-called Salvage Rider more workable for the Administration. To my colleagues with whom I worked to fashion this language, let me say that I did not drop it willingly. I dropped it in the face of a direct and specific veto threat by the President. I continue to believe it is sound policy and makes many desirable changes to the original salvage law.

This language would have given the Administration the authority, for any reason, to halt for 90 days the green tree sales released under Section 2001(k) of the law on which harvesting had not begun by March 28, 1996. During that 90 day period, the President would have been able to negotiate with contract holders to provide replacement timber or a cash buy out as a substitute for harvesting the original timber sale. Current law restricts the President's ability to enter into such agreements.

The proposed language would also have lifted the completion deadline imposed by current law so that the owners of these sales would not have been rushed to harvest their timber before the deadline. By lifting that deadline, I sought to provide a longer time frame for parties to negotiate with the Administration on mutually agreeable ways to avoid operating sales that may have adverse environmental consequences.

Mr. President, I have always believed that the high road for public officials is in solving legitimate policy problems, not in retaining issues for some perceived partisan gain. In negotiating improvements to the current timber salvage law, it is my view that the Administration dropped the former approach for the latter. The President determined, for reasons that puzzle me greatly, that he was unable to embrace the additional flexibility that we had offered to him under the salvage law. I can only assume that the White House has determined that retaining the issue as a political cudgel is more valuable during an election year than actually solving the problem.

Recall that when the President signed this measure into law, he issued a statement praising Congress for making a number of changes that would greatly improve the provision. Soon thereafter, with the wrath of the environmental community unleashed upon it, the White House changed its tune. The new, and unflattering, message was that the President had been duped into signing the Salvage law.

As someone intimately involved in much of the process, I can say with absolute confidence that the White House was aware of every letter in this provision. It was negotiated in excruciating detail over a period of 6 months.

Even though I am convinced the White House was fully aware of what was included in the current salvage law, I appreciate the controversial nature of the subject matter and the need to address genuine problems with the law. For this reason, I have attempted in good faith to address the President's legitimate concerns. In fact, I share a number of the same concerns. Since December, when the White House first approached me for assistance in amending this law, my staff and I have met repeatedly with the President's staff. I have responded to the White House's concerns by proposing effective solutions that are, frankly, difficult for supporters of the Salvage Law to accept.

It now appears to me that the thinking at the White House has again changed since we began our meetings last December. Only the President and his advisors know the political calculus behind his decision to reject this language. Most of the changes to the current salvage law were suggested by the White House. It would have given the President the unilateral authority to immediately halt the very timber sales he has publicly objected to.

By threatening to veto the entire budget agreement over the inclusion of this single provision, the President appears to be willing to continue the budget stalemate and furlough thousands of Federal workers in order to play politics with the forests of the Northwest.

I hope the President's advisors will keep this language handy. Later this summer, these sales will be rapidly harvested prior to the deadline and within weeks of the November election. I am confident the President will wish he had the substantial authority the Congress had offered to give him and which he had originally requested. He could have stopped the very sales he and the environmental community have objected to so strongly in the press. Let no one be confused about why the President lacks the authority to resolve concerns with these sales—the President rejected it.

It is my belief that the White House rejected this reasonable language because of its fear of being at odds with the environmental community. The position of the environmental community is total repeal and they oppose anything less.

I told the President when he was about to announce his forest plan for the Pacific Northwest that his advisors were putting him in a box in which he would have no choice but to take the extreme position. Today, the President has found himself inside that same box.

The historic timber debates in the Northwest have never been about owls or old growth. I have argued for many years that the true agenda of many in the environmental community is to eliminate timber harvests on Federal lands—zero cut. Now this view is in the mainstream of the environmental movement, a movement the President is determined to satisfy.

The Sierra Club voted 2-to-1 this week to back a ban on logging of any kind on all Federal land. The adoption of this single-minded preservation perspective by one of our Nation's largest environmental organizations has finally disrobed the underlying agenda of the environmental community—lock-up of our Nation's forests. We can now debate the merits of entirely eliminating timber harvest on our millions of acres of Federal lands.

Today, in Oregon, the zero-cut proposition has been put squarely before the public in the form of the Enola Hill timber sale.

This sale is about 40 miles outside Portland on the way to Mount Hood. The Forest Service initially prepared this sale in 1987. Since then, it has undergone a long and distinguished legal history. It has been unsuccessfully challenged in four separate lawsuits. It is now in the midst of its fifth legal action and was the focus of hundreds of protesters last week.

With this kind of controversy and divisive legal history, one might imagine that the Enola Hill sale involves critical salmon habitat, various listed endangered species, miles of new forest road construction or huge clearcutting of 1,000-year-old trees. My colleagues may be surprised to learn that the Enola Hill sale involves none of these controversial things.

There are no Endangered Species Act concerns with this sale. There are no spotted owls, no marbled murrelets, no endangered salmon runs to be concerned about in the area.

The sale is comprised of second growth timber, not old growth.

The sale is not a clearcut, but rather a 250 acre selective cut which will remove about one third of the trees. The entry will hardly be visible when the sale is completed.

The sale involves no new roads to be built. How can this be? Because all logs will be removed by helicopter, a fairly expensive, but much more common practice in timber management in the Northwest today.

The sale has the further attribute of addressing a very real forest health problem. Laminated root rot is killing these trees that are to be harvested. This sale is designed to slow the spread of this disease to other forest stands.

So why all the controversy? The primary challenge to this sale is cultural. A number of individual Native American tribal members have argued that the Enola Hill area is sacred. However, no Tribe has objected to the sale going forward, including the largest Tribe in my State and the one in closest proximity to the sale area, the Warm Springs Tribe.

The Courts and the Forest Service have weighed the questions of cultural significance of the site and the evidence has been inconclusive at best. The Forest Service continues to state its willingness to consider adjusting the sale to accommodate any identified culturally significant areas, but those individual tribal members who object to the sale refuse to identify any particular areas as being any more culturally significant than other areas in the Mount Hood National Forest. I have chosen to highlight this sale only because the environmental community has chosen to highlight it. It is the flagship sale for the Northwest environmentalists as they protest ''lawless logging.''

I have a difficult time locating any environmental issue on the Enola Hill sale that would not be present in any timber sale. We have now reached the bottom line debate: Is cutting down trees in our national forests to satisfy the public's increasing demand for wood products inherently unsound from an environmental perspective?

In this debate, the environmental community's true agenda comes through loud and clear: zero cut, lock up. This position is socially and environmentally irresponsible and I reject it in the strongest possible terms.

As I have said before, I do not enjoy seeing trees being cut down. I am a former tree farmer. I plant trees. Like many others, however, I enjoy having a

roof over my head. I enjoy having furniture to sit on, and I imagine my colleagues enjoy these beautiful wooden desks and the wood paneling here in the Senate Chamber. The demand for wood products to fulfill our Nation's housing and other wood fibre demands is growing, Mr. President, not shrinking. Fortunately, our primary resources for meeting these demands, wood products, are renewable and are grown from free solar energy.

Moreover, arguably the greatest tree growing region in the world is the Pacific Northwest. It troubles me greatly that timber harvesting in this very region has been drastically reduced and is now well below scientifically sustainable levels.

With demand continuing to rise, America is now forced to look elsewhere to satisfy its needs. I have called this practice Environmental Imperialism—lock up our own forests but go to the Third World and other countries to satisfy American demand. Unfortunately, most, if not all, of these countries do not have comprehensive forest practices statutes in place like we do here. Their harvesting is most often based on satisfying economic needs without consideration for ecological concerns.

I have seen the detrimental effects of this U.S.-centered policy with my own eyes. I traveled to Russia last summer, and I learned of an interesting comparison—the timber lands of Siberia are 15 times less productive than the timber lands in western Oregon. In other words, it takes 1.5 million acres of Siberian timber land to grow the same amount of timber we can grow on 100,000 acres in the Northwest. I have also recently visited the rain forests of South America and seen the impacts that the exporting of our domestic problems has caused in that area.

These experiences have helped me put the global nature of our timber policies in perspective. When we reduce timber production from the great timber growing lands of the Pacific Northwest, there is an undeniable global impact.

I believe that the administration wants to be sensitive to the global effects of our environmental policies in this country. I want to commend Secretary of State Christopher for his commitment to looking at environmental issues on a global basis. However, along with this view must come the recognition that not only do the practices of other nations impact us here in the United States, but that our domestic practices and policies also have a great impact on other nations.

Mr. President, I have always believed that we have a responsibility to conserve our natural resources. I have authored nearly 1.5 million acres of wilderness legislation in Oregon and added 44 river segments to the National Wild and Scenic Rivers System. At the same time, I believe that we have a moral obligation to satisfy the demand of Americans with the wise use of American resources, not by going abroad to rape the resources of other countries.

Unfortunately, Mr. President, with its latest action to oppose giving itself flexibility on the Salvage Rider, the White House has chosen political convenience over the best interests of the environment both in the Pacific Northwest and throughout the world. The provisions stricken from the Omnibus Appropriations package would have given the President significant authority to resolve problems with sales released under the current Salvage Law. I hope that in the future our negotiations will hinge on the resolution of legitimate policy issues, rather than clinging to a political issue for perceived partisan advantage.

Mr. President, I ask unanimous consent that the rejected language, and a letter related to the issues I have raised here be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SALVAGE FLEXIBILITY LANGUAGE—DROPPED

SEC. 325. Section 2001(k) of Public Law 104–19 is amended by striking ''in fiscal years 1995 and 1996'' in paragraph (1), and by striking paragraph (3) and inserting in lieu thereof:

''(3) TIMING AND CONDITIONS OF ALTERNATIVE VOLUME.—For any sale subject to paragraph (2) of this subsection, the Secretary concerned shall, and for any other sale subject to this subsection, the Secretary concerned may, within 7 days of enactment of this paragraph notify the affected purchaser of his desire to provide alternative volume, and within 90 days of the date of enactment of this paragraph, reach agreement with the purchaser to identify and provide, by a date agreed by the purchaser, a volume, value and kind of timber satisfactory to the purchaser to substitute for all or a portion of the timber subject to the sale, which shall be subject to the original terms of the contract except as otherwise agreed, and shall be subject to paragraph (1). Upon notification by the Secretary, the affected purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. Except for sale units subject to paragraph (2), the purchaser may operate the original sale under the terms of paragraph (1) if no agreement is reached within 90 days, or after the agreed date for providing alternative timber until the Secretary concerned designates and releases to the purchaser the alternative timber volume in the agreement. The purchaser may not harvest a volume of timber from the alternative sale and from the portion of the original sale to be replaced which has greater contract value than the contract value of the alternative sale agreement. Any sale subject to this subsection shall be awarded, released and completed pursuant to paragraph (1) for a period equal to the length of the original contract, and shall not count against current allowable sale quantities or timber sales to be offered under subsections (b) and (d). A purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed upon time frame in federal district court.

''(4) BUY-OUT AUTHORIZATION.—The Secretary concerned is authorized to permit a requesting purchaser of any sale subject to this subsection to return to the Government all or a specific volume of timber under the sale contract, and shall pay to such purchaser upon tender of such volume a buy-out payment for such volume from any funds available to the Secretary concerned except from any permanent appropriation of trust fund, subject to the approval of the House and Senate Committees on Appropriations. Such volume and such payment shall be mutually agreed by the Secretary and the purchaser. Any agreement between the purchaser and the Secretary shall be reached within 90 days from the date on which the negotiation was initiated by the purchaser. The total sum paid for all such buy-out payments shall not exceed $20,000,000 by each Secretary and $40,000,000 in total. No less than half of the funds used by the Secretary concerned must come from funds otherwise available to fund Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretary is authorized to offset any portion of a buy-out payment agreed under the provisions of this paragraph with an amount necessary to retire fully a purchaser's obligation on a government guaranteed loan.''

Section 325. Deletes language regarding the redefinition of the marbled murrelet nesting area and inserts a new provision that amends subsection 2001(k) of Public Law 104–19 to provide alternative timber options or buy-out payments to timber purchasers for both Forest Service and Bureau of Land Management sales offered or sold originally in units of the National Forest System or districts of the Bureau of Land Management subject to section 318 of Public Law 101–121. The new language neither expands nor reduces the sales to be released under subsection 2001(k). The managers do not intend to interdict or affect prior or pending judicial decisions with this language.

The provision increases the Administration's flexibility by allowing the Secretary concerned to notify a purchaser within 7 days, and agree with a purchaser within 90 days of the date of enactment, to provide alternative volume for part or all of any sale subject to subsection 2001(k) in a volume, value, and kind satisfactory to the purchaser, by a date agreed by the purchaser. The precise designation of alternative timber need not occur within the initial 90-day period. Upon notification by the Secretary, the purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. For any sale that cannot be released due to threatened or endangered bird nesting within the sale unit, the amendment requires the agreement for alternative volume, in quantity, value, and kind satisfactory to the purchaser, and by a date agreed by the purchaser, to be reached within 90 days of the date of enactment of this section.

The Administration has delayed implementing subsection 2001(k) well beyond the original 45-day time limit set by Congress, and still has not released all the sales required under the statute. Therefore, except for sale units affected by paragraph (2) of subsection 2001(k), the purchaser may operate the original sale under subsection 2001(k) if: 1) the Secretary has not designated and released timber by the date agreed or 2) if no agreement has been reached 90 days after notification. Also, a purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed time frame in Federal district court. The managers continue to endorse the statement of the managers language accompanying the conference report on the 1995 Rescissions Act (House Report 104–124; Public Law 104–19) relating to section 2001(k).

A purchaser may not be compelled to accept alternative volume over the purchaser's

objection, as he cannot be under present law. The purchaser may not operate on both the portion of the original sale to be replaced, and the alternative timber such that the combined contract value harvested exceeds the contract value of the alternative timber in the agreement. Sales with alternative volume under the amendment are subject to the original terms of the contract unless the parties agree otherwise and are subject to paragraph (1) of subsection (k). Any alternative volume under paragraph (3) shall not count against current allowable sales quantities or timber sales to be offered under subsections (b) and (d) of section 2001 of Public Law 104–19. Alternative volume may, at the Secretary's discretion, come from areas not otherwise contemplated for harvesting.

To avoid forcing purchasers to operate sales hastily before environmental considerations can be taken into account, the limitation in paragraph (1) to fiscal years 1995 and 1996 is deleted, and all sales awarded or released under subsection 2001(k) are now subject to the legal protections in paragraph (1) for a period equal to the length of the original contract (including any term adjustment or extensions permitted under the original contract or agreed by the Secretary and the purchaser). The period of legal protection for each sale begins when the sale is awarded or released under subsection 2001(k), or when alternative volume is provided under this statute.

The provision also gives the Secretary of the Interior and the Secretary of Agriculture, upon request of a sale owner, the authority to purchase all or a specific volume of timber under the sale contract covered under this subsection. Payment may be made directly to the purchaser, or to agents or creditors to retire fully the purchaser's obligation on a government guaranteed loan. The volume and payment must be mutually agreed by the Secretary and the purchaser. The payments would come from any funds available to the Secretary concerned, except for any permanent appropriation or trust funds, such as the timber salvage sale funds and the Knudsen-Vandenburg fund. In order to relieve partially the burden on programs in the rest of the nation, no less than half of the funds used for the payments must come from accounts which otherwise would be available to the Secretaries for Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretaries shall follow established reprogramming procedures when seeking the approval of the House and Senate appropriations committees to designate funds for the buy-out payments. Each Secretary may use up to $20 million for such payments. Any agreement between a purchaser and the Secretary concerned shall be reached within 90 days of the date on which a negotiation was initiated by the purchaser.

THE CONFEDERATED TRIBES OF THE WARM SPRING RESERVATION OF OREGON, NATURAL RESOURCE DEPARTMENT,

Warm Spring, OR, April 3, 1996.

KATHLEEN MCGINTY,
Chair, Council on Environmental Quality, Washington, DC.

DEAR CHAIR MCGINTY: The April 10, 1996 correspondence to President Clinton from Richard Moe, president of the National Trust for Historic Preservation, regarding Enola Hill and its potential eligibility to the National Register of Historic Places and related issues is extremely dismaying. During the past 10 years the Mount Hood National Forest administrators and technical staff have consulted at both the government to government and technical levels regarding resource issues at Enola Hill.

The destruction issue raised by the opponents of the Enola Hill timber sale is debatable. It is our understanding through direct coordination and consultation with the Mount Hood National Forest staff and administrators that the sale is being implemented to insure the forest health on Enola Hill. The existing timber stand is approximately 80 to 100 years old and represents a monoculture of Douglas fir which is being affected by laminated root rot. This affliction is endemic, yet can be controlled through stand manipulation. The proposed treatments through harvest and introduction of fire and pathogen control will mimic the natural stand regimes present in the region prior to Euro-American settlement. The timber sale will thus add to the quality of the natural and cultural landscape.

The planning process for the Enola Hill timber sale has to our satisfaction attempted to document the tangible and intangible values associated with the area. It is also our understanding that the C6.24 clause of the award contract is to insure that upon discovery of any properties potentially eligible to the National Register of Historic Places all work will cease and mitigation measures developed in conjunction with professional staff and in consultation and coordination with the Confederated Tribes of the Warm Springs and public.

Ongoing claims and concerns regarding Native American traditional use and cultural resources at the Enola Hill area has created an air of controversy within the Native American community, the Forest Service, non-native people and the judicial system. Our tribal government adopted the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' through Resolution 8607 on January 19, 1993 in the interest of the Tribe and its members. This position paper firmly expresses that the Warm Springs elders and religious leaders are the only Indian people with the sovereign authority to speak about the cultural significance of Enola Hill as well as the entire area surrounding Mount Hood. The proposed timber sale opposition to Enola Hill are voices of those individuals not from our tribes who claim the right to speak as Indian people about cultural significance, traditional uses and sacred sites.

We are currently unaware of any tribal government request to consider Enola Hill as a ''traditional cultural property'' eligible for inclusion to the National Register of Historic Places. A true traditional Indian interpretation of cultural significance of any part of Mount Hood whether within the ceded or traditional lands is based on a special relationship of Warm Springs tribal members and their ancestors since time immemorial with Wy'east or Mount Hood. Consent for use has and is still based on ancestral courtesy and custom with regard to exercising aboriginal and treaty rights within the ceded or traditional use lands.

In addition it is the Tribal Council position that ''the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional people of this area. We are those people and we should be the only ones to answer those questions.''

Sincerely yours,

CHARLES R. CALICA,
General Manager.

RESOLUTION

Whereas, The Tribal Council has determined that the controversy over management of the area of Mount Hood National Forest called ''Enola Hill'' is of great concern to the Tribe; and

Whereas, Non-Indians and Indians from other tribes have made many public claims about the cultural and spiritual significance of Enola Hill; and

Whereas, The Tribal Council believes that our tribe has primary rights in the Mount Hood area and that we are the only Indian people with the sovereign authority to speak about the importance of Enola Hill to Indian people; and

Whereas, The Tribal Council has reviewed the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' attached to this resolution as Exhibit ''A'', and believes that the approval of this position paper is in the best interest of the Tribe and its members; now, therefore

Be it *Resolved*, By the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 (1) and (u) of the Constitution and By-Laws that the ''Warm Springs Tribal Council Position Paper Regarding Enola Hill'' attached to this resolution as Exhibit ''A'', is hereby approved and adopted.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Nineteenth Tribal Council is composed of 11 members of whom 7, constituting a quorum, where present at a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of January 1993; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

WARM SPRINGS TRIBAL COUNCIL POSITION PAPER REGARDING ENOLA HILL

This paper represents the official position of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon regarding the controversy over logging and other activities in the area of Mount Hood National Forest known as ''Enola Hill.''

Enola Hill is part of Zig Zag Mountain and is located north of U.S. Highway 26 on the lower slopes of Mount Hood near the community of Rhododendron, Oregon. The entire area surrounding Mount Hood, including the headwaters of the Sandy, Zig Zag, and Salmon Rivers where Enola Hill is located, is very familiar to our people. The seven bands and tribes of Wasco and Sahaptin-speaking Indians who signed the Treaty with the Tribes of Middle Oregon of June 25, 1855, all lived within close proximity to Mount Hood. The mountain itself, the trees and berries and plants that grow on its slopes, the deer and elk and other wildlife that call the mountain home, and the rivers, springs and other waters that originate on Mount Hood, and the fish and other creatures that live in these waters, all occupy a special place in the cultural, spiritual and historical life of our people.

There is no federally recognized Indian tribal government in existence today with closer ties to Mount Hood than the Confederated Tribes of the Warm Springs Reservation of Oregon. In pre-treaty times, Mount Hood rose high into the sky above our traditional homes along the Columbia River and its Oregon tributaries. Today, the mountain is located mostly within our treaty-reserved ceded area and just outside of the Northwest boundary of our present reservation. In short, we regard Mount Hood as our mountain.

Based on our special relationship with Mount Hood, which has existed since time immemorial, we believe that no other tribe, band or group of Indian people has a right greater than or equal to the natural sovereign right of the Confederated Tribes of the Warm Springs Reservation of Oregon to speak about the importance of Mount Hood

from an Indian point of view. Our historic, cultural and spiritual attachment to Mount Hood has caused us to be involved in many public policy, administrative and legal proceedings involving use and development of the mountain. Currently, we are party to several legal proceedings involving land management decisions of the Mount Hood National Forest. We are concerned about these decisions because of the potential impacts of these developments on our treaty fishing rights, and other legally protected interests. We are, for example, the only tribes involved in the Mount Hood Meadows Ski Area expansion proceedings. We believe that Mount Hood National Forest should consult only with our tribe on issues relating to proposed developments on public lands in the vicinity of Mount Hood.

With regard to the area called ''Enola Hill,'' our people are familiar with this place. Many of our elders camped with their families in this area, fished for salmon and picked huckleberries in the general vicinity of Enola Hill. Whether there is special cultural significance to Enola Hill as a whole, and whether there are special religious and spiritual places there, is not something we wish to speak about in a position paper or put down in writing. In the past, our tribal elders have provided such information to appropriate officials once they have been assured of confidentiality and convinced of the serious need for the information. However, we are concerned that culturally sensitive information our elders have disclosed concerning Enola Hill could be exploited and used for improper purposes. Unwarranted public access to such information through the courts or the media only makes our job of protecting our people's sacred sites more difficult. We hope that the cure does not become worse than the affliction.

We believe very strongly that only Warm Springs tribal elders and religious leaders should be questioned on this issue. Certain individuals who are not from our tribe, and indeed some of them are not even Indian, have spoken out frequently and loudly about what they believe is the desecration of sacred Indian religious places at Enola Hill. Mount Hood, including Enola Hill, is not theirs—it is ours. It is not for them to talk about the traditional Indian cultural and religious significance of any part of Mount Hood. It is the mountain of our people and we believe that we should be the only ones asked to give the true traditional Indian interpretation of the significance of any part of the Mount Hood region. For this reason, we oppose the voices of those individuals about the importance of Enola Hill. Furthermore, we ask that the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional Indian people of this area. We are those people, and we should be the only ones to answer those questions.

Dated: January 20, 1993.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. KENNEDY. Mr. President, this week is National Organ Donor Awareness Week. It is a privilege to be part of this important effort to increase public awareness about the need for donors. Organ donation literally saves lives. It truly is the gift of life.

As Carl Lewis, the Olympic Gold medalist, told the Labor and Human Resources Committee in his testimony this week, ''One thing about organ and tissue donation: it is the absolute definition of altruism—giving solely for the sake of giving . . . It is an opportunity that is almost impossible to find anywhere else you might look. It is the opportunity to actually save the life of another human being.''

Eleven years ago, a Massachusetts constituent, Charles Fiske, came to Congress and testified eloquently about the financial and emotional ordeal of his family's search for a liver transplant for their 9-month-old daughter. Out of that testimony came a long-overdue national effort to increase the number of organ donors, enhance the quality of organ transplantation, and allocate the available organs in a fair manner. In 1984, President Ronald Reagan signed the National Organ Transplant Act into law. Its primary goal was to assure patients and their families a fair opportunity to receive a transplant, regardless of where they live, who they know, or how much they could afford to pay. We have not yet achieved these goals, but we are closer to them today.

Additional legislation is now pending. The Organ and Bone Marrow Transplant Program Reauthorization Act was recently approved unanimously by the Senate Labor and Human Resources Committee, and is now awaiting action by the full Senate. That measure will improve the current organ procurement and allocation systems by earmarking funds for public education, training health professionals and others in appropriate ways to request donations, improving information for patient, and increasing the role of transplant recipients and family members in these efforts.

Legislation will help, but the shortage of organs for transplantation cannot be solved by legislation alone. Our goals can be achieved only through broad participation by people across the country.

Every day, eight Americans die who could have lived if they had received a transplant in time. Last year, 3,500 patients died because no donor was available, including 173 from Massachusetts. As technology for transplants continues to improve, the gap between demand and supply will continue to widen. The number of persons needing transplants has doubled since 1990. A new name is added to the list every 18 minutes.

Currently, 45,000 Americans are in need of an organ transplant, including 1,400 children. By the end of this year, the total is expected to exceed 50,000. Despite the need, fewer than 20,000 transplant operations will be performed in 1996—because of the shortage of donors.

In part, we are not obtaining enough donors because of the myths surrounding organ donation. Many citizens don't know that it is illegal in this country to buy and sell organs. There is no age limit for donors. Donations are consistent with the beliefs of all major religions.

Except in rare cases such as kidney transplants among close relations, virtually all donations actually take place after death, in accord with the wishes of the donors and their families. The removal of the organs does not interfere with customary burial arrangements or an open casket at the funeral, since the organ is obtained through a normal surgical procedure where the donor s body is treated with respect.

The decision to become a donor will not affect the level of the donor's medical care, or interfere in any way with all possible efforts to save patients where the patients are near death. We need to do all we can to dispel the myths that contradict these facts.

Most important, as members of Congress, we can lead by example, by signing our own organ donor card. I have done so and I have discussed organ donation with my family, so that they know my wishes. Senator FRIST and Senator SIMON have urged all of us in the Senate to sign organ donor cards, and over 50 Senators have now done so.

I encourage all of my colleagues to become organ donors. We must do more, and we can do more, to save the lives of those who need transplants. Each of us can save several lives by agreeing that we ourselves will be donors. And we can save many more lives as other Americans learn from our examples and become donors themselves.

JUNK GUN VIOLENCE PROTECTION ACT

Mrs. BOXER. Mr. President, along with my colleague from New Jersey, Senator BRADLEY and my colleague from Rhode Island, Senator CHAFEE, I have introduced legislation to ban the production and sale of junk guns—or as they are sometimes called, Saturday night specials. My bill would take the standards for safety and reliability that are currently applied to imported handguns, and apply them to domestically produced firearms. It is a simple common sense proposal that deserves the support of all Senators.

I had a meeting with a very special physician today and I want to share with my colleagues some of the things that I learned. Dr. Andrew McGuire is Director of the Trauma Foundation, a nonprofit organization based out of San Francisco General Hospital. The Trauma Foundation has a simple goal: keep people out of the emergency room.

Several years ago, Dr. McGuire was asked to write a policy paper aimed at developing strategies to curtail violence in the San Francisco area. He concluded that something had to be done to curtail the proliferation of handguns. Specifically, he advised banning these cheap, poorly constructed junk guns.

Since then, Dr. McGuire has been on a crusade to educate the country about

the danger of junk guns. He has developed a national network of trauma surgeons to spread the word about gun violence. On this issue, we should listen to our doctors. They are the ones who see the destruction caused by these weapons first hand.

Some of the statistics Dr. McGuire shared with me were truly frightening. Since 1930—when statistics were first recorded—more than 1.3 million American have died of gunshots. That is more Americans than died in all of our wars since the Civil War.

Two weeks ago, the Children's Defense Fund released a study showing that nationwide gunshots were the second leading cause of death among children. In California, gunshots are No. 1.

Let me say that again. Among California children ages 0 to 19, gunshots are the single leading cause of death. More die of gunshots than automobile accidents or any disease. That is a crisis that I, as a Senator from California, cannot overlook.

We must do something to stop this epidemic of violence. Passing the Junk Gun Violence Protection Act, would be an excellent step.

A PRESCIENT MOMENT 25 YEARS PAST

Mr. PELL. Mr. President, one of the great benefits that accrues to those of us who have served in the U.S. Senate over a period of time—measured not in years but in decades—is that of perspective. Serving here since my election in 1960 has provided me with a gift of hindsight that only time and experience can produce.

It was 25 years ago this week that I participated in a historic Senate Foreign Relations Committee hearing. We scheduled that hearing to provide leaders of the anti-war movement with a legitimate forum to focus their collective anger and voice their passionate resistance to a heart-rending war that was dividing this country.

I remember this hearing clearly. It was held during the historic encampment of Vietnam veterans in our Capital City and the committee invited the veterans to testify. It was from the witness table in our hearing room, in what was then the New Senate Office Building, that the veterans sounded their call for an end to the war.

What stands out most in my mind, however, was the testimony, the eloquence and the authority of a tall, lanky young man who testified on behalf of his friends and peers. A decorated hero, he was speaking for those who were paying the ultimate price for a disastrous foreign policy.

The large hearing room was crowded and the tension was electric. As I sat behind the raised dais, with Senators William Fulbright, our chairman; Stuart Symington, George Aiken, Clifford Case, and Jacob Javits, I remember looking at the drama before us and saying that the young man who was testifying should be on my side of the dais.

He had just returned from the war and had been decorated for heroism, having been injured in combat (three Purple Hearts) and saved the lives of his Swift Boat crewmen (a Silver Star and two Bronze Stars). As an early and outspoken opponent of the war myself, I knew him and had worked to win support for him and his fellow anti-war veterans.

After his testimony, when it became my turn to address him, I welcomed him with these words: ''As the witness knows, I have a very high personal regard for him and hope before his life ends he will be a colleague of ours in this body''. That young man was JOHN KERRY.

Mr. President, since that historic time, one which truly marked a milestone in the shift of public opinion, I have come to know JOHN much better. I am happy to find that history has proven me right—both in my opposition to the war in Vietnam and in my glimpse of a young man's future.

When JOHN KERRY, as the Junior Senator from Massachusetts, joined us on the Foreign Relations Committee, I could not have been more delighted with my prescience.

During my service Chairman of the Committee, I asked him to handle the State Department authorization bill—one of the major annual bills that come before the committee—because I knew he had the knowledge, the mastery of the legislative process and the negotiating skills to do the job.

I was right. Senator KERRY has skillfully managed that bill several times now. And in the past year he negotiated with the Chairman JESSE HELMS, over an intensely difficult question, and acquitted himself superbly.

Perhaps his greatest contribution, however, has been his chairmanship of the Senate Select Committee on POW/MIA Affairs. Thanks to JOHN KERRY's doggedness and leadership, we are finally on the path to healing the wounds and closing the last chapter on a painful time in American history—that of the Vietnam war.

ADDRESS BY SENATOR JOHN MCCAIN AT THE DOW JONES AND COMPANY DINNER

Mr. NICKLES. Mr. President, I ask unanimous consent to insert into the RECORD the remarks delivered by the distinguished Senator from Arizona [Mr. MCCAIN] to Dow Jones and Company on April 23, 1996.

In his remarks, Senator MCCAIN addresses a very important issue: what are the obligations of a candidate for the presidency in how he criticizes his opponent—a sitting President—when the President is abroad representing the United States? As he points out, the Clinton administration is insisting on a double standard. During the 1992 campaign, when then-Governor Bill Clinton was challenging President Bush, candidate Clinton had no hesitation in taking President Bush to task even on foreign policy and national security topics while President Bush was outside of the United States meeting with world leaders. On the other hand, now, in 1996, when Bill Clinton is the incumbent, he is criticizing his challenger, the Republican leader, for his recent comments on the Clinton domestic record—specifically on the issue of Federal judges. As Senator MCCAIN details the matter, there is simply no precedent for the White House's distorted and self-serving assertions. I hope all of my colleagues will take a look at these remarks, as well as members of the media who are interested in setting the record straight.

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

ADDRESS BY SENATOR JOHN MCCAIN

Thank you. I welcome this opportunity to have as a captive audience people whose attention I spend a fair amount of time trying to get. Al Hunt told me that I could speak on any subject I wished to, and never one to waste such opportunities, I want to spend some time this evening analyzing in detail the pathology of karnal bunt, the fungal disease afflicting wheat crops in Arizona. . . . Or perhaps I should save that analysis for a speech to the New York Times.

I will instead ask your indulgence while I talk a little bit about the press and the presidential race. As I will include a few constructive criticisms in my remarks, I want to assure everyone here that I exempt you all from any of the criticisms that follow. Each and everyone of you has my lasting love and respect.

I would like to begin by quoting a presidential candidate.

''What's the President going to Japan for? He's going to see the landlord.''

Here's another quote:

''[The President] has slowed progress toward a healthier and more prosperous planet. . . . He has abdicated national and international leadership on the environment at the very moment the world was most amenable to following the lead of a decisive United States.''

And one more:

''[The President should not give trade preferences] to China while they are locking their people up.''

Now, let me offer a quote of more recent vintage by that same individual.

''I like the old-fashioned position that used to prevail that people didn't attack the president when he was on a foreign mission for the good of the country. It has been abandoned with regularity in the last three and a half years. But I don't think that makes it any worse a rule.''

President Clinton is, of course, the author of all four quotations. The first three—those he made as a candidate for President—were delivered while former President Bush was on foreign missions ''for the good of the country,'' in Japan and Brazil.

The last quote was taken from the President's Moscow press conference last Saturday when he responded to Senator Dole's criticism of his judicial appointments. As you can see, he used the occasion to denounce a practice he regularly employed as a candidate.

What made this particular example of presidential hypocrisy so galling, was that Senator Dole has scrupulously avoided criticizing the President's foreign policy while the

President was overseas. I know that for a fact because I have been involved in Dole campaign decisions about when and when not to draw comparisons between the President's foreign policies and prospective Dole Administration foreign policies. It was Senator Dole himself who insisted that the campaign make no criticisms of the President's foreign policies while the President was abroad. In fact, Senator Dole specifically declined the opportunity to criticize the President's China policy on Face the Nation Sunday, showing extraordinary restraint given that policy's abundant defects.

What President Clinton suggested in his Moscow press conference was that he should be immune from criticism of his domestic policies while abroad. The President's protestation notwithstanding, that has never been a political custom in the United States. Were it to be, I suspect the President would open his reelection headquarters and establish temporary residence in a foreign capital where he could blissfully ignore the scrutiny that comes with campaigning for the presidency.

Indeed, I limited the examples of candidate Clinton's criticisms of President Bush only to those which referred to President Bush's foreign policies; criticisms which did violate—egregiously so—a venerable and worthy American political custom. In fact, in researching those quotes we discovered pages and pages of domestic policy criticism which candidate Clinton leveled at President Bush's while the President was traveling overseas. But as those did not violate the custom in question, only the new custom which President Clinton invented in Moscow, I left them out of my remarks.

When it comes to campaigning, President Clinton always shows surprising audacity. He quite cheerfully discards one identity for its opposite, and often appropriates with astonishing ease the arguments of his critics, always laying claim to first authorship. As a Dole supporter, I have an obligation to point out such incidents of presidential hypocrisy. But so, I submit, does the press.

Almost every news account of Senator Dole's speech on the President's judicial nominees observed that Senator Dole had voted for most of those nominees. But nary a report of President Clinton's virtuous appeal for a respite from partisanship examined the legitimacy of the custom he professed to uphold, or included a reference to the President's own violations of that custom.

The President is a formidable candidate. He'll be hard to beat even in a fair contest. He'll be impossible to beat if Senator Dole must adhere to standards which the President is free to ignore. After all, it should hardly come as a surprise to any journalist that the President has, on occasion, shown a tendency toward a little self-righteous posturing when he has little cause to do so. Indeed, I have often observed that the more accurate the arguments against him, the more self-righteous the President becomes.

Of all the people to accuse of excessive partisanship in foreign policy debates, Bob Dole is the least deserving of such criticism. I would refer the President to the debate over his decision to deploy 20,000 American troops to Bosnia. Without Bob Dole's leadership the President would not have received any expression of Congressional support for the deployment. Bob did not even agree with the decision to deploy. But he worked to support that deployment even while his primary opponents were gaining considerable political advantage by opposing his support for the President.

Senator Dole gave his support because he had as much concern for the President's credibility abroad as the President had. I would even contend that on many occasions Bob Dole has shown greater concern for presidential credibility than has the President. Which brings me to my next point.

I have lately noticed that in comparisons of the foreign policy views of President Clinton and Senator Dole, some in the media—more often broadcast media than print—have resorted to facile, formulaic analysis as a substitute for insightful political commentary. Some reporters have increasingly asserted that there isn't much difference between the candidates' foreign policy views, only, perhaps, in their styles as foreign policy leaders. They further assert that these stylistic differences have narrowed as President Clinton has lately recovered from his earlier ineptitude on the world stage. Thus, they mistakenly conclude, foreign policy should not play a significant role in the presidential debate this year.

I am sure you will not be surprised to learn that I strongly dispute both the premises and conclusion of that argument. It overlooks not only major policy differences between Senator Dole and the President—Ballistic Missile Defense, Bosnia, Iran, Korea and NATO expansion come immediately to mind—but it devalues the importance of leadership style to the conduct of foreign policy. Both the conceptual and operational flaws of the incumbent Administration's statecraft and the alternatives which Senator Dole's election offers should be and will be an important focus of this campaign.

As we all know, a presidential election is primarily a referendum on the incumbent's record. A challenger draws distinctions between himself and the incumbent by first examining the performance of the incumbent, and criticizing the flaws in that performance as a means of identifying what the challenger would do differently.

As a campaigner, even as an incumbent campaigner, the President is remarkably adroit at staying on offense. As one politician to another, I respect the President's political abilities. He really does not need any assistance from the press in this regard.

To combat the curt dismissal of ''stylistic differences'' between the candidates we could supply a shorthand response: ''style is substance.'' But we serve voters better by elaborating what those differences say about each candidates' leadership capacity. Those differences are important. They should be an important focus of campaign debates.

In a comparison of foreign policy views, to minimize distinctions between candidates as merely ''stylistic'' is to reject important principles of American diplomacy. Let me elaborate a few of the principles which I think have been casualties of the President's ''style'' of foreign policy leadership.

First, words have consequences: The President must make no promise he is unprepared to keep and no threat he is unwilling to enforce. The casual relationship between presidential rhetoric and presidential action in the Clinton Administration has damaged the President's credibility abroad and harmed many of the most important relationships we have in this world.

Second, diplomacy must be led from the Oval Office for it is the President who gives strategic coherence to American diplomacy. The President must prioritize our interests and oblige policymakers to integrate policies to serve those priorities. When the President is passive, government will not be organized cohesively to conduct foreign policy; second and third level officials are elevated to leading policy roles; and single issue advocates will fragment U.S. diplomacy.

Absent such cohesiveness, Clinton Administration officials have poorly prioritized U.S. interests, often placing peripheral interests before vital ones. They have pursued case-by-case policies that often collided with one another and conducted relations with some countries in ways that disrupted our relations with others. Diminished presidential leadership in foreign policy has also resulted in the franchising of foreign policy to retired public officials whose goals may or may not be compatible with the Administration's.

Third, there is no substitute for American leadership in defense of American interests. The Administration's reluctance to give primacy in our post Cold War diplomacy to American leadership or even, at times, to American interests has violated proven rules of American leadership. Among those are: protect our security interests as the precondition for advancing our values; force has a role in, but is not a substitute for diplomacy; build coalitions to protect mutual security interests, don't neglect security interests to build coalitions; and don't slight your friends to accommodate your adversaries.

The direct consequences of the Administration's failure to observe these rules, have been its misguided efforts to cloak the national interest in ''assertive multilateralism''; its poor record of building coalitions despite its virtuous regard for multilateralism; and its paralyzing confusion about when and how to use force.

Fouth, foreign policy should serve the ends of domestic policy, and just as importantly, domestic policy should serve the ends of foreign policy. The President has often misconstrued that relationship, often using foreign policy as an international variant of pork barrel politics to serve his own political ends. This in part explains the Administration's interventions in Haiti and Northern Ireland, and its mania for managed trade solutions to our trade imbalance with Japan. It explains, in part, their gross mishandling of our relationship with China.

However, the most damaging effect of this flaw is that it has damaged the President's ability to persuade the American public that our vital interests require America to remain engaged internationally. This failure has led to a demonstrative increase in isolationist sentiments in both political parties.

We need not look far in the past to measure the consequences of the President's style of foreign policy leadership. The purpose of the President's recent state visit to Japan, and his brief visit to Korea were, in fact, damage control expeditions intended to repair the harm which the President's leadership style had done to our relationships with our allies.

The President's heavy handed threats of economic sanctions to coerce Japan's acceptance of numerical quotas for American exports risked divesting our relationship of its vitally important security components. Thus, when we required Japan's help in mustering a credible threat of economic sanctions against North Korea the Japanese demurred. And when the despicable rape of an Okinowan girl by three American marines increased opposition among the Japanese public to our military bases there, Japanese leaders were noticeably slow to defend our presence. Hence, the need for the President to go to Japan to reaffirm the importance of our security relationship.

The President's visit to Korea was intended to reaffirm American resistance to North Korea's attempts to drive a wedge between us and our South Korean allies. South Korea has cause to worry about the effect North Korea's recent provocations in the DMZ might have on alliance solidarity considering the wedge we allowed North Korea to drive between the U.S. and South Korea during our earlier negotiations with Pyongyang over their nuclear program.

Our relationship with one country that wasn't on the President's itinerary, but

should have been—China—has also suffered as a result of the strategic incoherence of Administration statecraft. Both the President's passivity in foreign policy and his poor record of linking rhetoric with deeds have badly damaged our ability to manage China's emergence as a superpower—the central security problem of the next century.

Administration diplomacy for China has been fragmented as officials from the Commerce Department, USTR, Defense and various bureaus of the State Department pursued different, and often conflicting agendas in China. (Chicken export lobbyist lately gained brief control over our Russia policy, but that's the subject of another speech.) Moreover, the wounds the President inflicted on his own credibility as he mishandled the MFN question and the visit of President Lee—first assuring the Chinese that Lee wouldn't come, and then reversing his decision without informing Beijing—have seriously crippled the Administration's ability to have a constructive dialogue with the Chinese on the host of issues involved in our relationship.

Lastly, I want to make brief reference to another topical foreign policy mistake which reveals the leadership flaws of the incumbent administration: the recent disclosure that the administration acquiesced in, and possibly facilitated Iranian arms shipments to Bosnia, Currently the media and Congress are focusing on whether that action was illegal. Such focus may overlook the policy's more important security implications.

President Clinton campaigned for office by denouncing the arms embargo against Bosnia. As president, his expressed intent to keep his campaign promise encountered stiff resistance from Russia and our European allies. Rather than exert maximum leadership to persuade others to join in lifting the embargo or conceding that his earlier position had been mistaken, the President chose to allow Iran to arm the Bosnian Government. Consequently, the President helped create an Iranian presence in Bosnia that threatens the security of our troops stationed there, and which has destroyed the Administration's efforts to enlist our allies in efforts to isolate Iran internationally.

The legality of such a policy may be suspect. But what is beyond dispute is the stupidity of a policy that risks our larger security interests for the sake of avoiding a difficult diplomatic problem.

Thus ends my lecture on the criticality of ''stylistic differences'' in choosing a president. I fear I have abused your hospitality by making what could be construed as a partisan speech. But my purpose was not to take cheap shots at the Administration for the benefit of the Dole campaign. I think both Senator Dole and I have proven our regard for bipartisanship in the conduct of American foreign policy. That does not mean, however, that we should refrain from criticizing the President's foreign policy when we find it to be in error.

It would be a terrible disservice to the voters for either campaign to devalue the importance of foreign policy differences in this election—both conceptual and operational differences. The quality of the next President's leadership abroad will have at least as great an impact on the American people as will the resolution of the current debate on raising the minimum wage. And I end with a plea to all journalists to accord appropriate attention to all the issues in the voters' choice this November.

Now, I am happy to respond to your questions on this or any other subject which interests you.

THE BAD (VERY) DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that memorable evening in 1972 when the television networks reported that I had won the Senate race in North Carolina.

At first, I was stunned because I had never been confident that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which recently exceeded $5 trillion. Of course, Congress is responsible for creating this monstrous debt which coming generations will have to pay.

Mr. President, the young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, April 24, stood at $5,110,704,059,629.39. This amounts to $19,307.33 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Tuesday, April 23, 1996—shows an increase of more than 4 billion dollars—$4,331,633,680.00, to be exact. That 1-day increase is enough to match the money needed by approximately 642,294 students to pay their college tuitions for 4 years.

THE PLO CHARTER

Mr. PELL. Mr. President, yesterday the Palestine National Council voted by an overwhelming margin to revise its so-called Charter by removing clauses referring to the destruction of Israel. The vote is further evidence of sea change in Palestinian attitudes and ideology, and provided a welcome respite from the otherwise troubling situation in the Middle East.

In September 1993, during the signing of the historic Israel-PLO Declaration of Principles, PLO Chairman Yasir Arafat made a commitment to Israel to amend the Charter—the spirit and letter of which was clearly at odds with the peace agreement. Yesterday, Arafat, who is now Chairman of the autonomous Palestinian Authority, secured near-universal Palestinian backing for his pledge.

In voting to carry out this commitment, the Palestinians remain eligible under the terms of the Middle East Peace Facilitation Act, also known as MEPFA, to receive United States assistance. The vote also appears to open the way for the resumption of substantive peace talks between Israel and the Palestinians leading to a final status agreement.

As one of the original authors of MEPFA, I was particularly pleased by yesterday's events. In February, I led a congressional delegation to the Middle East, where the distinguished Senator from Virginia [Senator ROBB], the distinguished Senator from Oklahoma [Senator INHOFE], and I met with Chairman Arafat to urge that the Charter be amended. While I was somewhat skeptical after that meeting that Chairman Arafat would deliver on his promise, yesterday's vote helps to convince me that there is a forceful and sincere desire on his part to implement the peace agreements with Israel.

To be sure, Mr. President, there remains much concern about the future of Israeli-Palestinian relations. The issue of terrorism remains the most important factor in determining the success or failure of the peace process. We can, and should, continue to press the Palestinians to root out completely the terrorist element—which they will only be able to do with the support and good will of Israel. The vote yesterday, in my opinion, will do much to bolster Arafat's standing in Israel's eyes. And that bodes well for the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:54 am., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational

and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

At 5:05 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

ENROLLED BILLS SIGNED

At 8:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

Under the order of the Senate of April 25, 1996, the enrolled bills were signed subsequently by Mr. DOLE.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

Under the order of the Senate of April 25, 1996, if and when reported, the following bill be referred to the Committee on Commerce, Science, and Transportation for not to exceed twenty calendar days:

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

H.R. 2937. An act for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

S. 1698. A bill entitled the ''Health Insurance Reform Act of 1996.''

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–248 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2319. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–249 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2320. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–253 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–255 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–256 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2323. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Comparative Analysis of Costs of Selected Programs of the District of Columbia and Other Jurisdictions''; to the Committee on Governmental Affairs.

EC–2324. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for March 1996; to the Committee on Governmental Affairs.

EC–2325. A message from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report relative food assistance programs in both developing and friendly countries for fiscal years 1994, 1993, and 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2326. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notification of the intention to obligate funds to support law enforcement activities in the Balkans; to the Committee on Appropriations.

EC–2327. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the Reserve Forces Policy Board for fiscal year 1995; to the Committee on Armed Services.

EC–2328. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report of a cost comparison study relative to cleaning services performed at the Pentagon; to the Committee on Armed Services.

EC–2329. A communication from the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, the report on the National Defense Authorization Act for fiscal year 1996; to the Committee on Armed Services.

EC–2330. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize construction at certain military installations for fiscal year 1997, and for other military construction authorizations and activities; to the Committee on Armed Services.

EC–2331. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, notice relative to the compensation plan for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, the report of an interim rule relative to transactions in currency (RIN1506–AA10); to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report summarizing recent actions to reduce risk in financial markets; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to People's Republic of China (China); to the Committee on Banking, Housing, and Urban Affairs.

EC–2337. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''Disposal of Certain Materials in the National Defense Stockpile''; to the Committee on Armed Services.

EC–2338. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of final and interim rules amending the Defense Federal Acquisition Regulation Supplement (DFARS); to the Committee on Armed Services.

EC–2339. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2340. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2341. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation to authorize expenditures for fiscal year 1997 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Armed Services.

EC–2342. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Tanker Navigation Equipment, Systems, and Procedures; to the Committee on Commerce, Science, and Transportation.

EC–2343. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1997 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–2344. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual consumer report for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule (FRL–5462–2); to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1611. A bill to establish the Kentucky National Wildlife Refuge, and for other purposes (Rept. No. 104–257).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and an amendment to the title:

S. Res. 217. A resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 966. A bill for the relief of Nathan C. Vance, and for other purposes.

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

(The following is a list of all members of the nominees' immediate family and their spouses. Each of these persons has informed the nominee of the pertinent contributions made by them. To the best of the nominees' knowledge, the information contained in this report is complete and accurate.)

Charles O. Cecil, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Charles O. Cecil.

Post: Ambassador to Niger.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Jean M. Cecil, none.

3. Children and spouses names: Thomas C. Cecil, none; Kathryn M. Cecil, none; and Richard A. Cecil, none.

4. Parents Names: Charles M. Cecil, Anna Louise Parr, none.

5. Grandparents names: James R. Price, deceased; Lizzie Rea Price, deceased; and Charles O. Cecil and Ruth Cecil, deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Grace Medina, none and Paul Medina, none.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Sharon P. Wilkinson.

Post: Burkina Faso, nominated October 20, 1995.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names: Fred Wilkinson, none and Jeane Wilkinson, none.

5. Grandparents names: deceased.

6. Brothers and spouses names: Rick Wilkinson, none.

7. Sisters and spouses names: Dayna Wilkinson, none.

George F. Ward, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: George F. Ward, Jr.

Post: Republic of Namibia.

Contributions, amount, date, and donee:

1. Self: George F. Ward, Jr., none.

2. Spouse: Peggy E. Ward, none.

3. Children and spouses names: Pamela W. Priester, none and Wilbur M. Priester, none.

4. Parents names: George F. Ward, deceased. Hildegard L. Ward: My mother, Hildegard L. Ward, is resident in an extended care facility in Dunedin, Florida. She is 89 years old, and her powers of memory and reason have declined greatly over the past several months. Since July 1995, I have exercised power of attorney over my mother's financial affairs.

During the time that I have exercised power of attorney, my mother has made no Federal campaign contributions. I have been unable to determine by asking my mother whether she made any Federal campaign contributions over the balance of the past four years.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Barbara Stiles, none and Robert Stiles, none.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Nominee: Dane F. Smith, Jr.

Post: Ambassador to Republic of Senegal.

Contributions, amount, date, and donee:

1. Self, $100, 1994, Senator Harris Wofford.

2. Spouse, none.

3. Children and spouses names: Jennifer L. Smith, none, Dane F. Smith III, none, and Juanita C. Smith, none.

4. Parents names: Dane F. Smith (deceased), none, and Candace C. Smith, none.

5. Grandparents names: E. Dan and Mary F. Smith (deceased), none, and Christian Carl and Blanche M. Carstens (deceased), none.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Mary Candace S. Mize and Robert T. Mize, 20, 1992, Representative Steve Schiff.

Day Olin Mount, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Mr. Day Olin Mount.

Post: U.S. Ambassador to Iceland.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names: Mr. and Mrs. Wilbur S. Mount (joint) $100, November 19, 1991, Mobil PAC; $100, August 24, 1992, GOP Victory Fund; $100, September 23, 1992, GOP Victory Fund; $20, August 10, 1993, American Conservative Union; $25, April 14, 1995, National Republican Congressional Committee; $25, May 2, 1995, Republican National Committee; $100, May 30, 1995, National Republican Congressional Committee; $25, July 1, 1995, Sixty Plus/Abolish Inheritance Tax; $200, July 6, 1995, National Republican Congressional Committee; and $200, March 1, 1994, National Republican Congressional Committee. Eleanor O. Mount, $15, March 14, 1993, Republicans for Choice; $25, August 5, 1993, Republicans for Choice; $25, January 10, 1994, Healy, Senate, $25, September 14, 1995, Republican National Committee; $25, November 1, 1995, Republican National Committee, $35, July 25, 1990, National Republican Congressional Committee; $15, January 5, 1995, Republicans for Choice; $15, March 1, 1995, Bateman, for Term Limits; $6, September 3, 1995, Notice to Congress; $20, July 21, 1990, Packwood, for Freedom of Choice; $10, May 1, 1990, Planned Parenthood; $20, June 15, 1991, Packwood, for Freedom of Choice; and $20, April 1, 1991, Reelect Packwood, for Freedom of Choice.

5. Grandparents names: Deceased prior to 4 years ago.

6. Brothers and spouses names; None.

7. Sisters and spouses names: None.

Morris N. Hughes, Jr., of Nebraska, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Morris N. Hughes, Jr.

Post: Burundi.

Contributions, amount, date, and donee:

1. Self: Morris N. Hughes, Jr., none.

2. Spouse: Barbara F. Hughes, none.

3. Children and spouses names: Guy C. Hughes (son), none and (daughter) Catherine A. Hughes, none.

4. Parents names: Mother, Calista Cooper Hughes, $100, 1994, Congressman Bereuter; and father, Morris N. Hughes, deceased.

5. Grandparents names: Guy L. Cooper, deceased; Josephine B. Cooper, deceased; Samuel K. Hughes, deceased; and Pauline N. Hughes deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Sister, Judith H. Leech, $60 a year to local Nebraska Democratic Party; spouse, Keith R. Leech, none; sister, C. Mary Solari, none; and spouse, Kenneth Solari, none.

David C. Halsted, of Vermount, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: David C. Halsted.

Post: Ambassador to Chad.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names: Edward, Sarah, David J., Charles, none.

4. Parents names: Katharine P. Halsted, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: E. Aayard Halsted, Alice Halsted, none.

7. Sisters and spouses names: Margaret Tenney, T.H. Tenney, none.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

Nominee: Christopher Robert Hill.
Post: Skopje.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses names: Children all minors.
4. Parents names: Robert B. Hill, none; Constance Hill, $300, 1992, Clinton.
5. Grandparents names: deceased.
6. Brothers and spouses names: Jonathan Hill and Susan; Nicholas Hill and Yuka.
7. Sisters and spouses names: Prudence; Elizabeth and Rick.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.
Nominee: Prudence Bushnell.
Post: Republic of Kenya.
Contributions, amount, date, donee:
1. Self: none.
2. Spouse: Richard A. Buckley, none.
3. Children and spouses names: Patrick Michael Buckley, none; Kathleen Mary Buckley, none; Thomas Francis Buckley, $250, 1992; $900, 1995, Republican Party; Delia Maria Buckley, none; Eileen Marie Buckley, none.
4. Parents names: Bernice and Gerald Bushnell, $50/year, 1993–95, Democratic Party.
5. Grandparents names: Frank and Edna Duflo, deceased. Sherman and Ethel Bushnell, deceased.
6. Brothers and spouses names: Peter Bushnell and Elsie Gettleman, none; Jonathan Bushnell and July Fortam, none.
7. Sisters and spouses names: Susan Bushnell and John F.X. Murphy: $125 over past 5 years, Republican Party.

Kenneth C. Brill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.
Nominee: Kenneth C. Brill.
Post: Ambassador to Cyprus.
Contributions, amount, date, donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses names: Katherine (age 12), none; Christopher (age 9), none.
4. Parents names: Heber Brill, none; Carolyn Urick, none.
5. Grandparents names: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapsely, deceased.
6. Brothers and spouses names: Bruce Brill (single), none; Gary and Barbara Brill, none; Doug Brill (single), none.
7. Sisters and spouses names: Diane and Michael Cummings, none; Janet and Robert Dodson, none.

Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States (NIS) of the Former Soviet Union and Coordinator of NIS Assistance.

Princeton Nathan Lyman, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Nanette K. Laughrey, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Charles N. Clevert, Jr., of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Donald W. Molloy, of Montana, to be United States District Judge for the District of Montana.

Susan Oki Mollway, of Hawaii, to be United States District Judge for the District of Hawaii.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the Act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

By Mr. NUNN (for himself and Mr. COVERDELL):

S. 1706. A bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 1707. A bill to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the seller of livestock until the seller receives payment in full for the livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself and Mr. DOLE):

S. 1708. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts; read the first time.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1710. A bill to authorize multiyear contracting for the C-17 aircraft program, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 251. A resolution to commemorate and acknowledge the dedication and sacrifice by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S. Res. 252. A resolution to congratulate the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

THE STUDENT VOTER REGISTRATION ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that I believe will effectively increase voter registration among college and university students and will positively change the voting patterns of this Nation.

Mr. President, currently there are over 15 million college students across this country who are eligible to vote. This highly concentrated group of individuals, when allowed increased access to voter registration, can be a very powerful and influential political voice. The legislation I am introducing today provides colleges and universities the mechanisms and the opportunities to increase voter registration among college students so that they can be an active and visible political force within our country.

College and university students are one of the most highly mobile constituent groups in this country and our voter registration systems have not been entirely effective in empowering our Nation's college students to register and to vote. It is estimated that college students in America move on

an average of twice a year. To continue to vote, college students must re-register to vote or change their address every year. No other constituent group in America faces such a significant barrier. My legislation will empower college and university students to overcome this barrier.

Mr. President, this bill, which may be cited as the Student Voter Registration Act of 1996, will amend the National Voter Registration Act of 1993. It will require all colleges and universities that receive Federal funds, have 2-year or 4-year programs of instructions and confer associate, baccalaureate or graduate degrees, to provide voter registration opportunities and forms, including absentee ballots, to students at the time of class registration. Although the National Voter Registration Act of 1993 has made significant advances in the voter registration arena, this legislation will reach out and assist an additional constituency group.

According to a recent study prepared by the Harwood Group for the Kettering Foundation, students feel alienated from the current political process and pessimistic about the prospects for change. This same study challenged America's students ''to be more aware of the power and possibility that lie(s) in their own innate capacity for common action.'' The legislation allows students to overcome the political barriers currently placed before them by a system that has not fully recognized their needs and their power.

If you look at youth participation compared to all eligible voters in Presidential elections from 1972 to 1992, you can see the red column shows that 64 percent of eligible voters voted in the 1992 election, and 43 percent of those in the age group 18 to 24, went to the polls in 1992 to express their political views.

When you look at the same comparison of eligible voters to this age group 18 to 24 in midterm elections, from 1974 to 1994, the disparity is even greater. Among all eligible voters the percentage is 45 percent. Among this age group it is 20 percent. We need to take action to deal with that.

The legislation I am introducing today would amend the law to provide that voter registration opportunities exist in much larger numbers for this age group.

I think it is important legislation for us to enact and to do so, hopefully, before we get too much further into this election year.

As these charts behind me show, for the past 24 years, 18 to 24-year-olds have had a significantly lower voter participation rate as compared to all eligible voters. For example, in the 1992 Presidential election, of young people in the 18 to 24-year-old age category eligible to vote, only 53 percent had registered to vote and only 43 percent of eligible young people actually voted. During the last midterm election, 40 percent of young people age 18 to 24 were registered to vote and only half of them voted. That is less than 20 percent Mr. President. These numbers are staggering when compared to the numbers of all eligible voters who turned out to vote. In 1994's midterm election, 45 percent of eligible voters went to the polls to express their political views. In the last Presidential election over 60 percent of eligible voters went to the polls to vote. Mr. President, in 1992, youth participation reached its highest level—43 percent—since 1972, the first year that 18 to 24-year-olds were eligible to vote. We need to continue this upward trend. The bill I am bringing to the Senate floor is a solid mechanism for this.

Mr. President, this is not a partisan issue. I do not stand here in the Senate today in an effort to increase registration for my party, but instead I hope this legislation will increase registration and political involvement among students regardless of party affiliation.

Mr. President, anyone who believes that this is a partisan issue needs to just look at this final chart that I have here. It is clear that when you look at this age group, in this case 18- to 29-year-olds, the numbers, in terms of party affiliation for Democrats versus Republicans is almost identical.

Again, this is not a partisan issue. This is not a way to get more Democrats registered at the expense of the Republicans, or vice versa. It is a way to get more young Americans registered and to get them participating in our political system. What is important is that students have every opportunity to register—not what party they align themselves with and not how they chose to vote. This bill gives college and university students the opportunity to register and provides accessibility to registration forms.

As the American people look ahead to the 1996 election, it is important that we began to establish the foundation for an effective dialogue regarding the electoral process. For many college students this may be the first general election they participate in and it is critical that they do participate. It is also critical, that we here in Congress accept the challenge of energizing America's college students and presenting them the opportunity to be an influential part of the development and the continuation of this great democracy.

I commend this legislation to my colleagues, and I will file it with the clerk today and ask that it be appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1702

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Voter Registration Act of 1996''.

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to increase voter registration accessibility to students; and

(2) to increase voter participation among college and university students.

SEC. 3. AMENDMENT OF NATIONAL VOTER REGISTRATION ACT OF 1993.

Section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) each institution of higher education (as defined in section 1201(a)) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in that State that—

''(i) receives Federal funds; and

''(ii) provides a 2-year or 4-year program of instruction for which the institution awards an associate, baccalaureate, or graduate degree.''; and

(2) in paragraph (6)(A), by inserting ''or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study,'' after ''assistance,''.

SEC. 4. IMPLEMENTATION.

Institutions of higher education shall implement the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) as amended by this Act—

(1) in the case of an institution with enrollment of not less than 10,000 students on the date of enactment of this Act, by 1997;

(2) in the case of an institution with enrollment of not less than 5,000 and not more than 9,999 students on the date of enactment of this Act, by January 1, 1998;

(3) in the case of an institution with enrollment of not less than 2,000 and not more than 4,999 students on the date of enactment of this Act, by January 1, 1999; and

(4) in the case of an institution with enrollment of less than 2,000 students on the date of enactment of this Act, by January 1, 2000.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK FOUNDATION ACT AMENDMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today and along with my colleagues, Senators JOHNSTON, BENNETT, and KEMPTHORNE to introduce a bill which, when enacted, will generate as much as $100 million annually from the private sector in support of our national parks.

This legislation contains a number of amendments to the National Park Foundation Act, which I am pleased to say will revitalize and expand the scope of operations of the Foundation.

An act of Congress created the National Park Foundation in 1967 as the official nonprofit partner of the National Park Service. The Foundation provides a vehicle for donors who want to contribute to national parks with the assurance that gifts will be carefully managed and used wholly and exclusively for the purpose specified by the donor.

The Foundation provides a simple and direct way for individuals, corporations, and private foundations to help conserve and preserve the natural, cultural, and historical value of the national parks for the enjoyment of future generations.

Mr. President, there are a number of organizations who claim to support our national parks, and to some extent they do. Unfortunately, there is little evidence that the parks ever receive any monetary or tangible benefits from these organizations.

Mr. President, I ask unanimous consent to have three pages of the National Park Foundation's annual report printed in the RECORD which will show some of the benefits the Foundation provides.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCIAL REPORT

The National Park Foundation continued to generate solid financial results in fiscal year 1995, which ended June 30, 1995.

Total revenue from all sources increased for the fifth consecutive year, rising from $6.7 million in 1994 to $9.9 million in 1995. The major revenue item, contributions to the Foundation, increased from $5.9 million to $6.3 million. These contributions from individuals, corporations, foundations, and through marketing programs and the Combined Federal Campaign, play an important role in supporting the Foundation's mission this year and in the future.

Unrestricted revenue is used to support the Foundation's discretionary grantmaking to the National Parks and to support operations. Restricted revenue is used to benefit specific parks or projects. The donor's designation is honored through the years.

Total grants made by the Foundation to the National Parks increased 13 percent, from $2.3 million in 1994 to $2.6 million in 1995. Grants made from unrestricted funds totalled $1 million and grants made from restricted funds totalled $1.6 million. The Foundation has made grants totalling $10.4 million during the past five years.

The Foundation's total expenditures for 1995 were $4.3 million. Grants to the National Parks and program related expenditures accounted for 83 percent of that spending.

The balance sheet remains in healthy condition. Assets are $27.1 million at June 30, 1995, compared to $20.7 million a year ago.

Total fund balances increased 29 percent, from $19.9 million to $25.6 million. These fund balances, which will benefit the National Parks in future years, have grown from $9.6 million to the current $25.6 million during the past five years.

The management of restricted funds and programs is a major activity of the Foundation. Restricted fund balances increased from $8.3 million in 1994 to $12.5 million in 1995.

The Permanent Fund balance, which acts as the Foundation's endowment for resources so designated by the Board, increased from $10.4 million to $11.9 million. The increase resulted mainly from market appreciation in investments of $1.4 million. The increase in the Permanent Fund balance provides the Foundation with the resources to meet the current and future needs of the National Parks.

The Foundation has successfully managed all funds received. Total market value appreciation on invested funds was $2.4 million in 1995.

The National Park Foundation is extremely grateful to the many individual, philanthropic and corporate supporters who have given generously of themselves to strengthen our efforts.

NATIONAL PARK FOUNDATION

[Financial summary for the fiscal years ended June 30, 1995 and 1994]

Statements of activity	Unrestricted		Donor Restricted Funds	1995 Total All Funds	1994 Total All Funds
	General Fund	Permanent Fund			
Support and revenue:					
Contributions and gifts	$1,633,963		$4,452,651	$6,086,614	$5,926,776
Contributed goods and services	23,458		171,804	195,262	
Investment income	594,248		465,714	1,059,962	854,605
Publication sales	145,273		13,021	158,294	215,999
Management and other income	16,629			16,629	532,921
Realized and unrealized gains (losses) or investments	106,040	$1,396,977	874,285	2,377,302	(791,412)
Total support and revenue	2,519,611	1,396,977	5,977,475	9,894,063	6,738,889
Expenses:					
Program grants—					
Outreach and education projects	598,557		559,164	1,157,721	1,351,930
Interpretive projects	156,375		571,566	727,941	733,765
Resource conservation projects	200,600		300,520	501,120	
Volunteer projects	5,000			5,000	82,540
NPS staff projects	53,117		86,479	139,596	109,839
Other projects			62,184	62,184	29,766
Total program grants	1,013,649		1,579,913	2,593,562	2,307,840
Program support	601,411		256,899	858,310	663,135
Cost of publications sold	92,012			92,012	178,503
Yosemite management					6,413
Total program expenses	1,707,072		1,836,812	3,543,884	3,155,891
General and administrative	564,802			564,802	319,599
Fundraising	151,503			151,503	136,857
Total expenses	2,423,377		1,836,812	4,260,189	3,612,347
Support and revenue in excess of expenses	96,234	1,396,977	4,140,663	5,633,874	3,126,542
Fund Transfers	(138,189)	100,000	38,189		
Net change in fund balances	(41,955)	1,496,977	4,178,852	5,633,874	3,126,542
Fund balances, beginning of year	1,253,990	10,410,068	8,271,029	19,935,087	16,808,545
Fund balances, end of year	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087
BALANCE SHEET SUMMARY					
Assets:					
Cash and cash equivalents	253,024		157,340	410,364	487,513
Marketable securities, at market	923,925	11,869,268	12,210,183	25,003,376	19,246,431
Total assets	2,697,729	11,907,045	12,483,118	27,087,892	20,741,868
Liabilities	1,485,694		33,237	1,518,931	806,781
Fund Balances	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087

Note: The information shown herein has been summarized by the National Park Foundation from its Fiscal Year 1995 audited statements. To obtain a copy of the Foundation's complete audited financial statements, write to: National Park Foundation, 1101 17th Street, NW, Suite 1102, Washington, DC 20036–4704.

NATIONAL PARK FOUNDATION

[Schedule of donor restricted funds for the fiscal year ended June 30, 1995]

Donor Restricted Funds	Balance June 30, 1994	Contributions and other Income	Fund Transfers	Investment Income	Net Investment Gain (Losses)	Expenditures	Balance June 30, 1995
Endowment Funds:							
Albright Wirth Employee Development Fund	$2,028,140	$10,000		$91,459	$260,979	$94,341	$2,296,237
Francis B. Crownshield	3,634			185	434	80	4,173
Charles C. Glover	8,934			456	1,065	197	10,258
Lyndon Baines Johnson Memorial Grove Fund	1,374,049			68,295	170,736	25,135	1,587,945
Kahlil Gibran-Memorial Endowment Fund	3,987			229	535	99	4,652
Marguerite M. Root Parkland Purchase Fund	88,477			4,513	10,551	1,946	101,595

NATIONAL PARK FOUNDATION—Continued

[Schedule of donor restricted funds for the fiscal year ended June 30, 1995]

Donor Restricted Funds	Balance June 30, 1994	Contributions and other Income	Fund Transfers	Investment Income	Net Investment Gain (Losses)	Expenditures	Balance June 30, 1995
Theodore Roosevelt Association, Principal	985,783		$(26,661)	47,261	122,110	19,478	1,109,015
Saint-Gaudens Memorial, Principal	193,533		(4,938)	9,312	24,019	4,215	217,711
Luis Sanjurjo Memorial Fund	271,155			13,429	32,401	5,922	311,063
Yosemite National Park Centennial Medal Fund	33,149	740		1,889	4,418	812	39,384
Total Endowment Funds	4,990,841	10,740	(31,599)	237,028	627,248	152,225	5,682,033
Other Funds:							
American Scenic and Historic Preservation Society Fund	128,648			6,027	13,791	15,975	132,491
Art Acquisition	1,191	3,617		13	56	5,297	(420)
Boston Properties Fund	49,597			2,574	6,019	1,110	57,080
C&O Canal Fund		2,522		83	319	26	2,898
Chesapeake and Ohio Canal Fund	70						70
Chesapeake and Ohio Canal Tidal Lock	385,110			17,777	39,088	108,108	333,867
Civil War Sites Fund	100,147	1,000		5,707	12,983	2,270	117,567
George Rogers Clark Park Film Project Fund		6,000				3,655	2,345
Edison National Historic Site Development Fund		440		22	54	7	509
Ellis Island Fund	22,457			1,145	2,678	494	25,786
EPA/NPS Urban Integrated Pest Mgt. Fund		9,608		207	656	73	10,398
Everglades National Park Freshwater Wetlands Mitigation Trust Fund	283,487	844,742		28,130	25,223	11,014	1,170,568
French Memorial at Yorktown Fund	7,324			422	989	249	8,486
German-American Friendship Garden Fund	47,264			2,454	5,738	1,058	54,398
Gettysburg Cemetery Annex Fund	24,799			1,421	3,322	613	28,929
Gettysburg Monument Preservation Fund	30,431			1,552	3,629	669	34,943
Gettysburg Museum of the Civil War	2,326			118	277	51	2,670
Richard V. Giamberdine Memorial Fund		905		12	57	2	972
General Grant National Monument Fund	541			30	71	13	629
Historic American Building Survey Fund	3,639			160	374	69	4,104
Labor National Historic Landmark Theme Study Fund	4,351			62	78	2,808	1,683
Lowell National Historical Park Fund	4,579			184	436	1,085	4,114
Maryland State Monument at Gettysburg Fund		10,000		404	1,272	119	11,557
Andrew Mellon Foundation	19,774			1,008	2,358	435	22,705
Minute Man National Historical Park Fund		27,314		1,407	2,863	5,531	26,053
National Capital Region Handicapped Access Fund	130,059			6,633	15,510	2,861	149,341
National Historic Landmark Fund	9,419			485	1,135	209	10,830
National Park Enhancement Fund	237,217			12,007	28,072	6,911	270,385
NPF/Robert Glenn Ketchum Publication Fund	2,836			27	62	12	2,913
National Park Service Advisory Board Fund	3,558			181	424	78	4,085
National Park Service Video Fund	25,800	694		1,328	3,120	793	30,149
National Register of Historic Places Fund		2,130		26	145	4	2,297
Franklin Delano Roosevelt Memorial Fund	793,744	2,176,387		114,464	38,375	135,728	2,987,242
Theodore Roosevelt Association Income	83,899		26,661	4,571	1,502	2,438	114,195
Saint-Gaudens Memorial, income	54,499		4,938	2,800	732	2,112	60,857
Salt River Bay National Historical Park Museum Fund	1,163			60	141	26	1,338
LJ and MC Skaggs Foundation	1,942			99	232	43	2,230
Theodore Smith Memorial Fund	191,645			9,717	22,721	4,191	219,892
Tourism and Park Conference Fund	24,520			1,172	2,720	1,876	26,536
Wirth Lecture Fund	55,042			2,807	6,564	1,210	63,203
Yellowstone Recovery Fund	25,250	155,000		1,263	2,954	155,545	28,922
Zion National Park Visitor Fund	2,487			127	297	55	2,856
Other projects	521,373	1,386,377	38,189			1,209,764	736,175
Total Other Funds	3,280,188	4,626,736	69,788	228,686	247,037	1,684,587	6,767,848
Subtotal	8,271,029	4,637,476	38,189	465,714	874,285	1,836,812	12,449,881

Mr. MURKOWSKI. Mr. President, with the notable exception of the National Park Foundation, I am aware of no national conservation organizations whose actual cost of conducting business is less than 10 percent of their entire operating program.

In other words, Mr. President, donations made to the National Park Service through the Foundation are actually used to enhance the operation of programs conducted by the National Park Service. The Foundation is governed by a board of distinguished civic and business leaders committed to helping the national parks. By law, the Secretary of the Interior, Bruce Babbitt, serves as the chairman of the board, and the Director of the Park Service, Roger Kennedy, serves as the secretary of the board.

The Foundation is a partnership between the public and private sectors. It provides direct support for park units through a competitive program that grants venture capital to seed creative efforts to conserve park resources.

With the help of private partners, the National Park Foundation has made grants of over $10 million to support projects in our national parks in the last 5 years. I know of no other organization, Mr. President, which claims to support our National Park System that has a record that even comes close to this achievement.

The National Park Foundation does not engage in activities normally associated with lobbying, and as a result it does not enjoy the notoriety or the vast fundraising programs that benefit other environmentally motivated organizations or environmental causes. Unfortunately, not many people even know about the existence of the National Park Foundation.

Mr. President, administrative requests and congressional appropriations are simply not keeping pace with increased visitations and other demands placed on the National Park System. With the current demands on Congress to balance the budget and eliminate the Federal deficit, it would be more and more difficult for Congress to authorize sufficient funding for our national parks. As a result, there is a great need for additional support to protect, conserve and enhance our national parks.

Mr. President, the National Park Foundation is well positioned to take on this important task.

This bill contains amendments which will authorize the National Park Foundation to: First, engage in business relationships with appropriate private partners to raise revenue for the National Park System similar to the authority Congress has already granted the National Fish and Wildlife Foundation and the National Forest Foundation. Second, it would operate similarly to the U.S. Olympic Committee, where once a sponsor has been approved by the United States Olympic Committee, moneys are being generated from the private sector partners for the benefit of the Olympics.

This bill, when enacted, will allow the Foundation to optimize and capture for our national parks the economic value of selective, appropriate sponsorships of national parks similar to, as I have said, the authority Congress has granted to the United States Olympic Committee.

As commercial advertisers have long demonstrated, the national parks have great commercial value. Each year advertising, publishing, commercial broadcasts, moviemaking, merchandising and other commercial activity worth hundreds of millions of dollars is made on the intellectual property and other assets of the parks with virtually no return to the Park Service.

A change is needed to enable the Park Service, through the National

Park Foundation, to capture some of that potential income through licensing and other marketing agreements.

Mr. President, my bill provides safeguards which will negate any untoward, inappropriate commercialization of our parks; however, it will allow new revenue-generation opportunities outside the parks in partnership with private enterprise.

It is private enterprise that will ultimately provide additional funding in the billions of dollars for resource management and infrastructure repair required for park facilities throughout our Nation.

If we do not count the damage to the C&O canal, the current backlog in maintenance and facility repair for our parks is in excess of $4 billion. It is going to take literally hundreds of millions of dollars to reestablish resource management and visitor service programs which have been deferred servicewide.

According to the National Park Service, employee housing faces a backlog of $500 million. Mr. President, it is apparent that we cannot even afford to take care of the caretakers, much less properly address the needs of the National Park System.

Enactment of this legislation will provide an economically cost-efficient and accountable program by which the Foundation can begin the long quest to address the needs of our National Park System with the assistance of private sector resources.

Mr. President, the concept is exciting. The results will surely contribute to the future financial stability of our Park System as well as the protection of those national treasures we described as our national parks.

I urge my colleagues to support this important legislation. Together we can make it possible for the National Park Foundation to play the role originally intended by Congress back in 1967, making a significant contribution to preserving America's national parks through private partnerships between Government, private business, and individuals.

By Mr. McCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

THE MEDICARE OVERPAYMENT REDUCTION ACT OF 1996

• Mr. McCAIN. Mr. President, today I am introducing an initiative to address Medicare overpayments—a serious problem which is depriving the trust fund of billions of dollars every year.

I'd like to thank Martha McSteen, president of the National Committee to Preserve Social Security and Medicare, and her talented staff, for their invaluable efforts and continued support of this important crusade.

Today, I introduce the Medicare Overpayment Reduction Act. This bill imposes an administrative fee on providers who submit inaccurate Medicare claims and are overpaid by the Health Care Financing Administration. The fee will be equal to 1 percent of the overpaid amount, and is intended to discourage overpayments and to offset the cost of recovering them.

In addition, the bill will require the Health Care Financing Administration to screen claims for accuracy, before payment is made, for certain procedures and services where there is a high rate of mis-billing.

Hospitals, and other providers under Medicare Part A, are prepaid annually by HCFA for anticipated Medicare expenditures. Currently many hospitals grossly overestimate their Medicare funding needs and use the overpayment to subsidize their non-Medicare operations. This is an abuse and it must stop. The legislation will impose the administrative fee if a hospital overestimates its Medicare needs by more than 30 percent, and does not repay the overage within 30 days.

Doctors, on the other hand under part B, submit claims for services. Sometimes claims are submitted for services that were never provided, or that are incorrectly coded in order to receive greater payments. The fee will discourage this activity and help us recoup the cost of seeking reimbursement.

Moreover, prepayment screening will help eliminate overpayments from occurring in the first place. Prescreening technology is readily available and used extensively in the private sector, and we should use prescreening to improve Medicare payment accuracy.

It should come as no surprise to my colleagues, or to any interested citizen, that the Medicare system is in serious condition. It is estimated that Medicare funds will be exhausted by the year 2002. The Washington Post today reported that the trust fund is in worse shape than previously thought.

We have an obligation to take every step we can to protect the trust funds and ensure their health and viability for this and future generations.

While overpayments are not the only problem with Medicare, they are a significant problem. GAO reports that last year over $4.1 billion was overpaid from the trust funds. Had this bill been in effect last year, I would submit that a healthy portion of these mis-billings and overpayments might not have occurred and even if they had, we would have been able to recoup over $15 million from imposing the administration fee.

While this bill is not a panacea, it is a step in the right direction in the effort to discourage overbilling, and to recoup recovery costs in every instance.

Overpayments are costly, unnecessary and wasteful. They contribute to the Medicare solvency problem and they must be stopped. This bill will help.

Again, I want to thank Martha McSteen, her staff and the membership for their continued support of the effort to help protect and preserve the future of the Medicare program, and for their leadership on this legislation.•

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

DUTY ELIMINATION LEGISLATION

Mr. THURMOND. Mr. President, today I am introducing legislation to permanently suspend the duty on the chemical tetra amino biphenyl [TAB]. This chemical is imported to the United States from Germany. TAB is an essential raw material used in the production of a high performance fiber called ''PBI.''

PBI is a unique heat and chemical resistant fiber that, in some uses, can be a suitable replacement for asbestos. PBI has a wide range of thermal protective applications including flight suits and garments for firefighters, boiler tenders, and refinery workers.

Mr. President, in previous Congresses, I introduced similar legislation to apply duty-free treatment to TAB. These bills were ultimately incorporated into the Omnibus Tariff and Trade Act of 1984, the Omnibus Trade Act of 1988, and the Customs and Trade Act of 1990. The current duty suspension for this chemical expired December 31, 1992.

During the Uruguay Round negotiations, the Administration made a commitment to negotiate the elimination of duties on products covered by duty suspension legislation. However, TAB was inadvertently deleted from Tariff Schedule XX during talks on the GATT Agreement. This chemical has been on the duty suspension list for several years. It is a noncontroversial item and should have been included in the final Tariff Schedule XX approved at Marrakesh.

Mr. President, it is my understanding that TAB was on the original Department of Commerce ''Consolidated Duty Suspension List'' of products to be incorporated into the U.S. offer and on subsequent offers until the final document was prepared in March. The February 25th offer, which was the last list made available to the public, included TAB as ''free'' under the proposed HTS 2921.59.14. When the importing company asked why it was deleted, they were told that it was incorporated into either the pharmaceutical or intermediate chemicals for dyes lists.

Recently, importers were surprised to discover that TAB was not covered under any duty suspension and would be assessed a 12.8 percent duty. According to the company, it is not covered under any tariff heading, no industry opposition has been found, and no instructions were issued which would have deleted TAB from the list. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1705

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

SECTION 1. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) ELIMINATION OF DUTIES.—The President—

(1) shall proclaim duty-free entry for 3,3'-diaminobenzidine (Tetraamino Biphenyl), to be effective with respect to the entry of goods on or after January 1, 1995, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX, as defined in section 2(5) of the Uruguay Round Agreements Act (19 U.S.C. 3501(5).

(b) LIQUIDATION OR RELIQUIDATION AND REFUND OF DUTY PAID ON ENTRIES.—

(1) LIQUIDATION OR RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to paragraph (2), the Secretary of the Treasury shall liquidate or reliquidate any entry of goods described in subsection (a) that was made on or after January 1, 1995, and before the proclamation is issued under subsection (a), and refund any duty or excess duty that was paid on such entry.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to any entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 2. DEFINITION.

As used in this Act, the term ''entry'' includes a withdrawal from warehouse for consumption.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

THE WATER DELIVERY ORGANIZATION FLEXIBILITY ACT OF 1996

Mr. CRAIG. Mr. President, I am introducing a bill today, which this body previously approved as an amendment to the first bill amending the Fair Labor Standards Act [FLSA] that the Senate passed in 1989. This bill would solve a problem with the interpretation of a provision of the FLSA, clarifying that the maximum hour exemption for agricultural employees applies to water delivery organizations that supply 75 percent or more of their water for agricultural purposes.

Representative MIKE CRAPO, of the Second District of Idaho, is today introducing an identical bill in the other body. Our bill would restore an exemption that was always intended by Congress.

Companies that deliver water for agricultural purposes are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and can not be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our bill is better for employers, workers, and farmers. Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, our bill would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1709

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

SECTION 1. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 75 percent of which is ultimately delivered''.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 811

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 811, a bill to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

S. 1487

At the request of Mr. GRAMM, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. CRAIG], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1498

At the request of Ms. SNOWE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1498, a bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

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

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 56, a concurrent resolution recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear powerplant.

AMENDMENT NO. 3737

At the request of Mr. COVERDELL the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 3737 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities,

improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE RESOLUTION 251—RELATIVE TO LAW ENFORCEMENT OFFICERS

Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S.RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

SENATE RESOLUTION 252—TO CONGRATULATE THE SIOUX FALLS SKYFORCE

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne fury, of Fort Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

ABRAHAM (AND DEWINE) AMENDMENT NO. 3738

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

At the appropriate place insert the following four new sections:

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

Section 242b (8 U.S.C. 125b) is amended by—

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

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

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

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

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

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

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

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

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

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

(2) 334 special inquiry officers; and

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

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

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

Section 4 (a) (8 U.S.C. 1424) is amended by—

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

(b) in subsection (a)—

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

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

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

SIMPSON (AND SHELBY) AMENDMENT NO. 3739

Mr. SIMPSON (for himself and Mr. SHELBY) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(a) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the

first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

''(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

''(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

''(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.''

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000.''

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

''(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

''(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

''(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of a alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraph (1) through (4).

''(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5).''

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through (4) of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PER-COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

''(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

''(ii) the amount specified in subparagraph (B).

''(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States.''

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after ''in a manner so that'':

''visa numbers are made available first under sections 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5).''

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of Section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3740

Mrs. FEINSTEIN (for herself and Mrs. BOXER) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. ABSOLUTE NUMERICAL LIMITATION ON ADMISSION OF FAMILY-SPONSORED IMMIGRANTS; REALLOCATION OF PREFERENCE SYSTEM.

(a) ABSOLUTE NUMERICAL LIMITATION ON FAMILY-SPONSORED IMMIGRATION.—(1) Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 480,000.''.

(2) Section 201(a) (8 U.S.C. 1151(a)) is amended by striking ''Exclusive of aliens described in subsection (b),'' and inserting ''Exclusive of aliens described in paragraph (1), paragraph (2)(A)(ii), and paragraph (2)(B) of subsection (b),''.

(b) PREFERENCE SYSTEM.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) SPOUSES AND MINOR CHILDREN OF CITIZENS.—Qualified immigrants who are the spouses or minor children of citizens of the United States shall be allocated visas in a number not to exceed 480,000.

''(2) PARENTS OF CITIZENS.—Qualified immigrants who are the parent of citizens of the United States who are 21 years of age or older shall be allocated visas in a number—

''(A) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is less than 100,000;

''(B) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is 75,000 or more, but less than 150,000; and

''(C) not to exceed 45,000, if the number of visas not required for the class specified in paragraph (1) is 100,000 or more.

''(3) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses and minor children of an alien lawfully admitted for permanent residence shall be allocated visas in a number—

''(A) not to exceed 50,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 75,000;

''(C) not to exceed 75,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 75,000.

''(4) ADULT UNMARRIED SONS AND ADULT UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult unmarried sons or adult unmarried daughters of citizens of the United States shall be allocated visas in a number—

''(A) not to exceed 15,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 25,000;

''(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 25,000.

''(5) ADULT MARRIED SONS AND ADULT MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult married sons or adult married daughters of citizens of the United States shall be allocated visas in a number—

''(A) not to exceed 10,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 10,000;

''(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 10,000.

''(6) BROTHERS AND SISTERS OF UNITED STATES CITIZENS.—Qualified immigrants who are the brothers and sisters of citizens of the

United States and adult children of permanent residents shall be allocated visas, except that no such visas shall be allocated in fiscal years 1997 through 2001.

''(7) BACKLOGGED SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS.—(A) Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 75 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

''(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.

''(8) BACKLOGGED BROTHERS AND SISTERS OF CITIZENS.—(A) Qualified immigrants who are the brothers and sisters of citizens of the United States, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 25 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

''(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.''.

(c) PER COUNTRY LIMITATION.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Subject to paragraphs (3) and (4), the number of immigrant visas made available to natives of any single foreign state or dependent area in any fiscal year—

''(A) under subsection (a) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year; and

''(B) under subsection (b) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year.''.

(d) TRANSITION.—

(1) IN GENERAL.—Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1996 for preference status under section 203(a)(1), section 203(a)(2)(A), section 203(a)(3) (insofar as the alien is an adult), or section 203(a)(4) of such Act (as in effect before such date) for qualified immigrants shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(4), section 203(a)(3), section 203(a)(5), or section 203(a)(6), respectively, of such Act (as amended by this Act).

(2) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1996, makes application for admission, the immigrant's admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(e) REFERENCES.—References in the Immigration and Nationality Act before the effective date of this section to sections 203(a)(1), 203(a)(2)(A), 203(a)(3) (insofar as it relates to adult aliens), and 203(a)(4) shall be deemed on or after such date to be references to sections 203(a)(4), 203(a)(3), 203(a)(5), and 203(a)(6), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

WYDEN (AND OTHERS) AMENDMENT NO. 3741

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAHY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, and Mr. LUGAR) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in S. 1664, the Immigration Control and Financial Responsibility Act of 1996, insert the following:

SEC. . REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that passage of legislation to reform the nation's immigration laws may impact on the future availability of an adequate work force for the producers of our nation's labor intensive agricultural commodities and livestock. Therefore, the United States Comptroller General shall review the existing H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after passage of immigration reform legislation. The United States Comptroller General shall report the findings of this review to the Congress.

(b) REVIEW.—The United States Comptroller General shall review the effectiveness of the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the United States Comptroller General shall review the program to determine—

(1) that it ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the enactment of this Act; and

(2) that there is timely approval of the applications for temporary foreign workers under section 101(a)(15)(H)(ii)(a) of such Act in the event of shortages of United States workers after the enactment of this Act; and

(3) that implementation of the program is not displacing United States agricultural workers; and

(4) if and to what extent implementation of the program is contributing to the problem of illegal immigration.

(c) REPORT.—On or before December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the United States Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

KYL AMENDMENT NO. 3742

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendment, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended in paragraph (1), by inserting ''pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who'' after ''who'' the first place it appears.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

SIMPSON AMENDMENT NO. 3743

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to the bill S. 1664, supra; as follows:

Strike all after the word ''SECTION'' and insert the following:

1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Control and Financial Responsibility Act of 1996''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

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Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of fencing and road improvements in the border area near San Diego, California.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.

Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.
Part 3—Alien Smuggling; Document Fraud
Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. New exclusion for document fraud or for failure to present documents.
Sec. 132. Limitation on withholding of deportation and other benefits for aliens excludable for document fraud or failing to present documents, or excludable aliens apprehended at sea.
Sec. 133. Penalties for involuntary servitude.
Sec. 134. Exclusion relating to material support to terrorists.
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Sec. 141. Special exclusion procedure.
Sec. 142. Streamlining judicial review of orders of exclusion or deportation.
Sec. 143. Civil penalties for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Requirement for immunization against vaccine-preventable diseases for aliens seeking permanent residency.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
Sec. 158. Incitement as a basis for exclusion from the United States.
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Sec. 177. Communication between Federal, State, and local government agencies, and the Immigration and Naturalization Service.
Sec. 178. Authority to use volunteers.
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Sec. 180. Limitation on legalization litigation.
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Sec. 203. Requirements for sponsor's affidavit of support.
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Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
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Sec. 207. Earned income tax credit denied to individuals not citizens or lawful permanent residents.
Sec. 208. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 209. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 210. Computation of targeted assistance.
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Sec. 212. Treatment of expenses subject to emergency medical services exception.
Sec. 213. Pilot programs.
Subtitle C—Effective Dates
Sec. 221. Effective dates.

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section

shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our 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. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) 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 subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

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

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), 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; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) 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.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) 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

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

(B) 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—

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

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

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a

motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the 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.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, 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));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) 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—

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

(II) audit trails to monitor system use; or

(III) 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.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying 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).

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

(i) the selective or unauthorized use of the system to verify eligibility;

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

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

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

(2) As used in this subsection, the term ''business day'' means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) 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.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section 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. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section 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 found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) 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 verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''record'' means an item, collection, or grouping of information about an individual which—

(i) 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

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) 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.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION 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 (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term ''legislative branch of the Federal Government'' includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term ''Administration'' means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term ''employment authorized alien'' means an alien who has been provided with an ''employment authorized'' endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: ''The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end ''or'';

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(v) in clause (ii) (as redesignated)—

(I) by striking ''and'' at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting '', and''; and

(III) by adding at the end the following new subclause:

''(III) contains appropriate security features.''; and

(B) in subparagraph (C)—

(i) by inserting ''or'' after the ''semicolon'' at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

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

(1) by striking ''For purposes of paragraph (1), a'' and inserting ''A''; and

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

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

''(10)(A) The administrative law judge shall have the authority to 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 employer has been found to have 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.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

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

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) 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. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in 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 293 the following new item:

''Sec. 294. Secretary of Labor subpoena authority.''.

SEC. 120B. 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. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program ''IDENT'', operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.''.

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after ''must retain the form'' the following: ''(except in any case of disaster, act of God, or other event beyond the control of the person or entity)''.

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking ''or section 1992 (relating to wrecking trains)'' and inserting ''section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)'';

(2) by striking ''or'' at the end of paragraph (*l*);

(3) by redesignating paragraphs (m), (n), and (*o*) as paragraphs (n), (*o*), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);''.

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''law of the United States,'';

(2) by inserting ''or'' at the end of clause (E); and

(3) by adding at the end the following: ''(F) any act, or conspiracy to commit any act, in violation of—

''(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

''(ii) section 274, 277, or 278 of the Immigration and Nationality Act.''.

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

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

(1) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or

''(II) aids or abets the commission of any of the preceding acts,'';

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting ''or (v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or (iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)''; and

(D) in clause (iv), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) in the matter following subparagraph (B)(iii), by striking ''be fined'' and all that follows through the period and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years.''; and

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

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a)(1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

''(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

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

(1) by amending paragraph (1) to read as follows:

''(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

''(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5), by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

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

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

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

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

''(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.''.

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

''(b)(1)(A) An offense under subsection (a) that is—

''(i) the production or transfer of an identification document or false identification document that is or appears to be—

''(I) an identification document issued by or under the authority of the United States; or

''(II) a birth certificate, or a driver's license or personal identification card;

''(ii) the production or transfer of more than five identification documents or false identification documents; or

''(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

''(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

''(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

''(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

''(2) A person convicted of an offense under subsection (a) that is—

''(A) any other production or transfer of an identification document or false identification document; or

''(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

''(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

''(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

''(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

''(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.''.

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both.'' each place it appears and inserting the following:

'', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(3) Section 1546(a) of title 18, United States Code, is amended by striking ''be fined under this title, imprisoned not more than 10 years, or both.'' and inserting the following:

'', except as otherwise provided in this subsection, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking ''be fined not more than $5,000 or imprisoned not more than five years, or both'' each place it appears and inserting '', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

''Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—''.

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

''(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(2) in paragraph (2), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(3) in paragraph (3)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the comma at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking ''or'' at the end;

(4) in paragraph (4)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the period at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking the period at the end and inserting '', or''; and

(5) by adding at the end the following new paragraphs:

''(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

''(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.''.

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

''(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.''.

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' each place it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8

U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

''(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

''(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking ''(C) Misrepresentation'' and inserting the following:

''(C) Fraud, misrepresentation, and failure to present documents''; and

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

''(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

''(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

''(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.''.

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

''(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

''(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.''.

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(d)(2), deportation''; and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(d)(2), if''.

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking ''five'' each place it appears and inserting ''10''.

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting ''documentation or'' before ''identification''.

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

''(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.''.

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

''(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

''(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

''(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

''(ii) is excludable under section 212(a)(6)(C)(iii);

''(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

''(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

''(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

''(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

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

''(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

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

''(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

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

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

''(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

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

''(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

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

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

''(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

''(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

''(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

''(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

''(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

''(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—

''(1) A court may review a final order of exclusion or deportation only if—

''(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

''(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

''(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B),

(C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

''(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

''(2)(A) Except as provided in this subsection, there shall be no judicial review of—

''(i) a decision by the Attorney General to invoke the provisions of section 235(e);

''(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

''(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

''(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

''(A) whether the petitioner is an alien;

''(B) whether the petitioner was ordered specially excluded; and

''(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

''(4)(A) In any case where the court determines that the petitioner—

''(i) is an alien who was not ordered specially excluded under section 235(e), or

''(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

''(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

''(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

''(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.''.

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting ''by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

''Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(1) willfully fails or refuses to—

''(A) depart on time from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present himself or herself for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

''(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

''(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

''(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

''(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

''(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

''(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

''(3) The Attorney General shall by regulation establish procedures necessary to implement this section.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

''Sec. 274D. Civil penalties for failure to depart.''.

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: ''Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking ''under this subsection'' and all that follows through ''(B)'' and inserting ''under this subsection''.

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: '', except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242''.

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: ''(at no expense to the Government or unreasonable delay to the proceedings)''.

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.''.

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

''(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

''(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives

instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

''(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

''(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

''(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

''(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

''(5) This subsection shall apply only to an alien in proceedings under section 236.''.

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

''CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

''SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

''(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

''(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

''(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

''(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

''(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

''(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

''(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

''(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

''(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

''(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(2) at the time of his or her enlistment or induction, was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

''(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

''(1) entered the United States as a crewman after June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

''(B) is subject to the two-year foreign residence requirement of section 212(e); and

''(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

''(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

''(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

''(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

''(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

''(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

''(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in

an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

''(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

''(B) No court may review any regulation issued under subparagraph (A).

''(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.''.

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

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

(A) in subsection (e)(2), by striking ''section 244(e)(1)'' and inserting ''section 244(e)''; and

(B) in subsection (e)(5)—

(i) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''; and

(ii) by inserting ''244,'' before ''245''.

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

''Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.''.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: '', or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right''; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: ''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

''(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

''(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

''(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

''(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

''(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

''(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

''(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.''.

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and

mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

''(i) the alien's education, training, license, and experience—

''(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

''(II) are comparable with that required for an American health-care worker of the same type; and

''(III) are authentic and, in the case of a license, unencumbered;

''(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

''(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

''(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking ''(9)(A) of section 212(a)'' and inserting ''(10)(A) of section 212(a)''.

(2) Section 212(c) is amended by striking ''(9)(C)'' and inserting ''(10)(C)''.

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking ''one year'' and inserting ''five years''; and

(B) by inserting '', or within 20 years of the date of any second or subsequent deportation,'' after ''deportation'';

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

''(ii) has departed the United States while an order of deportation is outstanding,'';

(C) by striking ''or'' after ''removal,''; and

(D) by inserting ''or (c) who seeks admission within 20 years of a second or subsequent deportation or removal,'' after ''felony,''.

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

''(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter''.

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

''(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

''(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

''(B) where extraordinary circumstances are found by the Secretary of State to exist.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking ''or'' at the end of clause (i)(I);

(2) in clause (i)(II), by inserting ''or'' at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United

States citizen or United States Government official,''.

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

''(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

''(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

''(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.''.

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking ''$100,000'' and inserting ''$10,000'';

(2) in subparagraphs (F), (G), and (O), by striking ''is at least 5 years'' each place it appears and inserting ''at least one year'';

(3) in subparagraph (J)—

(A) by striking ''sentence of 5 years' imprisonment'' and inserting ''sentence of one year imprisonment''; and

(B) by striking ''offense described'' and inserting ''offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or'';

(4) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i);

(B) by adding ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.'';

(5) in subparagraph (L)—

(A) by striking ''or'' at the end of clause (i);

(B) by inserting ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)'';

(6) in subparagraph (M), by striking ''$200,000'' each place it appears and inserting ''$10,000'';

(7) in subparagraph (N)—

(A) by striking ''of title 18, United States Code''; and

(B) by striking ''for the purpose of commercial advantage'' and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(8) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

''(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

''(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;'' and

(11) in subparagraph (R) (as redesignated), by striking ''15'' and inserting ''5''.

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.''.

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

''(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

''(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.''.

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: ''No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.''.

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))'' and inserting ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after ''unless'' the following: ''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)''.

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

''(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) by inserting ''(other than an alien described in paragraph (2))''; and

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

''(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

''(i) the date of such order, or

''(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

''(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.''.

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting ''(1)'' immediately after ''(f)''; and

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

''(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.''.

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).''.

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

''(C) who has at any time been convicted of a violation of section 275 (relating to entry

of an alien at an improper time or place and to misrepresentation and concealment of facts); or

''(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

(B) by adding at the end the following new paragraphs:

''(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

''(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

''(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

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

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report

the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

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

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking ''alien'' each place it appears;

(B) by inserting after ''individual'' the first place it appears the following: '', knowing or in reckless disregard of the fact that the individual is an alien''; and

(C) by striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic'';

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking ''thirty'' and inserting ''five business''; and

(B) by striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,'';

(3) in the text following the third undesignated paragraph of subsection (a), by striking ''two'' and inserting ''10''; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting '', or for enforcement of the provisions of section 274A of the Immigration and Nationality Act''.

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking ''section 245(i)'' and inserting ''section 245(j)''.

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal

aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term ''illegal alien'' means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after ''paragraph (2)'' by striking ''and'' and inserting a comma,

(B) by striking ''State'' and inserting ''other Federal agencies and States'',

(C) by inserting '', and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except'', and

(D) by adding at the end the following new sentence: ''The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''; and

(2) in paragraph (2)(A)—

(A) by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available''; and

(B) by inserting a comma before ''whenever''.

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: ''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting ''(A)'' after ''NONDISCRIMINATION.—''; and

(2) by adding at the end the following:

''(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking ''except that the Attorney General'' and inserting the following: ''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and''.

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).''.

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''(1)'' immediately after ''(a)''; and

(2) by adding at the end the following new sentence: ''Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.''.

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

''(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

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

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period at the end the following: ''; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or

who has otherwise violated the terms of a nonimmigrant visa''.

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as ''immigration judges'') under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

''(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking ''100'' and inserting ''200''; and

(2) by striking ''25'' and inserting ''50''.

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking ''for emergent reasons or for reasons deemed strictly in the public interest'' and inserting ''on a case-by-case basis for urgent humanitarian reasons or significant public benefit''.

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus''; and

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

''(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).''.

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).''.

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

''(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the

purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

''(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

''(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

''(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

''(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

''(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

''(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

''(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

''(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

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

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

''(B) is supervised by an officer who meets the condition in subparagraph (A).

''(8) As used in this section, the term 'credible fear of persecution' means that—

''(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

''(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).''.

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking ''The'' and inserting the following: ''(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

''(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.''.

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

''(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

''(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.''.

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection

(b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

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

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

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

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

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

(a) PUBLIC ASSISTANCE AND BENEFITS.—

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

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

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

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

(iii) short-term emergency disaster relief,

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

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

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

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

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

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

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

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

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

(3) NOTIFICATION OF ALIENS.—

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

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

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

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

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

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

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

(c) SOCIAL SECURITY BENEFITS.—

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

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

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

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

(A) a United States citizen or national; or

(B) an eligible alien.

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

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

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

(B) unemployment benefits payable out of Federal funds;

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

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

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

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

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

''(5) PUBLIC CHARGE.—

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

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

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

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

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

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

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

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

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

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

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

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

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

''(v) Any State general assistance program.

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

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

(c) REVIEW OF STATUS.—

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

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

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

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

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

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

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject

to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

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

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

(2) the sponsor's spouse.

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

(d) EXCEPTIONS.—

(1) INDIGENCE.—

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

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

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

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

(2) EDUCATION ASSISTANCE.—

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

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

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

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

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

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

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

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

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

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

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

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

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

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

(a) IN GENERAL.—

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

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 506. Seals of departments or agencies

''(a) Whoever—

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

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

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

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

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

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

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

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

''(c) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading '' Immigration and Naturalization Service, Salaries and Expenses'' of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking ''academic high school, elementary school, or other academic institution or in a language training program'' and inserting in lieu thereof ''public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program''; and

(2) by inserting before the semicolon at the end of clause (ii) the following: '': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.'';

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable''; and

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable''.

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a conditon of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''**SEC. 281.**''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

''(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.''

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable''.

''SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

''§ 611. Voting by aliens

''(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

''(1) the election is held partly for some other purpose;

''(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

''(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.''

''(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both'';

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.''

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable''.

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

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

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3744

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to amendment No. 3744 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In pending amendment strike all after the word ''SECTION 1.'' and insert the following:

SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Control and Financial Responsibility Act of 1996''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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Part 2—Verification of Eligibility to Work and to Receive Public Assistance

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Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
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Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
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Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
Sec. 206. Authority of States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 207. Earned income tax credit denied to individuals not citizens or lawful permanent residents.
Sec. 208. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
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Sec. 213. Pilot programs.

Subtitle C—Effective Dates

Sec. 221. Effective dates.

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our 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. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project

(if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) 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 subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

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

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), 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; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) 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.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) 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

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

(B) 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—

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

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

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

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

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the 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.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, 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));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) 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—

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

(II) audit trails to monitor system use; or

(III) 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.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying 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).

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

(i) the selective or unauthorized use of the system to verify eligibility;

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

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

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

(2) As used in this subsection, the term ''business day'' means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) 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.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section 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. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section 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 found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) 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 verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''record'' means an item,

collection, or grouping of information about an individual which—

(i) 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

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) 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.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION 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 (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term ''legislative branch of the Federal Government'' includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section

111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term ''Administration'' means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term ''employment authorized alien'' means an alien who has been provided with an ''employment authorized'' endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: ''The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end ''or'';

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(v) in clause (ii) (as redesignated)—

(I) by striking ''and'' at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting '', and''; and

(III) by adding at the end the following new subclause:

''(III) contains appropriate security features.''; and

(B) in subparagraph (C)—

(i) by inserting ''or'' after the ''semicolon'' at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

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

(1) by striking ''For purposes of paragraph (1), a'' and inserting ''A''; and

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

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary

to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

''(10)(A) The administrative law judge shall have the authority to 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 employer has been found to have 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.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

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

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) 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. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in 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 293 the following new item:

''Sec. 294. Secretary of Labor subpoena authority.''.

SEC. 120B. 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. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program ''IDENT'', operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.''.

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after ''must retain the form'' the following: ''(except in any case of disaster, act of God, or other event beyond the control of the person or entity)''.

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking ''or section 1992 (relating to wrecking trains)'' and inserting ''section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)'';

(2) by striking ''or'' at the end of paragraph (*l*);

(3) by redesignating paragraphs (m), (n), and (*o*) as paragraphs (n), (*o*), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);''.

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''law of the United States,'';

(2) by inserting ''or'' at the end of clause (E); and

(3) by adding at the end the following: ''(F) any act, or conspiracy to commit any act, in violation of—

''(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

''(ii) section 274, 277, or 278 of the Immigration and Nationality Act.''.

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

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

(1) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or

''(II) aids or abets the commission of any of the preceding acts,'';

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting ''or (v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or (iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)''; and

(D) in clause (iv), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) in the matter following subparagraph (B)(iii), by striking ''be fined'' and all that follows through the period and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years.''; and

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

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a)(1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

''(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

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

(1) by amending paragraph (1) to read as follows:

''(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

''(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity

to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5), by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

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

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

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

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

''(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a)(1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.''.

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

''(b)(1)(A) An offense under subsection (a) that is—

''(i) the production or transfer of an identification document or false identification document that is or appears to be—

''(I) an identification document issued by or under the authority of the United States; or

''(II) a birth certificate, or a driver's license or personal identification card;

''(ii) the production or transfer of more than five identification documents or false identification documents; or

''(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

''(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

''(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

''(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

''(2) A person convicted of an offense under subsection (a) that is—

''(A) any other production or transfer of an identification document or false identification document; or

''(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

''(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

''(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

''(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

''(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.''.

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both.'' each place it appears and inserting the following:

'', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(3) Section 1546(a) of title 18, United States Code, is amended by striking ''be fined under this title, imprisoned not more than 10 years, or both.'' and inserting the following:

'', except as otherwise provided in this subsection, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking ''be fined not more than $5,000 or imprisoned not more than five years, or both'' each place it appears and inserting '', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

''Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—''.

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

''(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(2) in paragraph (2), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(3) in paragraph (3)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the comma at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking ''or'' at the end;

(4) in paragraph (4)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the period at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking the period at the end and inserting '', or''; and

(5) by adding at the end the following new paragraphs:

''(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

''(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.''.

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

''(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.''.

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' each place it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

''(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

''(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking ''(C) Misrepresentation'' and inserting the following:

''(C) Fraud, misrepresentation, and failure to present documents''; and

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

''(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

''(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

''(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.''.

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

''(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

''(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

''(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.''.

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(d)(2), deportation''; and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(d)(2), if''.

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking ''five'' each place it appears and inserting ''10''.

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting ''documentation or'' before ''identification''.

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

''(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.''.

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

''(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

''(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

''(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

''(ii) is excludable under section 212(a)(6)(C)(iii);

''(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

''(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

''(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

''(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

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

''(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

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

''(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

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

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

''(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided. An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

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

''(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

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

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

''(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

''(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

''(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

''(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

''(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's

findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

''(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—

''(1) A court may review a final order of exclusion or deportation only if—

''(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

''(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

''(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

''(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

''(2)(A) Except as provided in this subsection, there shall be no judicial review of—

''(i) a decision by the Attorney General to invoke the provisions of section 235(e);

''(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

''(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

''(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

''(A) whether the petitioner is an alien;

''(B) whether the petitioner was ordered specially excluded; and

''(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

''(4)(A) In any case where the court determines that the petitioner—

''(i) is an alien who was not ordered specially excluded under section 235(e), or

''(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

''(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

''(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

''(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.''.

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting ''by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

''Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(1) willfully fails or refuses to—

''(A) depart on time from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present himself or herself for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

''(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

''(p)(1) Any lawfully admitted nonimmigrant who remains in the United States

for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

''(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

''(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

''(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

''(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

''(3) The Attorney General shall by regulation establish procedures necessary to implement this section.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

''Sec. 274D. Civil penalties for failure to depart.''.

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: ''Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking ''under this subsection'' and all that follows through ''(B)'' and inserting ''under this subsection''.

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: '', except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242''.

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: ''(at no expense to the Government or unreasonable delay to the proceedings)''.

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.''.

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

''(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

''(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

''(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

''(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

''(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

''(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

''(5) This subsection shall apply only to an alien in proceedings under section 236.''.

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

''CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

''SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

''(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

''(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

''(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

''(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

''(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

''(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

''(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

''(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

''(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

''(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(2) at the time of his or her enlistment or induction, was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

''(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

''(1) entered the United States as a crewman after June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

''(B) is subject to the two-year foreign residence requirement of section 212(e); and

''(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

''(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

''(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

''(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

''(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

''(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

''(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

''(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

''(B) No court may review any regulation issued under subparagraph (A).

''(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.''.

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

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

(A) in subsection (e)(2), by striking ''section 244(e)(1)'' and inserting ''section 244(e)''; and

(B) in subsection (e)(5)—

(i) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''; and

(ii) by inserting ''244,'' before ''245''.

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

''Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.''.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: '', or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right''; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: ''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

''(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

''(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

''(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

''(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance,

except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

''(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

''(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

''(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.''.

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing

Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

''(i) the alien's education, training, license, and experience—

''(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

''(II) are comparable with that required for an American health-care worker of the same type; and

''(III) are authentic and, in the case of a license, unencumbered;

''(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

''(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

''(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking ''(9)(A) of section 212(a)'' and inserting ''(10)(A) of section 212(a)''.

(2) Section 212(c) is amended by striking ''(9)(C)'' and inserting ''(10)(C)''.

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking ''one year'' and inserting ''five years''; and

(B) by inserting '', or within 20 years of the date of any second or subsequent deportation,'' after ''deportation'';

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

''(ii) has departed the United States while an order of deportation is outstanding,'';

(C) by striking ''or'' after ''removal,''; and

(D) by inserting ''or (c) who seeks admission within 20 years of a second or subsequent deportation or removal,'' after ''felony,''.

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

''(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter''.

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

''(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

''(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

''(B) where extraordinary circumstances are found by the Secretary of State to exist.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking ''or'' at the end of clause (i)(I);

(2) in clause (i)(II), by inserting ''or'' at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,''.

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

''(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

''(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

''(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.''.

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking ''$100,000'' and inserting ''$10,000'';

(2) in subparagraphs (F), (G), and (O), by striking ''is at least 5 years'' each place it appears and inserting ''at least one year'';

(3) in subparagraph (J)—

(A) by striking ''sentence of 5 years' imprisonment'' and inserting ''sentence of one year imprisonment''; and

(B) by striking ''offense described'' and inserting ''offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or'';

(4) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i);

(B) by adding ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.'';

(5) in subparagraph (L)—

(A) by striking ''or'' at the end of clause (i);

(B) by inserting ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)'';

(6) in subparagraph (M), by striking ''$200,000'' each place it appears and inserting ''$10,000'';

(7) in subparagraph (N)—

(A) by striking ''of title 18, United States Code''; and

(B) by striking ''for the purpose of commercial advantage'' and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(8) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

''(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

''(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;'' and

(11) in subparagraph (R) (as redesignated), by striking ''15'' and inserting ''5''.

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.''.

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

''(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

''(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.''.

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: ''No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.''.

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))'' and inserting ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after ''unless'' the following: ''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)''.

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

''(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) by inserting ''(other than an alien described in paragraph (2))''; and

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

''(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

''(i) the date of such order, or

''(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

''(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.''.

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting ''(1)'' immediately after ''(f)''; and

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

''(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.''.

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).''.

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

''(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

''(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

(B) by adding at the end the following new paragraphs:

''(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

''(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

''(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

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

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act, for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

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

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking ''alien'' each place it appears;

(B) by inserting after ''individual'' the first place it appears the following: '', knowing or in reckless disregard of the fact that the individual is an alien''; and

(C) by striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic'';

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking ''thirty'' and inserting ''five business''; and

(B) by striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,'';

(3) in the text following the third undesignated paragraph of subsection (a), by striking ''two'' and inserting ''10''; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting '', or for enforcement of the provisions of section 274A of the Immigration and Nationality Act''.

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking ''section 245(i)'' and inserting ''section 245(j)''.

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term ''illegal alien'' means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after ''paragraph (2)'' by striking ''and'' and inserting a comma,

(B) by striking ''State'' and inserting ''other Federal agencies and States'',

(C) by inserting '', and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except'', and

(D) by adding at the end the following new sentence: ''The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''; and

(2) in paragraph (2)(A)—

(A) by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available''; and

(B) by inserting a comma before ''whenever''.

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: ''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting ''(A)'' after ''NONDISCRIMINATION.—''; and

(2) by adding at the end the following:

''(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking ''except that the Attorney General'' and inserting the following: ''except that the Attorney General shall provide

information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and''.

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).''.

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''(1)'' immediately after ''(a)''; and

(2) by adding at the end the following new sentence: ''Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.''.

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

''(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

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

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period at the end the following: ''; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa''.

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as ''immigration judges'') under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

''(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a

written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking ''100'' and inserting ''200''; and

(2) by striking ''25'' and inserting ''50''.

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking ''for emergent reasons or for reasons deemed strictly in the public interest'' and inserting ''on a case-by-case basis for urgent humanitarian reasons or significant public benefit''.

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus''; and

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

''(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).''.

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).''.

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

''(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

''(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

''(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

''(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

''(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

''(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

''(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

''(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

''(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

''(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

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

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

''(B) is supervised by an officer who meets the condition in subparagraph (A).

''(8) As used in this section, the term 'credible fear of persecution' means that—

''(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

''(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).''.

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking ''The'' and inserting the following: ''(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

''(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.''.

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

''(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

''(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.''.

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

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

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

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

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

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

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

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

(a) PUBLIC ASSISTANCE AND BENEFITS.—

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

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

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

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

(iii) short-term emergency disaster relief,

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

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

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

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

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

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

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

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

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

(3) NOTIFICATION OF ALIENS.—

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

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

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

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

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

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide

such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

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

(c) SOCIAL SECURITY BENEFITS.—

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

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

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

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

(A) a United States citizen or national; or

(B) an eligible alien.

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

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

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

(B) unemployment benefits payable out of Federal funds;

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

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

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

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

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

''(5) PUBLIC CHARGE.—

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

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

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

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

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

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

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

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

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

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

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

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

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

''(v) Any State general assistance program.

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

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

(c) REVIEW OF STATUS.—

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

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

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

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

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

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

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

(2) the sponsor's spouse.

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

(d) EXCEPTIONS.—

(1) INDIGENCE.—

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

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

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

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

(2) EDUCATION ASSISTANCE.—

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

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

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

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

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

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

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

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

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

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

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

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

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised

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

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

(a) IN GENERAL.—

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

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 506. Seals of departments or agencies

''(a) Whoever—

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

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

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

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

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

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

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

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

''(c) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading '' Immigration and Naturalization Service, Salaries and Expenses'' of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking ''academic high school, elementary school, or other academic institution or in a language training program'' and inserting in lieu thereof ''public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program''; and

(2) by inserting before the semicolon at the end of clause (ii) the following: '': *Provided,* That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.'';

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable''; and

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable''.

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''**SEC. 281.**''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

''(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.''

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable''.

''SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

''§ 611. Voting by aliens

''(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

''(1) the election is held partly for some other purpose;

''(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

''(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.''

''(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both'';

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.''

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable''.

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

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

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after 1 day after the date of the enactment of this Act.

LOTT AMENDMENT NO. 3745

Mr. LOTT proposed an amendment to the motion to recommit proposed by Mr. DOLE to the bill S. 1664, supra; as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith''.

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

DOLE AMENDMENT NO. 3746

Mr. DOLE proposed an amendment to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

Section 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies. The hearing will be held on Wednesday, May 15, at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet at 9:30 a.m., during the Thursday, April 25, 1996, session of the Senate for the purpose of conducting a hearing on Air Service to Small Cities and Rural Communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 2:00 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 10:00 a.m. to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to conduct a joint hearing on Thursday, April 25, 1996 with the Subcommittee on Native American and Insular Affairs of the House Committee on Natural Resources on S. 1264, a bill to provide certain benefits of the Missouri River

Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, and for other purposes. The joint hearing will be held at 9:00 a.m. in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Thursday, April 25, 1996 to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet during the session of the Senate on Thursday, April 25 at 19:00 a.m. to receive testimony on the domestic consequences of illegal drug trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 25, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 902, a bill to amend Public Law 100–479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center; S. 951, a bill to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work; S. 1098, a bill to establish the Midway Islands as a National Memorial; H.R. 826, a bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas; and H.R. 1163, a bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTERGOVERNMENTAL MANDATES

• Mr. MURKOWSKI. Mr. President, pursuant to Public Law 104–4, the Committee on Energy and Natural Resources has requested, and obtained, the opinion of the Congressional Budget Office regarding whether S. 1271, the Nuclear Policy Act of 1996 contains intergovernmental mandates as defined in that act. I ask that the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD in its entirety.

The opinion follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1271, the Nuclear Waste Policy Act of 1996 as ordered reported by the Senate Committee on Energy and Natural Resources on March 13, 1996, in order to determine whether the bill contains intergovernmental mandates. CBO provided federal and private sector mandates cost estimates for this bill on March 28, 1996. CBO is unsure whether the bill contains intergovernmental mandates, as defined in Public Law 104–4, but we estimate that if there are mandates, they would impose costs on state, local and tribal governments totaling significantly less than the $50 million threshold established in the law.

S. 1271 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to:

Begin storing spent nuclear fuel and high-level nuclear waste at an interim storage facility in Nevada, no later than November 30, 1999;

Establish an intermodal transfer facility at Caliente, Nevada, by November 30, 1999, to transfer material from rail facilities to heavy-haul trucks for transport to the interim storage facility;

Enter into a benefits agreement with Lincoln County, Nevada (the site of the transfer facility), and make payments to the county under that agreement as specified in the bill; and

Continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada.

In addition, the bill would authorize the appropriation of such sums as are necessary to establish a pilot program to decommission and decontaminate an experimental reactor owned by the University of Arkansas.

While S. 1271 would, by itself, establish no new enforceable duties on state, local, or tribal governments, it is possible that the construction and operation of an interim storage facility as required by the bill would increase the cost to the state of complying with existing federal requirements. CBO has not yet determined whether these costs would be considered the direct costs of a mandate for the purposes of Public Law 104–4.

Interim Storage Facility.—The state of Nevada and its constituent local governments would incur additional costs as a result of the interim storage facility required by this bill. CBO expects that state spending would increase by as much as $20 million per year until shipments to the facility begin in 1999 and $5 million per year between that time and the time that the permanent facility at Yucca Mountain begins operations. This additional spending would support a number of activities, including emergency response planning and training, escort of waste shipments, and environmental monitoring. In addition, spending by Nevada counties for similar activities would probably increase, but by much smaller amounts. Not all of this spending would be for the purpose of complying with federal requirements.

These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. DOE currently does not expect to begin receiving material at a permanent repository until at least 2010, while under S. 1271 it would begin to receive material at an interim facility in 1999. As a result, the state would have to respond to the shipment and storage of waste at least ten years sooner. Further, state costs would increase because it would have to plan for two facilities.

The state could incur substantial additional costs relating to road construction and maintenance as a result of the shipment of waste by heavy-haul truck from the transfer facility in Caliente to the interim storage facility. Based on information provided by DOE, however, CBO expects that the federal government would pay most of these costs.

Federal Payments to State and Local Government.—S. 1271 would authorize payments to Lincoln County, Nevada, of $2.5 million in each year before waste is shipped to the interim facility and $5 million annually after shipments begin. In addition, the bill identifies several parcels of land that would be conveyed to Lincoln County by the federal government.

The state government and other governments in Nevada would lose payments from the federal government if S. 1271 is enacted, however. The bill would eliminate section 116 of the Nuclear Waste Policy Act, which authorizes payments to the state of Nevada and to local governments within the state. Section 116 currently authorizes DOE to make grants to the state and to affected local governments to enable them to participate in evaluating and developing a site for a permanent repository and to offset any negative impacts of such a site on those governments. Further, that section authorizes DOE to make payments to the state and to local governments equal to amounts they would have received in taxes if all activities at the repository site were subject to state and local taxes.

In recent years, Congress has appropriated amounts ranging from $12 million to $15 million per year under this section for Nevada and for local governments in the state. No funds have been specifically appropriated for these grants in fiscal year 1996, but DOE is authorized to provide funds from other appropriations.

S. 1271 would continue the provision in current law that directs DOE to provide technical assistance and funds to state and local governments and Indian tribes through whose jurisdictions radioactive material would be transported. This assistance would primarily cover training of public safety officials. In addition, DOE would be required to conduct a program of public education in those states. The amount of costs reimbursable under these provisions is very uncertain and would depend largely on the routes selected by DOE for transport of material to the storage sites. Based on information provided by state officials, we believe that states would be unlikely to spend their own funds on these activities unless reimbursed by the federal government.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, DIRECTOR.•

THE LINE-ITEM VETO

• Mr. DORGAN. Mr. President, 2 weeks ago President Clinton signed the line item veto into law. I would just like to

explain briefly why I voted for this bill during the Senate's debate in March.

I have long believed that giving the President line-item veto authority will be helpful in imposing budget discipline. I think it will be helpful in preventing unsupportable spending projects from being added to spending bills without public notice, debate, or hearings. I have voted for the line-item veto three times in the past three Congresses. So I am delighted that the Senate finally had a chance to vote on the conference report.

LINE-ITEM VETO SEES THE LIGHT OF DAY

I was especially pleased, Mr. President, because I had been in some suspense as to whether the line-item veto bill would emerge at all from the Senate's conference with the House. It was on March 23, 1995 that the Senate passed our line-item veto bill. The House took so long that I had to offer an amendment to urge the Speaker to agree to the Senate's invitation to a conference. When the House passed its bill, the budget debates slowed down the conference. There were weeks when I questioned whether we would be able to send the line-item veto to the President at all.

Once the line-item veto did emerge from conference, a full year after the Senate passed its version, I could not help wondering whether the timing was an attempt by the majority to avoid giving President Clinton the line-item veto this year. The veto law will take effect only in January 1997, long after this Congress should complete its budget work. Since I voted to give Presidents Reagan and Bush the line-item veto, I regret that President Clinton will gain the line-item veto power only after this year's heavy legislative lifting is done.

Having gotten my disappointment about the bill's timing off my chest, Mr. President, let me go on to discuss my views on the conference report.

LINE-ITEM VETO A SENSIBLE REFORM

Let there be no mistake about the line-item veto. It is a historic budget reform. It would enable the President to veto spending projects. That power is important because Congress has a bad habit of spending money on projects that we have not reviewed in committee hearings or permitted in authorization bills.

The line-item veto law would also enable vetos of new entitlement spending and targeted tax benefits. This is crucial because entitlements are the fastest-growing portion of the Federal budget. Lastly, the bill also contains a provision requiring that savings achieved by the line-item veto be devoted solely to deficit reduction. Presidents will use the line-item veto only to save money.

So, Mr. President, I am pleased that we have achieved this bipartisan budget reform. Fully 43 Governors have the line-item veto, which suggests to me that it is a power that the President can safely wield.

The bill will help the President control spending abuses, especially unauthorized projects in appropriations bills. The line-item veto seemed to me to be a sensible reform. That is why I voted for it, and why I am pleased it is now the law of the land.●

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

● Mr. THOMPSON. Mr. President, on February 1 of this year, the Governor of Tennessee, the Honorable Don Sundquist, signed a proclamation stating that this past week, April 17–22, 1995, would be known in Tennessee as National Association of Retired Federal Employees Week.

Last week, on April 19, also marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter to the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community in Oklahoma following this tragic event. This spirit of contribution continues to distinguish civil servants, retired and employed.

It gives me great pleasure at this time to request the unanimous consent of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF TENNESSEE

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually every state, county, and municipal civil service system has developed from the Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently, and with little notice to uphold the highest traditions and ideas of our country; and

Whereas, thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of April 14–20, 1996, as National Association of Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.●

RETIREMENT OF DR. ROBERT A. ALOST

● Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an outstanding Louisianian, my good friend, Dr. Robert A. Alost, who has announced his retirement as president of Northwestern State University after a long and distinguished career of service to NSU, the city of Natchitoches, and the State of Louisiana.

During his 10-year presidency at NSU, Northwestern has been transformed from a regional university to an institution of statewide prominence. Dr. Alost's tireless efforts to widen and enrich the educational experience of his school have strengthened every aspect of the institution. Student enrollment has increased by over 71 percent and the average ACT score is up, the school's academic curriculum has expanded by leaps and bounds, and its financial status has never been stronger.

While this progress merits commendation, Dr. Alost is even more deserving of recognition because he considers his accomplishments as simply part of his service to his alma mater, to a school he loves, and to a faculty and student body he considers his family. There are three words which come to mind when describing Robert Alost: service, leadership, and innovation. I know that countless other Louisianians would agree with this assessment, for his personal and professional history truly exemplify each of these qualities.

Dr. Alost's dedication to Northwestern State University is rooted in his own experience as a student at NSU, where he received his undergraduate degree is 1957 and a masters degree in 1958. After receiving a doctoral degree from Louisiana State University in 1963, Dr. Alost had a wide range of aspirations, and of all the opportunities available to him, he decided to dedicate his career to the advancement of Northwestern State University. He has risen from a young faculty member to its president, and has left a lasting legacy which will be appreciated for generations.

Under Dr. Alost's watch, the expansion of NSU's research and academic programs have placed it at the forefront of several innovative programs in higher education. Northwestern became America's first university selected to participate in the JointVenture [JOVE] Program with the NASA Marshall Space Flight Center. The results of this project, involving the analysis of data collected in space exploration, will have unlimited applications. Young people from across the United States will benefit from this cutting-edge program, and NSU's new space science curriculum and summer camp program will help support America's future scientists. Dr. Alost oversaw the development of the Louisiana Scholars College, which was designated by the State Board of Regents as the State's selective-admission college of the liberal arts and has elevated NSU's reputation to statewide prominence.

Dr. Alost has overseen many other noteworthy additions to NSU. Northwestern began a program in intercollegiate debate which won the 1994 Cross Examination Debate Association National Championship and has been the top program in the country over the past 5 years. Dr. Alost supervised the establishment of a doctoral program in educational technology to instruct educators on the most effective methods of using technology in the classroom. Northwestern is working with

the nationally recognized Duke University Talent Identification Program, which identifies verbally and mathematically gifted young people, and it offers regional residential courses to these special students. Dr. Alost has also overseen the establishment of Northwestern Abroad, which provides travel-study opportunities to students who wish to expand their knowledge of other cultures.

I had the pleasure of working with Dr. Alost when we brought the National Center for Preservation Technology and Training to NSU, a national institution dedicated to historic preservation. This one-of-a-kind center was established by the National Park Service to train cultural resource professionals and serve as a clearinghouse for the transfer of historic preservation technology across the country. It is the innovate examples I have just cited which have designated Northwestern State University as a premier institution for higher learning.

Dr. Alost's service has also touched those outside of the Northwestern community. Over the years, numerous civic, professional, and religious organizations have flourished under his leadership. He has served as president and on the board of directors of the Natchitoches Tourist Commission. As an administrator and educator, he served as president of the Louisiana Council for Deans of Education, the Louisiana Association for Colleges and Teacher Education, and the Louisiana Association for Health, Physical Education and Recreation.

While Dr. Alost is a great source of pride for Northwestern State University, he has also been honored with many local, State, and national awards. In 1985, he was recognized by the Louisiana Association of School Executives as the State's Educator of the Year. In 1986, he received the Leadership Award from the Louisiana Association of Gifted and Talented Students. The citizens of Natchitoches proclaimed him Man of the Year in 1987. His achievements were heralded on a national level in 1989 when he was presented with the Phi Kappa Phi Distinguished Member Award.

Dr. Robert Alost's lifetime of achievement is truly an inspiration, and he serves as an incredible role model for those who believe that the possibilities are limitless. It has been an honor and a privilege to know him. I congratulate Dr. Alost on his distinguished career and wish him well as he enjoys the well-earned rewards of retirement.●

INDIANAPOLIS MOTOR SPEEDWAY AND THE INDIANAPOLIS 500

● Mr. LUGAR. Mr. President, I rise today as the month of May approaches to pay tribute to an important part of Hoosier heritage, the Indianapolis Motor Speedway and the Indianapolis 500.

The Indianapolis Motor Speedway was built in 1909 to provide a testing ground for Indiana's burgeoning automobile industry. Indiana was home at the time to such names as Duessenburg, Cord, Marmon, Stutz, National, Cole, Auburn, and Apperson.

The first Indianapolis 500 was run in 1911 and races have been run ever since. In 1917, the track backstretch was given over to the military for use as an aviation maintenance training center. It became one of the first lighted runways in the world. Races were canceled during the years 1917, 1918 and 1942–45 out of respect for the war effort. Since those early days, the race has grown to become a rite of spring for millions of Americans, attracting the world's largest 1-day sporting event crowd, as well as an immense broadcast audience.

Indianapolis is the home of the IndyCar racing industry, and the month of May is an especially dynamic time in our State. As race season begins, it is appropriate that we honor this uniquely American event and all those who have made it possible. In particular, we take pride in honoring the memory and vision of Tony Hulman, Jr.; the steadfast service of his wife, Mary Fendrich Hulman; and their daughter, Mari Hulman George; as well as the strong leadership of Indianapolis Motor Speedway president Anton H. George, who personifies the very future of IndyCar racing.●

TRIBUTE TO ADM. JAMES S. RUSSELL

● Mrs. MURRAY. Mr. President, it is with great sadness that I rise today to record the passing of a truly great American, Admiral James S. Russell. Adm. Russell built a remarkable legacy as a distinguished and decorated military officer and a respected civic leader in Washington State.

James Sargent Russell was born on March 22, 1903, in Tacoma, WA, where he spent his childhood. Eager to serve his country in World War I, he attempted to join the U.S. Navy after graduating from high school. Because he was too young, the Navy would not accept his enlistment. Instead, he followed his love of the sea, beginning his maritime career as a seaman in the Merchant Marine.

In 1922, he entered the U.S. Naval Academy, from which he graduated in 1926. This marked the beginning of a long and illustrious tour of duty with the U.S. Navy. After serving aboard the battleship *West Virginia*, he entered the young field of naval aviation, and was designated a Naval Aviator in 1929.

During World War II, then-Lieutenant Commander Russell led Patrol Squadron 42 in the Aleutian Island Campaign. For his heroism and exceptional service, he was awarded the Distinguished Flying Cross, the Air Medal, and the Legion of Merit. After serving in the Office of the Chief of Naval Operations in Washington, DC, he returned to combat duty in the Pacific and was awarded a Gold Star in lieu of a second Legion of Merit.

Following World War II, he assumed the post of commander of the U.S.S. *Coral Sea* and then was chief of the Bureau of Aeronautics, rising to the rank of vice admiral. From 1958 to 1962, he served as Vice Chief of Naval Operations with the four-star rank of Admiral. Because of his exceptionally meritorious efforts in that capacity, he was awarded the Distinguished Service Medal.

In 1962, Admiral Russell was named commander in chief of the Allied Forces in Southern Europe, a position he held until his retirement from active duty in 1965. His leadership during a time of heightened tensions earned him a Gold Star in lieu of the second Distinguished Service Medal.

The advancement of the field of naval aviation owes a great deal to the work of Admiral Russell. He entered the field when biplanes ruled the skies and aided the development of supersonic fighters. For his work on the development of the F–8 Crusader Navy fighter, the first ship-based fighter to fly faster than 1,000 miles per hour, Admiral Russell was awarded the prestigious Collier Trophy in 1956.

Recognition of his work extends beyond the borders of the United States, and is evidenced by his receipt of three foreign decorations. These include: the Order of Naval Merit (Grand Officer) by Brazil, the Legion of Honor (Commander) by France, and the Peruvian Cross of Naval Merit (Great Cross).

After retiring from active duty, Admiral Russell returned to the Tacoma area and became a prominent member of that community. He remained active in the aerospace industry as a consultant and board member. However, his second career, which spanned almost as many years as his first, was as a civic leader who bridged the civilian and military communities. Indeed, at an age when many of his contemporaries were enjoying a quiet retirement, Admiral Russell took an active role in community affairs.

Admiral Russell leaves his wife, Geraldine; his son and daughter-in-law, Don and Katherine Russell; his daughter-in-law, Anitha Russell; five grandchildren; and three great-grandchildren. I wish to express my sincere sympathy and condolences to these and other members of his family.

All who are acquainted with Admiral Russell know that his work has benefited and will continue to benefit countless individuals in Washington State, across this Nation, and around the globe. Admiral Russell served his country and community selflessly for three-quarters of a century. He led by example and earned the respect of all who knew him. I and so many people —his friends, colleagues, family, and community members—are sincerely grateful for his many contributions to military and civilian life. He leaves behind a great legacy and will not be soon forgotten.●

TRIBUTE TO THE UNIVERSITY OF KENTUCKY WILDCATS

• Mr. MCCONNELL. Mr. President, as my colleagues well know, I do not frequently venture down to the other side of Pennsylvania Avenue. The current occupant of the White House and I do not always see eye to eye. But, times change and I am anxiously awaiting the opportunity to set aside political differences in order to join the President in welcoming to Washington the 1996 NCAA Division I National Champions, the University of Kentucky Wildcats.

Mr. President, University of Kentucky basketball enjoys a proud history, one unequaled by any other school. In fact, in this season of unparalleled achievements, Kentucky not only earned bragging rights for the year, but they also became the winningest program in college basketball history. With their victory in the Mideast Regional Final, the Wildcats overtook the University of North Carolina and returned to their perch atop basketball's elite.

This fact is further demonstrated by the yearend Sagarin basketball Ratings. These figures compiled by basketball expert Jeff Sagarin factor in numerous variables, including schedule strength, to determine the top teams in Division I NCAA. This year, Kentucky posted a yearend rating of 103.26, which put the Wildcats not only in first place for the year, but also made it the top rated team in the 22-year history of these figures.

As for history, let's review a few quick facts about this Wildcat team. On their way to a 34-to-2 record, the Cats defeated every team on their schedule at least once by a minimum of 7 points. They scored 86 points in one-half against the LSU Tigers. Mr. President, for those of my colleagues who may not follow college basketball closely, allow me to put this achievement in terms more readily understandable. Scoring 86 points in one half is equivalent to BOB DOLE winning the Presidency before the polls in the Midwest even close, which, by the way, I anticipate he will do. Finally, the Wildcats did something that nobody believed was possible in this age of parity in college athletics: they played the entire Southeastern Conference regular season without losing a single game. A perfect 16 and 0.

Rupp, Issel, Groza, Givens, Macy, Mashburn, Hall, and now Pitino. The Fabulous Five, Rupp's Runts, the Fiddlin' Five, Pitino's Bombinos, the Unforgettables, and now the Untouchables. UK basketball enjoys a tradition unequaled by any other program. Mr. President, I believe this tradition will continue to grow for decades to come.

I urge my colleagues to join me in extending congratulations to this team of outstanding young men, a group distinguished not only by their athletic achievements but their character as well. As an unabashed college basketball fanatic, I want to personally thank Coach Pitino, Athletic Director C.M. Newton, and President Charles Wethington for restoring dignity, excitement, and honor to this proud program. Their leadership provides an example all of us in public life would do well to emulate.•

ROLE OF RELIGION IN AMERICAN SOCIETY

• Ms. MIKULSKI. Mr. President, the State of Maryland is very fortunate to have many churches and religious institutions which serve families and individuals with special needs. I am pleased that the world headquarters for the Seventh-day Adventist Church is located in Maryland. On March 10, more than 500 community service directors and volunteers of the Allegheny East Conference of Seventh-day Adventists convened in Hyattsville, MD, under the leadership of Pastor Robert Booker. The keynote address was delivered by Dr. Clarence E. Hodges, vice-president of the North American Division of the General Conference of Seventh-day Adventists. He spoke eloquently on the role of religion in American society. I want to share with my colleagues some of his thoughts. Dr. Hodges began his remarks by speaking of the freedom of religion which the United States enjoys.

> When freedom of religion is combined with other economic and social freedoms, society flourishes and the quality of life is enhanced for all citizens. The United States has the model which must be protected. Religious institutions stay out of government and governmental institutions stay out of religion while both employ their special approaches to advance the interests of society and the individual.

In his remarks, Dr. Hodges highlighted the vital role religion plays in our country, not only in meeting spiritual needs, but also in meeting the day to day needs in our communities. As he points out: Where would we be without their immense contributions?

> What would it cost for government to replace all church operated charitable organizations, educational institutions, hospitals, nursing homes, welfare centers, soup kitchens, and other services provided to individuals?

And as he pointed out in his concluding comments, the contributions that people of faith and religious-based organizations are making to communities are needed now more than ever, in these times of declining spending at all levels of government.

> The family, the basic unit of society, is coming apart. Divorces are at record high levels. First time marriages are being delayed. Babies are born to babies. Children are being raised in single parent families. Only nine percent of the children who live with both parents are poor while forty-six percent of the children who live with only one parent are poor. Since 1970, out of wedlock births have tripled. Child abuse and neglect contribute to the death of twelve children each day. Three hundred fifty thousand children between eight and eighteen years of age are put out of their homes each year. Homeless and runaway children are exploited by perverted adults for money and sick pleasures. The foster care system which is designed to provide protection and hope for neglected children actually feeds thousands into the corrections system as felons each year. Mothers are battered in front of and with their children and many see no other option but to suffer through this kind of domestic violence year after year. But your services are making a difference. We will never know the full value or impact of your services. Our governmental agencies at all levels and all tax payers appreciate what you are doing in response to human needs, family problems, and natural disasters. Since you serve anyone in need, without strings attached, and since your clients include all races, cultures and religious groups, I am pleased to congratulate you for doing the work of your Lord in an outstanding manner. You are ready for welfare reform, changes in Medicaid, nutrition programs, and the various block grant proposals. Thanks be to our founding fathers for their vision of religious freedom.
>
> We live in a world where there is no suffering-free zone. We can relocate to beautiful communities but there is no comfort zone. We can run but we cannot hide. We can have creature comforts and luxuries far beyond our needs but we will have no comfort zone until we have reached out to all in need.
>
> What is the value of a good neighbor? What is the value of the Good Samaritan? What is the value of religion? What is the value of religious freedom? The value of mankind, that's the answer. May we and America forever place a high value on all our freedoms and on all mankind.

I believe all of my colleagues will find food for thought in Dr. Hodges' comments.•

ALLEGED SWISS COLLABORATION WITH THE NAZIS AND THE SMUGGLING OF GERMAN LOOTED PROPERTY TO ARGENTINA

Mr. D'AMATO. Mr. President, I rise today to discuss an issue that continues to trouble me, namely that of the role played by Swiss banks and their continued retention of assets belonging to European Jews and others before and during World War II.

In a document from the State Department, entitled, ''Nazi and Fascist Capital in Latin America,'' dated March 23, 1945, found at the National Archives, details Nazi capital infiltration of Latin and South America. Yet, within the report, there are sections which explain the role of the Swiss bankers in helping to secret Nazi assets out of Europe. At this time, Mr. President, I ask unanimous consent that this report be printed in the RECORD.

The relevant part of the report states that,

> ''Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.''

If this is true, it suggests that Swiss bankers might have directly help get Nazi assets out of Europe to Latin and South America. This revelation could lead to serious questions about the sincerity of the Swiss bankers with regard

to Jewish assets in their possession, as well as those of the Nazis. Where did all of the money go? That is what the Banking Committee will try to find out.

The report follows:

NAZI AND FASCIST CAPITAL IN LATIN AMERICA

Ever since the Nazis and the followers of Mussolini began to lose confidence in their ultimate victory, they started to establish safe refuges for their capital in neutral countries. The object of these transfers is only, in a minor degree, for the purpose of establishing coches for their loot, for the purpose of enjoying a comfortable old age, with personal and economic security, such as that of Kaiser Wilhelm II in the Netherland town of Doorn. The main purpose is the reestablishment of German industrial and financial power or influence in countries from which they could again attempt to dominate the world, first economically and later politically.

These transfers are being accomplished by various methods. Most of them are being made by the intermediacy of neutral countries. A great deal of capital, British and United States currency, jewels, and technical secrets and stock certificates have been transported from Germany to neutral Switzerland, Spain, Tangier, and Portugal, and from there to the final destination, largely to neutral Argentina where the capital is expected to enjoy safety from any Allied interference. Spanish Falangists, aristocrats, and businessmen have been helping in these transfers, with their voyages from Spain to Argentina. These activities gained momentum in 1944.

In Spanish ships and German submarines, as much as possible of Germany's capital, American and other currency of the Allied nations, confiscated by the Nazis, inventions, technical personnel, officers, and machinery has been sent to Latin America, including some industrial plants complete with administrators. A typical example was the arrival in Argentina, at the beginning of 1945, of the heads of the CHADE (Compania Hispano-Americana de Electricidad), Juan Ventosa y. Calvet and F.A. de Cambo. The heads of the Deutsche Bank and the Allgemeine Elektrizitats Gesellschaft figure prominently on the board of directors of CHADE which controls electric light and power for the city and province of Buenos Aires. Before his trip to Argentina, Ventosa y. Calvet was seen several times in Berne and Montreux, Switzerland, in the company of Hitler's financial advisor, Dr. Hjalmar Schacht. That is one example of how the Argentine Government has managed to speed up the development of war industries. In that way, Fritz Mandl, former Austrian munitions manufacturer, organized his armament factories in Argentina. Collaborators with German investments in Argentina are: Gen. Basilio Pertine, Dr. Arnold Stoops, Guillermo Schulenberg, Max Kleiner, Federico Curtins, Dr. Alejandro Czisch, Fernando Ellerhorst, Dr. C.E. Niebuhr. All of them are members of the board of directors of the most important German, or German-controlled, companies in Argentina: Siemens Bauunion, Siemens Schuckert, Osram, Wayss & Freytag, Bayer, Allgemeine Elektrizitats Gesellschaft, known as A.E.G., and many others.

The main German investments include banks, such as the Banco Aleman Transatintico and the Banco Germanico de la America del Sud; insurance companies, such as La Germano Argentina, Compania de Segures Aachen y Munich; construction companies, such as Siemens Bauunion; electric machinery companies, such as the half-dozen subsidiaries of Siemens-Schuckert, and Siemens & Halske; chemical companies, most of the subsidiaries of I.G. Farbenindustrie, such as Quimica Bayer S.A., Quimica Schering, Quimica Merck Argentina, Anilinas Alemanas; machinery distributors, such as Compania de Motores Otto Deutz Legitima S.A., Sociedad Tubos Mannesman Ltda., Aceros, Roechling-Buderus, S.A., Aceros Schoeller-Bleckman, S. de R.L. and many others.

Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.

The vast fortunes of Nazi party leaders and industrialists, sent out of the Reich for safekeeping to neutral countries, but mainly to Buenos Aires, are ready to resume business through Germany's industrial and chemical cartels in new headquarters as soon as Germany surrenders. The alleged or Swiss aid to Germany in these matters is believed to have contributed to Russia's refusal to attend last year's international Aviation Conference in Chicago because of the presence there of Swiss and Spanish delegates.

The personal fortunes of Nazi officials, including Hermann Goering, Joseph Goebbels, Robert Ley and others, are said to be reaching Geneva via German diplomatic pouches, and from there—it is alleged—they are sent to Buenos Aires.

The Nazis once used Spanish diplomatic pouches in Venezuela and other countries to send strategic materials like industrial diamonds and platinum home from South America. Before Argentina broke its official ties with Germany, the Nazis sent vital materials to Berlin in their diplomatic pouches and received large shipments of such diverse items as propaganda, short-wave radio transmitters, and the blueprints for war weapons now produced in several Argentine arms plants, notably that of the former Austrian munitions king, Fritz Mandl.

Another method of obtaining allied or ''free'' currency in neutral countries, a method which furthermore obviates the necessity—often involving a certain risk—of smuggling currency, valuables, or stock certificates into neutral countries, was extortion from Germans living in neutral countries. The system of extortion, which the Nazis had employed on a world-wide scale during that year, was based upon the sale of exist permits from Germany and occupied territories. Persons seeking such permits were compelled to persuade their relatives or friends in the Western Hemisphere to place at the disposal of the Nazis large sums of ''free'' currency of the neutral powers. At the same time, residents of the American Republics were informed that their relatives or friends in Germany, or in territories occupied by it, would be sent to concentration camps or subjected to other tortures if the specified sums of money were not paid within a fixed period of time. Through this procedure, many persons in Europe, who had ties of friendship or relationship with residents of the New World, were held as hostages pending the payment of ransom in the free currencies.

The fortunes in securities, bullion and cash transferred to the Argentine capital are only part of the sums being invested abroad for the Nazi hierarchy by banks of neutral countries. International financial speculators have invaded the United States, Argentina, and Panama to assist the Germans in one of the greatest mass exodi of capital ever known. United States Government agents have successfully blocked the activities of a number of these speculators but have as yet been unable to do anything about the misuse of diplomatic immunity of neutral countries. Such neutral diplomatic pouches are passed without inspection on Spanish, Portuguese, and Swiss merchant ships at the British control stations in Gibraltar and Trinidad.

It is reported that Reichsmarshal Goering lately used this method to transfer personal funds. According to these reports, Goering previously sent more than $20,000,000 of his personal fortune to Argentina via the Dresdener Bank of Berlin and the Schweizer Bankverein of Geneva. His representative in Argentina is Dietrich Borchardt, a German of Argentina citizenship, who not long ago visited the United States and engaged in financial transactions.

Goering is also reported to have transferred some funds to Argentina by a Nazi submarine which in the Spring of 1943 surfaced near Mar del Plata on the Argentina coast and transferred some forty boxes to a tugboat of an Axis-owned line in Buenos Aires. Part of that money is said to have been invested in the ''Electro Metalúrgica Sema'' arms plant in Buenos Aires which Goering recently sold to the Argentine government for $5,000,000.

One of the latest reports is the discovery that Nazi Propaganda Minister Joseph Goebbels has $1,850,000 in United States money in a safety deposit box in a German-controlled bank in Buenos Aires, under the name of a friend of German origin there.

Foreign Minister Joachim von Ribbentrop has a large sum deposited in the name of his cousin, a German named Martin, who recently received $500,000 from a Swiss bank from the account of the Nazi diplomat.

Admiral Karl Doenitz, chief of the German Navy, has an undisclosed sum in the care of a relative, Edmundo Wagenknecht, owner of one of the largest German import and export firms in Argentina.

Robert Ley, Chief of the Nazi Labor Front, recently bought a large farm near Bahia Blanca, Argentina, under the name of Franz Borsemann, a trusted Nazi friend.

It is estimated that in 1939 German investments in Latin America amounted to at least 150 million dollars or 16 percent of the total foreign investment of Germany. This figure does not include the capital belonging to persons of German lineage or capital employed by those who had acquired an American citizenship while maintaining Nazi contacts and sympathies. It consists of those investments whose ownership is known to be German, hence it is a minimum figure. Much of this, although small in proportion to British and United States holdings, was effectively and intensively organized and integrated into the Nazi political system.

When the Germans overran almost all of continental Europe, they seized many millions of French francs, Dutch guilders, Belgian belgas, Norwegian and Danish kronen, Czech korunas, Polish zlotys, and a great deal of American and British currency found in the banks of these countries. They transported or transferred them to neutral banks, and from there much of it went to South America, mainly to Argentina. This money was partly used for the purpose of expanding Nazi controlled industries in these neutral countries.

According to some Argentine estimates, the Germans have $750,000,000 cashed or invested in South America, including their pre-war investments.

During the war, these investments have been considerably increased through the infiltration of German capital.

''Anilinas Alemanes'' (German Anilines), which is part of the huge German dye trust, is an example. According to figures registered by this company with the Argentine

government, its capital there in 1940 was 5,000,000 pesos. In 1943 it was 9,600,000 pesos, the balance having been invested from abroad during the war. Although the company officially was cut off from all supplies from Germany during that period, its 1939 profits of 69,453 pesos had soared to 1,731,847 pesos in 1943.

German government officials ''bought'' millions of dollars in Argentine securities from their owners in occupied Europe, giving the victims worthless German paper money or securities in exchange. The Argentine securities thus obtained have been sent to Buenos Aires for safe-keeping. Future attempts of the victims to recover these Argentine securities will be a difficult, if not impossible task.

PREVIOUS COMMERCIAL TIES

Industries and commercial houses operated by Germans in Latin America conducted their activities as though nationalized by the Third Reich, in the interest of the Party and often with little regard for financial profit and ordinary business enterprise. Commercial enterprises such as retail and wholesale distribution, importing and exporting, commodity brokerage, and drug compounding and distribution were the types preferred for German investment. More than half of the German capital in Latin America was invested in this field of endeavor.

The largest and most extensive investments were made by Germans in Brazil. Here the basis for a thriving trade in German and Brazilian commodities existed as a result of a large colonies of Germans in Brazil which had been established under the leadership of the Hanseatic Colonization Company beginning in 1887. Most of these early colonists were farmers and laborers and as their economic status became stronger and more prosperous, German industrialists, traders, technicians, and small capitalists were attracted to the country. Thousands of farms owned by Germans and citizens of German descent and in 1939 an estimated 40 million dollars in German capital was invested in commercial houses. German traders maintained the closest of ties with Germany, dealing principally in German goods and in products specially prepared, packed and shipped from Brazil to German markets. These strong commercial ties were fully utilized by the Nazi party organization not only to extend the party network but to provide powerful financial support.

Similar commercial penetration occurred throughout Latin America reaching a position of dominance in Chile, Colombia, and Bolivia. In 1939, German investments in commercial firms in Chile were estimated at 16 million dollars, in Colombia 9 million, and in Bolivia 5 million. German business agents covered the area reaching remote districts with products of German industry and seeking commodities in exchange. Easy credit terms were extended, personal favors granted, and buyers tied to sellers by means of continuing obligations. Such firms as Bayer, Becker, Elsner, Kyllman, Swertzer, and Zeller operated prosperously and with extensive credit furnished by banks with German connections. With typical thoroughness the Germans extended their control until dominance was achieved in many fields. In Uruguay a Nazi gauleiter named Delldorf used the firm of Lahusen and Company as a center of party espionage. This firm with other German-owned and controlled units dominated the wool export trade of the country. The financial strength and commercial prestige of these firms enabled them to exert effective powers over press and radios; a power which was fully used.

In addition to these strictly German investments there were substantial capital holdings in the hands of local citizens of German descent with Nazi sympathies and connections. In Colombia alone there were an estimated 225 firms of this type with capital aggregating about 5 million dollars.

AGRICULTURAL INVESTMENTS

Second in size to German investment in commercial enterprises were German land holdings in Latin America. In Argentina, German colonies were established, principally in Patagonia. More than half of the population in this area was foreign, the Germans numbering 15,000. Several of the richest and most extensive land holdings in Patagonia were dominated directly or indirectly by powerful German interests. The Germans lived here as Germans speaking their own language, retaining German customs, schools, and religion, celebrating German holidays, and spreading a continuous flow of Nazi propaganda. The area was virtually a Nazi State, followed the party line, and kept alive the issue of creating a separate State.

In Peru, Gildermeister and Company with home offices in Lima and Berlin operated under the name of Negociacion Agricola Chicama, Limitada (formerly Casagrande Luckner Plantagen, A.G.). In 1939 this firm owned the largest sugar plantation in the world (more than 1.5 million acres) and controlled the production of more than half of all sugar produced by Peru. The capital investments of this firm were estimated at about 20 million dollars; it possessed its own private seaport, Puerto Chicama, but the total quantity and composition of exports and imports which flowed through the port is a matter of conjecture. Gildermeister maintained close ties with the Nazis, one of the Gildermeister brothers serving as the Peruvian ambassador in Berlin until 1942. The concern employed German as well as native personnel, and dominated completely the economy of the Chicama Valley.

In Central America, notably Guatemala and Costa Rica, German land holdings were substantial. In Guatemala, German capital controlled about 60 percent of the coffee acreage and the amount invested was estimated at 20 million dollars. Similarly, in Costa Rica about 5 million dollars of German capital was invested in coffee and sugar plantations.

BANKING INTERESTS

Ranking third in size, the German investments in banking in Latin America were of considerably greater importance as instruments of Nazi control then might appear from their capital. German personnel was strategically placed in local banks; correspondent contacts were developed and maintained on an extensive scale; loans to institutions of strategic importance and to governments were made and the dominant motive was often clearly political rather than economic.

In every report or news dispatch from South America, two banks have been named as the key transmission-belts for financing German enterprises in Latin America: the German Overseas Bank (Deutsche Ueberseeische Bank) and the German-South American Bank (Deutsche-Suedamerikanische Bank). The former—its Spanish name is Banco Alemán Transatlántica—is under the control of the Deutsche Bank, the largest private bank in Germany, with eighteen branches in Argentina, Brazil, Chile, Peru, and Uruguay. Its board of directors contains, besides the heads of the Deutsche Bank, the director of the Krupp combine, Dr. Busemann; the general director of the potash trust, Dr. Diehn; and representatives of the Steel Trust and of Siemens-Schuckert, one of the two largest electricity trusts in Germany. The German Overseas Bank has interests in the Central Banks of Argentina, Chile, and Peru.

The majority of shares in the German-South American Bank (Banco Germánico de la América del Sud) belong to the Dresdener Bank, Germany's second largest private bank. Here, too, the Krupp combine is represented in the person of Krupp's brother-in-law, Baron von Wilmosky. Hermann Buecher, chairman of the board of AEG, Allgemeine Elektrizitats Gesellschaft, the largest German electricity trust, is also a director of the bank. Consul Heinrich Diederichsen, head of a large Hamburg import and export house, is a director of the bank; while his son, utilizing the money of the German-South American Bank, plans a very important role in the fascist Integralists movement in Brazil.

German banks were of notable importance in Argentina, Brazil, Colombia, and Chile, operating with numerous branches and controlled from Berlin. The former Banco Italiano (now El Banco Crédito del Peru) was a 10 million dollar Axis institution which dominated the banking business of Peru. It has such power that few important steps, affecting government finance or of major economic importance, were taken without consulting the officers of this institution. Through selective financing, it controlled the public utilities and a substantial number of private business interests in Peru.

INVESTMENTS IN TRANSPORTATION

The major German investment in Latin American transportation was made in airlines. The systems developed in strategic areas. The principal lines, Condor, Lufthansa, Sedta, Varig, Scadta, and Lloyd Aero Boliviano, operated largely with German personnel (some of whom were officers in the Nazi Army) and systematically mapped the strategic areas of Latin America. This subject is treated in a separate section of this report.

German shipping companies forced to suspend business activities as a result of the British blockade did not close their offices but in many cases expanded and opened new offices to carry on propaganda functions.

The Compania Unión Industrial de Barranquilla was the only shipbuilding firm in Colombia for the river trade. Its control was German, most of its personnel was German and nearby property and business was owned or dominated by Germans.

PUBLIC UTILITIES

Though direct financial investments by Germans in public utilities in Latin America were small, Germans held key positions in many utility concerns, notably Argentina; and in Uruguay, the German firm, Siemens, contracted to build a great hydroelectric power and distribution system at Rio Negro using German technicians and German equipment and installations. The entire technical personnel of the electric plant in Quito was German. The chief engineer on this project was Walter Giese, a Nazi gauleiter who established in Ambato a powerful Nazi radio transmitting station.

TRANSFER OF ITALIAN FASCIST CAPITAL

The Italian Government in Rome, cooperating with the Allied Commission, seized and sequestered Fascist estates valued at $80,000,000 in liberated Italy. But high-ranking Fascists are said to have smuggled between $400,000,000 and $500,000,000 into neutral countries, most of which is the result of wholesale looting.

Edda Mussolini, the Duce's daughter and widow of Count Ciano, executed Fascist Foreign Minister, escaped to Switzerland and is credited with having stored away more pillage than any other Italian Fascist.

Other nations where Fascists have succeeded in hiding funds include Portugal, Argentina, and Brazil, according to an Allied Commission official.

Italian ''epuration'' (purge) officials are not investigating a report that Mussolini himself hid some loot in the United States.

Mussolini's family, including children and grandchildren, his mistress, Clara Petacci and all of her family, comprise sixteen names of 267 whose estates in liberated Italy have thus far been sequestered. Not all of the 267 are Fascist leaders. Some are simply profiteers and war contract swindlers.

SWISS BANKERS AND GERMAN CAPITAL

Three members of the Swiss delegation of the International Business Conference, held at Rye, N.Y., in November 1944, made several attempts to induce the U.S. Treasury Department to rescind its ruling that the true ownership of all funds deposited by Swiss banks in this country be revealed within one year after hostilities cease in Europe. The Swiss banking system in which numbers designate accounts instead of names, makes it enormously difficult to trace secret or hidden funds.

According to sources having connections in Geneva and Buenos Aires, the reason for Swiss bankers; anxiety to evade disclosure of their clients, names is the fact that Swiss banks have for several years been aiding in the transfer of immense fortunes of Nazi leaders and their European collaborators to the United States, Spain, Argentina, and Brazil.

The Swiss Committee, headed by Edmond Barbey of Lombard, Odier et Cie., includes André Fatio of Ferrier, Lullin, and F.H. Bates, all representing the Union de Bancs Suisses (The Swiss Banking Association). They are basing their plea on the Swiss banking tradition of absolute secrecy concerning their clients' accounts—or even of the fact that the account exists.

At present Swiss funds deposited in the United States anonymously are blocked by the Treasury Department which promises to release them upon definite proof that they do not belong to enemy aliens or war criminals.

The chairman of the Swiss delegation to the International Business Conference was Hans Sulzer of Gebrueder Sulzer in Geneva (and a branch in Frankfort-on-Main, Germany), who was on the British blacklist. (Charged with supplying Diesel engines for Nazi submarines, Sulzer hotly replied, ''They were not for submarines!).

In allowing men like Sulzer and their bankers the cloak of diplomatic immunity, the Swiss government has, probably unwittingly, enabled German leaders like Goering, Goebbels, and von Ribbentrop to spirit huge funds abroad. For centuries Swiss banks have been confidants of men who want to keep their financial transactions secret. A banker is forbidden by the Swiss constitution from disclosing his clients' maneuvers. He would rather go to jail than do so.

The Swiss Banking Association is therefore doubly anxious to induce the United States to refrain from insisting on postwar disclosure of the names of its depositors here. Besides being forced to confess their relations with war criminals, they will have lost the advantage of secrecy which has enabled them to vie in world influence with the greatest banks.●

RESURGENCE OF THE AMERICAN STEEL INDUSTRY

● Mr. ROCKEFELLER. Mr. President, I wish to draw the Senate's attention to a most important development that seems to have gone virtually unnoticed by a great many in the general public. As the co-chairman of the Senate Steel Caucus, I am pleased to report that the story of the resurgence of the American steel industry is a genuine American success story. In the April 16, 1996, edition of the New York Times, there was an extensive article which outlined many of the ways in which American steel companies have been able to rebound from huge losses and, in some cases, bankruptcy. Today the American steel industry is simply the most cost effective, and highest quality steel industry in the world.

During the 1980's, as many of my colleagues will remember, the steel industry was confronted with many serious problems, not the least of which was the fact that foreign steel producers, with the approval of their governments, targeted our steel industry for extinction by means of dumping and other unfair trade practices. In response to the threat of our using our antidumping and countervailing duty laws, foreign governments negotiated voluntary restraint agreements [VRA's] with the United States that kept a lid on imports of unfairly traded steel.

These VRA's were desperately needed medicine which gave our steel companies the extra boost they needed to rise from the ashes. In addition, Congress worked on a bipartisan basis to maintain the effectiveness of U.S. antidumping and countervailing duty laws. Effective use and administration of our trade laws were—and remain—absolutely vital to the health of our steel industry.

That is why I fought so hard, when we were negotiating the Uruguay round of the GATT, and when Congress was writing the legislation to implement the round, to make sure that the sanctity and effectiveness of our fair trade laws were maintained. Today, some are trying to undermine our trade laws through covert means, to find ways of getting around our trade laws. Mr. President, we can't afford to let that effort succeed. America's steel industry, the backbone of our economy, can't afford to let that effort succeed.

However, our trade laws alone didn't bring about American steel's resurgence. Since 1980, U.S. steel producers have invested over $35 billion in modernization—a figure higher than the industry's total cash flow! But the revitalization of America's steel industry has been costly and painful. Between 1980 and 1992, the workforce was cut by 57 percent and 450 facilities were closed.

Most of the 235,000 people whose jobs were lost in those down years won't benefit from the resurgence of America's steel industry, but the polishing-up of the rust belt will benefit thousands of other workers and their families.

Today, the United States has a world class steel industry. American steel is the lowest cost producer for the U.S. market; U.S. labor productivity—man hours/ton—in the steel sector leads the world; the quality of American steel is second to none; and the United States is emerging as a center of innovative steelmaking technology.

As we all know, successful competition in today's global marketplace requires a vigorous manufacturing base. Steel is fundamental to that base and continues to be essential to manufacturing, infrastructure and defense—mainstays of our economy.

Mr. President, I ask that the New York Times article entitled, ''Big Steelmakers Shape Up,'' be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 16, 1996]

BIG STEELMAKERS SHAPE UP—U.S. MILLS WIN BACK BUSINESS AT HOME AND ABROAD

(By John Holusha)

SPARROWS POINT, MD.—Richard Moore was laid off from the Bethlehem Steel Corporation's sprawling mill here in 1981, one of tens of thousands of workers shed by the American steel industry as it fought to cut bloated costs and fend off surging imports.

Now, after a nearly 15-year stint selling auto parts, Mr. Moore is back on the job, one of 400 production workers hired here last year, the first new arrivals since 1979. More are expected to be hired soon.

''The work here is dirtier, hotter, more dangerous and strenuous'' than the sales job, Mr. Moore said during a brief break. But, at $24 an hour in base pay and benefits, it is also ''much better than what I was doing,'' he added.

The return of Mr. Moore and his colleagues—and others like them at steel plants around the country—marks the return as well of an industry that was nearly given up for dead in the United States a decade or so ago.

Slimmer now and better run, American steelmakers are taking back more and more pieces of their domestic business from competitors in Japan and other countries. And at levels not seen for half a century, they are going abroad with a vengeance, more than holding their own on foreign turf in terms of quality and price, even with the added expense of shipping.

Last year, they shipped 7.1 million tons of steel slabs, sheets and structural beams to foreign countries, nearly doubling the 3.8 million tons exported in 1994. It was the best export performance since 1940, according to the American Iron and Steel Institute, the principal industry trade group. And orders are booming this year.

As explanation of why he expects to stay on this time around, Mr. Moore pointed to the fact that the tinplating line he works on had sold its full 1996 production capacity by mid-March. Last year, Bethlehem exported 500,000 tons of steel from the plant here, along the Chesapeake Bay about 12 miles southeast of Baltimore. That is up from just 50,000 tons the year before. All in all, the performance last year and the strong orders so far this year ''confirm that the U.S. steel industry has become competitive on a world basis,'' said Peter F. Marcus, a metals analyst at Paine Webber.

To be sure, the United States still imports more steel than it exports, at least partly because so many outmoded mills have been closed that the domestic industry cannot fully supply the market. Imports totaled 24.4 million tons last year. And the bulk of the hiring here and at other plants is to replace retiring workers, not to add to the payroll.

Still, in one basic category, hot rolled sheet steel, the United States has been a net exporter since last June. And overall employment in the industry—now thought to be around 170,000—has begun to increase as the first few of nearly a dozen new mills scheduled to open by the end of the decade have started production. Taken together, the numbers show just how far American steelmakers have come in changing their old ways, analysts and industry executives say.

Those ways were marked by a full plate of inefficiencies: overstaffing, outmoded production processes and poor quality control. Foreign steelmakers, led by the Japanese and the Europeans, saw their chance and moved in. But there were domestic threats to the steel giants as well, from so-called mini-mills, upstart operators that turned out low-cost steel from scrap rather than from raw materials. And some foreign companies bought plants in the United States and began to revamp them.

Eventually, the big American steelmakers got serious about survival. They slashed payrolls, shuttered the most antiquated of their hulking mills and spent billions on new technology and equipment.

With costs down and quality up, the industry has been positioned of late to take advantage of currency swings that have made American products cheaper abroad. Besides making American steel itself more attractive to foreign markets, the relative weakness of the dollar has helped many domestically made products, from cars to appliances, that contain steel. And that, in turn, has given the American steelmakers a chance to retake at least some of their home ground.

Noting that the Chrysler Corporation is exporting steel to Europe to make Jeeps there and that cars containing American steel are being exported in larger numbers than they used to be, Michelle Applebaum, an analyst with Salomon Brothers, said: ''The Rust Bowl in the United States has become competitive again. The steel market is the primary beneficiary of the new competitive heartland in the United States and is stronger than it has been in decades.''

The evidence of the shift is striking in sheet steel, the biggest category and a major component of cars, building materials and appliances. At the beginning of 1995, Ms. Applebaum said, imports accounted for a net market share (subtracting exports) of 17 percent. But by the end of the year that figure was down to 5 percent. ''That means that a full 12 percent share was given back to the U.S. market,'' she said, equaling twice the output of one large steelmaker, Inland Steel Industries.

One measure of efficiency is the amount of labor it takes to produce a given quantity of steel. According to Mr. Marcus, the average integrated mill in the United States requires 4.42 hours of labor to produce a metric ton, or 2,200 pounds, of steel. That compares with 4.49 hours in Japan, 4.69 in Germany and 4.71 in Britain. Twenty years ago, when far more labor was required, Japan was the leader, at 11.36 hours, followed by the United States, at 12.49.

Steel executives say exports provide a long-term opportunity, though shipments are likely to vary from year to year, depending on domestic demand. Because it costs about $50 a ton to ship steel overseas, the profit margin is less than in a domestic sale. But because blast furnaces must be run continuously, disgorging ton after ton of molten pig iron, manufacturers like having an alternative market if demand fails at home.

''Right now, the domestic market is more attractive, so our exports will probably be less this year than in 1995,'' said Paul Wilhelm, president of the U.S. Steel Group of the USX Corporation. U.S. Steel exported 1.5 million of the 11.4 million tons of steel it made last year. But the company is a permanent player in the export business, with long-term overseas accounts, Mr. Wilhelm said.

John J. Connelly, the president of U.S. Steel International Inc., added, ''we see this as an ongoing 4 to 5 percent of our business through thick and thin.''

And while the cheap dollar helps keep that market open, industry experts say, there are other factors.

''Currency has an effect, but in the end if you are low-cost, high-quality and meet customer expectations, you will get business,'' said Curtis H. Barnette, Bethlehem Steel's chairman.

This newfound efficiency and quality will have increasing importance in coming years as the new mills begin opening in this country. If products from the new mills can push out imports rather than cannibalize older mills, as has been the case in the past, jobs at places like Sparrows Point look like a better long-term bet.

All the start-ups are patterned on mini-mills, which have small, highly efficient work forces. The Nucor Corporation, the mini-mill leader, can make steel at some of its mills with less than half an hour of labor a ton.

But the mini-mills may no longer enjoy the big advantage over traditional mills that they had in the past, some experts say. In part, that is because the traditional mills have become so much more efficient.

Another reason has to do with the production process of most mini-mills: They have to live with the impurities in the recycled materials they use, and the price of high-quality scrap has been rising. Integrated mills, because they work from raw materials, can better tune the chemistry of their products.

Because the price of scrap is likely to keep rising as new mini-mills add to demand, many companies are investing in ways to separate iron from ore that do not involve blast furnaces, which are costly to build and operate. Nucor, for example, is converting ore into iron carbide, a form of the metal that can be added to scrap.

As the mini-mills lose some of their edge, the slimmed-down integrated mills should be able to hold their own better on the domestic front, analysts predict.

At Sparrows Point, the changes have been profound. In the 1950's and 60's, it was more like an independent empire than a factory. The mill employed about 30,000 people and there was a company town, complete with company-owned housing, stores and schools. There was even a police force and a semi-professional football team.

In the late 60's, the company decided to end this paternalistic system and to gradually close down the town. New mill buildings swallowed the remains of the town, and the workers who stayed on the payroll moved to Baltimore and the surrounding area.

''There was a high school where the blast furnace is now,'' said Duane Dunham, the president of Bethlehem's Sparrows Point division.

Over the last decade, Bethlehem poured in $1.6 billion for improvements. Everything in the mill is automated and run by computer, allowing only a few people to control the movement of vast amounts of material by watching wall-sized displays. Today the plant employs just 3,250 people and can make 3.5 million tons of steel a year, about one-third of its capacity in the old days.

The attitude of the employees and their union, the United Steelworkers of America, has changed as well. At the tin plate plant to which Mr. Moore is assigned, for instance, the rigid union work rules of the past have become flexible.

''We are all cross-trained, so we can fill in for people who are not here,'' said Brenda Matthews, one of the new workers, adding that little distinction was made between men and women. ''Women do the same jobs as men,'' she said, with one exception: Only the men load the heavy bars of tin needed in the electroplating process.

Even some of the veterans are whistling a new tune. James Henson has been at Sparrows Point for 25 years, mostly as an operator of a tractor that moves coils of sheet steel prior to shipment.

''In the old days, we had people chasing coils all over the place,'' he said, waving at a warehouse that is easily as long as three football fields. ''Now it is all on computer and we are shipping to our customers on a just-in-time basis. Every tractor operator has a computer and every coil is logged in. It's better this way.''●

NATIONAL PARK WEEK

● Mr. BURNS. Mr. President I rise today to recognize National Park Week from April 22–28.

Mr. President, Montana is known for its wonderful landscapes, abundant game, and a Big Sky. Montana is also known as a tourist's haven because of the State's access to two of the Nation's most beautiful treasures, Glacier National Park and Yellowstone National Park.

Our complex National Park System includes the likes of the crown jewel itself, Yellowstone National Park, but also includes the more urban historical treasures in Washington, DC.

The caliber and diversity of our National Park System is uncontested throughout the world. However, so is the cost of maintaining such a vast ecological system. We in Congress have worked to preserve our national parks and ensure the public's access to these native gems.

In an effort to meet the costs of preservation without limiting public access, the 104th Congress has passed legislation that increases entrance fees. The fees are our guarantee that national parks can maintain quality services and preservation practices that make each visitor's experience a memorable one.

Our National Park System provides a popular retreat for families. I believe the parks should be accessible to all people of all ages regardless of physical abilities. The parks do not belong singularly to the hearty wilderness explorer, they belong to all Americans.

So whether your view is of Glacier's majestic snow covered peaks overshadowing the Going-To-The-Sun road, or Yellowstone's Lamar Valley boasting its elk, waterfowl, buffalo, and the occasional grizzly, the preservation of the national park system will be secured.

COMMEMORATION OF THE WARSAW GHETTO UPRISING

● Mr. MOYNIHAN. Mr. President, I rise to commend to the Senate three remarkable public addresses delivered

last week on the Days of Remembrance, designated by the Congress to the memory of the Holocaust victims. Two of these speeches were given at New York City's Annual Commemoration of the Warsaw Ghetto Uprising and the third graced the U.S. Holocaust Memorial Council's National Civic Commemoration in the Rotunda of the Capitol Building.

These addresses by my friend Benjamin Meed, president of the Warsaw Ghetto Resistance Organization and Avroham Burg, the dynamic director general of the Jewish Agency for Israel, are important statements that deserve the attention of all who cherish human freedom and democratic values.

I ask to have these remarks by Mr. Meed and Director General Burg printed in the RECORD.

The remarks follow:

AN ADDRESS BY BENJAMIN MEED, PRESIDENT, WARSAW GHETTO RESISTANCE ORGANIZATION 53RD ANNUAL COMMEMORATION OF THE WARSAW GHETTO UPRISING

We are together again—the entire Jewish people, men, women, and children, to commemorate the murder of the Jewish people by the Germans and their collaborators. They made no distinctions among Jewish people at the gates of hell. Together we were all pushed to the gas chambers. For one reason only—we were born as Jews.

This commemoration, which I have the honor to chair for the 35th year, is deeply emotional for me as it is for many of you. For many years, the survivors alone remembered. We kept reliving our nightmares in the hope that the world would pay attention to our past, and now, the world has heard our story.

People have started to understand that what happened was real. When we testified collectively, the world began to take our tragic experience seriously—and to heed our warning.

Or perhaps it is because all humanity is frightened that the tragic, unique lesson that we Jews experienced, can happen again—this time on a cosmic scale—to all people. And it is all because survivors kept faith with the final command imparted to us by the Kedoshim! Zachor—Gedenk—Remember!

We accepted that obligation and took it with us to our adopted homes throughout the world. In Israel or Argentina—in Sweden or France—throughout the United States and Canada—survivors remember. How can we forget? How can we allow others to forget? How betrayed and isolated we were by the high and the mighty—and the ordinary people. The so called ordinary people were not so ordinary. Many highly educated were nevertheless motivated to murder us.

Immediately after the Holocaust they said they did not know. How could they not have known? On the cattle cars to Auschwitz and Treblinka—throughout Poland, Czechoslovakia and Hungary on the way to death—we criss-crossed all of Europe—day after day after day—screaming for help in Yiddish and Polish, Greek and German, Dutch and Flemish, Russian and French. But the world would not listen as we were herded together from the four corners of Nazi Europe to be murdered—only because we were Jews.

We Jews now speak other languages. And on Yom Hashoah we gather from every part of the world—to remember together! And Jews are united—not by death—but by memory and by a love of Israel. To us survivors, the State of Israel is not only a political entity. It is a homeland—a realized dream—a bright beacon of light in a world desperate for hope.

And yet we are still afraid—but it is a different fear. Those who were fortunate enough not to have experienced the Holocaust do not and cannot understand how we survivors feel when we see how our tragic past is remembered by others. We are deeply hurt when we see the way the Holocaust is portrayed as only dead bodies—piles and piles of corpses and mass graves. We survivors shudder, for in a way we fear that Hitler succeeded because the world is not aware of the vibrant Jewish life that was before the Holocaust—or of the cultural heritage of 1,000 years of Jewish history in Europe. It does not hear the songs of the shtetl, the theme of Warsaw, the Yeshivot of Vilna, the Hasidim of Belz, or the poets of Lodz and Krakow.

All it recognizes is death. Yet we remember the life that was destroyed—the world that is no longer. The world of Yiddishkeit and Menchlichkeit.

We are still asking the questions—how did it happen? Who failed? What failed? But these questions should not distract our attention from the real murderers—the Germans and their collaborators—or from the profound failure of world leaders and church leaders. Their silence has yet to be judged by history.

And we think not only of the past but also of the future. To you—our children assembled here, we would like to entrust our memories—as part of our last will and testament. You are the last generation to be blessed with the memories of the survivors—the living witnesses to the kingdom of night. This is your heritage, which we are transmitting to you. You must know your roots. You must remember that your very birth was testimony of the triumph of hope over despair—of dreams over pain. You are our response to those who tried to destroy us.

We also want to protect the truth from innocent and well-meaning people who speak only of the good—of the rays of hope and goodness—the righteous Gentiles whose memories we cherish with gratitude. But where was the reality? For every righteous person, there were thousands who collaborated or who shared the enemy's desire to murder the Jews or who, at best, stood idly by and did nothing.

Let us remember the Holocaust as it was. It was painful. It was bitter. It was ugly. It was inhuman. But it was real. Let us not permit it to be diluted or vulgarized. Let us not diminish its meaning by treating every event in human history—every instance of human suffering or discrimination as a Holocaust.

We survivors know that time is growing short, we are getting older and we need each other more than ever before, and we need you—our children and our fellow Jews to continue our legacy.

REMARKS OF AVROHAM BURG, DIRECTOR GENERAL OF THE JEWISH AGENCY FOR ISRAEL

Shalom Moishe, my dead elder brother.

A year has passed, and once again we are gathered to honor your memory. Each year, we promise you that we will never forget. We will not forget you and all our brothers and sisters who will forever remain the young boys and girls you were on the day of your deaths.

You really haven't changed. You are still so much like the old, faded picture hanging on the wall at home. It was hand painted with life-like colors.

In our memories, you are still smiling as if the world wasn't such a hard place to live in. It's as if you really haven't noticed that another year has gone by. The sun is hotter, and the cold is even colder. My legs are weaker, and my eyes are filled with more tears. And strangely, as more time passes, and we grow further apart we grow closer together. Because each year, fewer survivors remain. They leave this world, and we remain here with the heavy burden of memory. And, as we eulogize you, we also eulogize lost childhood and history that—like you—we can never ever bring back.

Six million brothers died. Sisters, children, parents and their loved ones. How many of you are there really? Another entire State of Israel. Another community the size of the American Jewish community. Another fifteen communities of Latin American Jews? So many boys, girls and grandchildren that will never be born.

Our mourning will never cease. Never, because you—the fallen—never will have children. There were those who never had children because they were too young, and those who had children whose spirits never ran free, and those who had children who never had the chance to fulfill their dreams.

As time passes, we miss you more than ever. We miss the children that you never had. So many unborn children. For those of you, the childless generation, we are here for you, standing by your side, here and now.

And the cycle of our mourning will never be completed. Our continuous grieving is the grieving of a people that is missing so many of its members.

And we—the living—each year, we bring children into the world. So many of them bear your name, Moishe, to honor the dead, and we hope that they will experience all the things we wanted for you but you never had.

Our children are continuing in your footsteps, from the point at which your life was cut off.

They will never know you, and we silently pray:

That they will carry your name but please God, that they will know a different fate. That they will live, and know goodness and peace. Each year we promise our children the things that our mothers promised us:

Son, when you are all grown up, there won't be violence in the world. When you grow up, there will be peace in our world. And we also promise our children something that we may not accomplish.

Will our grandchildren enjoy the redemption on behalf of our dead loved ones?

I really don't know what to say to you. You who come here every year. You who come here to unite with the memory of those no longer with us. We have come here because of the togetherness, and the awesome atmosphere of condolence. We want to be with you today, in this gathering of mourners. It is here, and in every place that we take our revenge.

On that painful and horrifying day, at the moment before the flames engulfed you, we cried out—revenge!

Oh God of Vengeance—Hashen—appear!

And, as time passed, something deep inside of us cried out to us, and we pray to God, but differently:

Oh God, full of mercy—Father of Compassion!

Because Jewish revenge is not taken by shedding blood.

We do not want to resemble our killers when we take our revenge. Our revenge is different.

We remember, and never forget. We remember the murderers, and know that we can never forget that in every man there is an evil inclination. We remember the march of the dead, and we march for the living.

We remember the glorious legacy of communities that were ruthlessly executed.

And we swear that our grandchildren and great-grandchildren will never, ever forget you, Moishe.

The world, it seems, wants us to accept that your souls and the worldly goods you worked for were taken away from us forever. Your souls are protected by God, and your spirit rests in the next world. But we will have your goods returned. Because justice was not fully served on the day of surrender in 1945.

We have not forgotten the despondency of the final moments. And we have demands from and messages to the once Nazi-occupied European countries, and the neutral nations:

You will not benefit from the deposits or the possessions of those who were murdered. We are all too aware of the ''dormant'' accounts.

There are no dormant accounts. And there are no dormant memories.

Because each individual is a messenger, and there is no man who does not have a mission.

And, it is not our mission because of the individual or for the individual. Rather, this is the mission of the individual on behalf of his people.

One individual comes to the world to teach, and another to learn. One person comes into the world to cry, and the other to console. One person is born to live, and yet you were born and then died so soon. Was this your mission? You died so that we could live. And we were born to remember.

Today, we are your messengers, Messengers who must remember to live by your commandments. To have the ultimate Jewish revenge—the revenge of peace, as in the Jewish prayers that we say three times per day:

Bring upon us peace and goodness and a blessed life, grace and kindness, upon us and the entire House of Israel, amen. Bless us our Father, each of us as one in the glorious light of your powers, because the light of your powers gave us the Torah and the love of kindness, and the love of charity and blessings and mercy and life and peace.

And it would please you to bless us, and to bless your entire House of Israel at every moment and at every hour and the strength of your peace be upon us. Blessed art thou, our Lord who blesses his people of Israel in peace.

Amen. May their memories be a blessing.

WELCOMING REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE, U.S. HOLOCAUST MEMORIAL COUNCIL

Members of the Diplomatic Corps, distinguished Members of Congress, Honorable members of the Holocaust Memorial Council, Fellow Survivors, Dear Friends.

When Congress created the United States Holocaust Memorial Council in 1980, there were only a few Yom Hashoah observances held in communities of Holocaust survivors living in this country. You, the Members of Congress, entrusted us, the members of the Council, with the responsibility of teaching American citizens about the Holocaust. We have complied with your mandate by building the Holocaust Memorial Museum, which most of you have visited, and by leading the nation in annual civic commemorations, known as the Days of Remembrance. I am privileged to tell you that now, during this week of Holocaust Remembrance, more than a million people from all the states of our great Union will come together in Memory. We are joined by Governors, Mayors and community leaders as well as professors, teachers and schoolchildren.

Earlier today, the entire nation of the State of Israel stopped and stood silent in Remembrance. We are together in dedication to Memory and aspiration for Peace.

Over the past fifteen years that we have gathered to commemorate in this Rotunda, we have observed an anniversary—the fiftieth year of a milestone event: the Night of Broken Glass, the Warsaw Ghetto Uprising, the encounter between American soldiers and Holocaust survivors.

This year we confront the anniversary of the aftermath of the Holocaust: what happened as we survivors attempted to rebuild our lives. This was not an easy thing to do. It was years before we could ask a policeman for directions. Why? Because he was wearing a uniform. For a long time, it took great courage just to answer a knock on the front door.

It is true that we looked to the future in hope, but the shadows of the past remained. And so we dedicated our lives to Remembrance—remembrance of all those for whom the future had been destroyed by the Shoah.

Rebuilding became a central concern for the world—rebuilding a Europe devastated by war; rebuilding the shattered image of humanity in a world of Auschwitz, Belzec and Treblinka. America understood the necessity of encouraging the European nations to work together for economic recovery. Thus the Marshall Plan was implemented, and the groundwork for the Europe of today was laid.

The Allied leaders also realized that to build a sound future, there had to be an accounting for crimes so great as to be unparalleled in recorded history.

Nuremberg, the city where Nazi party pageants had been held, the place where the Nuremberg Laws were promulgated and the German legal system became an accomplice to mass murder, was chosen as the site for the first, joint International Military Tribunal.

In its charter, three forms of crimes were specified. Two of them were ancient, but one was unprecedented. Crimes against the peace and war crimes were familiar terms to all of us, but Crimes Against Humanity was a new category. It described mass murder and extermination, enslavement and deportation based on racial, religious, or political affiliation.

Through the proceedings of the Nuremberg Trials, we came to know the perpetrators. Documents that the killers had so carefully created were gathered and studied. In the defense testimony of accused doctors, judges and industrial leaders as well as military generals, Einsatzgruppen commanders, and concentration camp commandants, the world learned ''how the crimes were committed.'' We also learned that tens of thousands of ordinary Germans from all walks of life had willingly participated in the annihilation process. Ironically, those on trial pled not guilty to the charges, they did not claim innocence. Rather, they attempted to shift the burden of responsibility to those of higher rank.

Was justice achieved? Certainly not! For what meaning can justice have in a world of Majdanek, Chelmno and Sobibor? What punishment is appropriate for the crimes?

Still, the attempt to speak of justice was important. It was a way of setting limits, of saying there are crimes so evil and so enormous that civilization itself is on trial. For such crimes, there must be punishment.

For many years at hundreds of commemorations around the world, we have pleaded Zachor—Remember. Remember the children of Teresienstadt. Remember the fighters of Warsaw. Remember the poets of Vilna. Remember all of our lost loved ones.

Today, let us also not forget the killers. Let us not forget their evil and their infamy. Let us not forget them because they express what happens to the power of government and the majesty of legal systems that become detached from moral values and humane goals. The same powers that heal and help can also humiliate and decimate. There is a difference; there must be a difference: and you and I must make sure that we make a difference.

With these words, here in this great Hall of democracy, let us recommit ourselves to the principles of justice and liberty for all—and to Remembrance—now and forever.

Thank you.●

TAKE OUR DAUGHTERS TO WORK DAY

● Ms. SNOWE. Mr. President, I rise today on Take Our Daughters to Work Day, to encourage young women and girls across America to set their sights high, and to reach for their dreams.

When I was a young girl, most women worked in the home. Girls were not frequently asked, ''What do you want to be when you grow up?'' Our options appeared limited, and we had far fewer women role models telling us, ''If you work hard, you can be whatever you put your mind to.'' Some women broke the gender barrier, and served as role models for a whole generation of young women and girls. One such woman was Margaret Chase Smith, whose service in this body inspired many girls and young women in Maine and across the Nation to seek a career in politics.

Since my childhood, the composition of the work force has changed dramatically, and job opportunities have significantly increased for young women and girls. Today, women comprise 46 percent of the paid labor force, and by the year 2000, two out of three new entrants into the labor force will be women.

Despite these gains, studies show that during adolescence girls often receive less attention in school and suffer from lower expectations than do boys. They also set their future sights lower than their male counterparts. This is reflected in a 1994 New York Times/CBS poll, which found that over one-third of girls surveyed believed that there are more advantages to being a man than a women. For many girls, low self-esteem can lead them to lose confidence in their abilities, which may prevent them from achieving their fullest potential later in life. For others, this low self-esteem can lead to teen pregnancy, drug use and other problems which threaten women's professional and economic opportunity, not to mention their health and social welfare.

In this day and age, we cannot accept reduced opportunities for girls and women from either an equity standpoint or an economic one. Today, women are equally responsible for the financial well-being of their families. Many American families find two incomes a necessity if they wish to thrive, and others require two incomes simply to stay above poverty. So it is not just their own futures that are at stake, but the future of their children and their children's children.

We need to do far more to challenge our daughters' notions of women's work. While most school-age girls plan to work, they do not plan for careers that could sustain themselves and

their families. Women and girls continue to be enrolled in education and training programs that prepare them for low-wage jobs in traditionally female occupations. Women remain significantly underrepresented in careers requiring math and science skills—women comprise only 11 percent of today's technical workforce, and only 17 percent of all doctors are women. Nearly 75 percent of tomorrow's jobs will require the use of computers, but girls comprise less than one-third of students enrolled in computer courses. And a study by the Glass Ceiling Commission found that women occupy only 5 percent of senior-level management of the top Fortune 1000 industrial and 500 service companies. As leaders and as parents, we must do our best to ensure that American girls are prepared to step into those high wage jobs and management positions that command higher salaries in the workforce.

I am extremely pleased to participate on the steering committee for Take Our Daughters to Work Day, organized by the Maine's Women's Development Institute, in my home State. Girls in Maine and across the Nation need to see first-hand that they have a range of life options. They need that extra support to boost their confidence and believe in themselves and their potential. They need to be encouraged to reach out and use their creative spirit. It is our responsibility to set high standards and provide them with the experiences and role models that will inspire them to be the leaders of the future.

Today, millions of parents across the Nation are taking their daughters to work. These parents perform a great service by exposing their daughters to new and exciting experiences. They are not only expanding their horizons and helping them to explore career opportunities, but teaching them important lessons about goal setting as well. Take Our Daughters to Work Day is of great importance to girls across the Nation, and to the women of tomorrow.●

TRIBUTE TO THREE OF DELAWARE'S FINEST CITIZENS—THE ALLEN BROTHERS: CHARLES, JR., WARREN, AND JACK

● Mr. BIDEN. Mr. President, I rise today to pay tribute to three brothers who are pioneers in Delmarva's flourishing poultry business. Over the past 50 years, Charles C. Allen, Jr.; Warren L. Allen; and John R. ''Jack'' Allen, have built what was once a small, mom and pop family business, into one of our Nation's top poultry companies, Allen Family Foods Inc. Their contributions to the industry and to our State of Delaware are as rich and diverse as the history of the poultry business itself, and I congratulate them on their half-century of dedication and achievement.

Their parents, C. Clarence and Nellie Allen, first got into the poultry business in 1919, incubating about 250 chicks. Things got off to a bit of a shaky start for the Allens. On one occasion Nellie banished Clarence to the garage after one of his chicken incubation experiments nearly burned their house down. But the Allens persisted and 4 years later in 1923, the family expanded the operation by purchasing a 38-acre farm on the outskirts of Seaford, DE. This 100-year-old farmhouse became one of the first commercial chicken houses on the Delmarva peninsula and remains the company's headquarters.

Charles Jr., Warren, and Jack continued the family tradition and expanded this once-modest enterprise vigorously through the years. Today, Allen's Family Foods is a privately held, multimillion dollar, integrated poultry company. Allen's processed chicken is sold in stores from Virginia to Massachusetts. Charles C. handles the farming side of the business; Warren is vice president in charge of finance; and Jack is secretary-treasurer. The elder Allens have in turn brought their three sons: Charles C. Allen III; John R. Allen, Jr.; and Warren L. ''Wren'' Allen Jr., into the business, ensuring that Allen's Family Foods will be operating in Delaware well into the next century.

In addition to this commercial success, the Allen family has made tremendous contributions to their community. Warren Allen served three 2-year terms as the Delaware State Representative for the 38th district, in addition to service as the chairman of the advisory council of the Delaware Home and Hospital for the Chronically Ill in Smyrna, and on the board of trustees of the Delaware State Hospital. Charles Allen was campaign manager for the hospital's expansion fundraising drive. Their generosity also led to the creation of the Allen Little League baseball field at Williams Pond. For their lifetimes of service, the Delmarva Poultry Industry recently honored Charles, Jr., Warren, and Jack as the 1995 distinguished citizens; the first time in history that this award has been shared by three members of one family. I can think of no more deserving individuals and I again extend my congratulations to the Allen family.

The story of Allen's Family Foods encompasses all that is just and good in America: Ingenuity, perseverance, dedication, and compassion for our fellow citizens. Simply put, Delaware is a better place because of the Allen Family. Again, I extend my heartfelt congratulations to my friends Charles, Jr., Warren, and Jack, and wish them many more years of health, happiness, and prosperity.●

HUMANITARIAN AID TO LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to express my disappointment in the aid package for Lebanon which was recently announced by the Clinton administration. The aid package consisted of a mere $1 million to fulfill the International Committee for the Red Cross request, an additional $25,000 from USAID through the U.S. Embassy in Beirut, and 50,000 pounds of U.S. military medical supplies and equipment.

Due to the most recent violence in Lebanon, some 400,000 refugees have been displaced. There is an extreme amount of pressure upon the country's infrastructure, particularly in Beirut where there is very little electricity. In southern Lebanon it has been reported that the water supply has been cut off to dozens of villages. The Lebanese people have suffered greatly over the last two decades, but they are particularly in need of urgent assistance. The United States has always viewed Lebanon as a good friend and ally, and thus the United States should make a greater commitment of resources.

Considering the President's past emergency aid packages of $59 million for Rwandan and Burundi refugees and $11 million for Cuban and Haitian refugees, the Clinton administration efforts with respect to Lebanon is clearly and grossly insufficient. For approximately the same amount of refugees in Russia, this administration donated 1.2 million pounds of medical supplies and equipment. This inequity with respect to Lebanon is clearly unfair.

Mr. President, I urge the Clinton administration to immediately redouble its aid efforts to Lebanon. In addition, as I have done for the past week, I urge the administration to utilize all of its diplomatic resources to negotiate a cease fire in this region and to bring and end to the hostility immediately.●

RECOGNIZING STUDENTS FROM TRUMBULL HIGH SCHOOL

● Mr. LIEBERMAN. Mr. President, today I would like to recognize a group of students from Trumbull High School. This weekend, April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People—The Citizen and the Constitution Program. I am proud to announce that a class from Trumbull High School will represent Connecticut. These young scholars have worked diligently to reach the national finals by winning first place at the statewide competition in Connecticut.

The distinguished members of the team representing Connecticut are: David Abbate, Stephen Britton, Meredith Bucci, William Dunn, Brian Emery, Michael Felberbaum, Kristina Gospic, Pamela Harinstein, Bruce Malloy, Philip Moore, Jessica Paris, Michael Ragozzino, Douglas Rowe, Matthew Rowland, Jason Saunders, John Urbanati, Richard Van Haste and Alison Veno.

I would also like to recognize their teacher, Rita Altieri, who deserves a share of the credit for the success of the team. The district coordinator

Jane Hammer and the State coordinator Joani Byer also contributed a significant amount of time and effort to help the team to the national finals.

The We the People—The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. Administered by the Center for Civic Education, the We the People—Program, now in its ninth academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People—Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.●

WATER RESOURCE RESEARCH ACT

● Mr. THOMAS. Mr. President, I am pleased that today the Senate will pass H.R. 1743, a bill to reauthorize the Water Resource Research Act, as amended by the Senate Committee on Environment and Public Works. This is a small, but vitally important piece of legislation that gained unanimous support in the House of Representatives, as well as the Environment and Public Works Committee here in the Senate. I want to thank Senator KEMPTHORNE and Senator REID, along with Chairman CHAFEE and Senator BAUCUS for working with me to ensure the swift passage of this legislation. Their hard work, and that of their staffs, is greatly appreciated.

H.R. 1743 extends the authorization for the water resources research institutes program through the year 2000. The water resources research institutes program is a vital Federal/State water research, education and information transfer partnership. This program supports a network of institutes at the land grant colleges in each of the 50 States, 3 trust territories and the District of Columbia. These institutes are the primary link between the academic community, the water-related personnel of the Federal and State government, and the private sector. The institutes provide a mechanism to promote State, regional and national coordination of water resources research and training, as well as information transfer. This is a very productive program. In fiscal year 1995, the Federal appropriation for the water institutes—under $5 million—leveraged approximately $65 million from State, private and other sources to support the institutes research and training activities.

Federal regulations and programs designed to solve water problems have their primary impact at the State and local level. State and local governments are in a far better position to tailor solutions to local water problems than the Federal Government. Programs such as the water resources research institutes are an efficient and effective way for the Federal Government to assist States to conduct research and solve problems in the water resources field. In administering the State water resources research institute program, the Interior Department and the Geological Survey distribute funds equally among all the institutes. The State institutes then award research funds through a competitive, peer review process. Institutes have advisory panels comprised of local, State, and Federal water officials, representatives from water user groups and other interested parties, which develop yearly research priorities for their States and review the allocation of funds among various competing projects. This is the true strength of this program. Individual State institutes are able to focus grants on research that addresses the most pressing water problems in that State. There have been efforts made to strengthen the competition for funding between the individual water institutes. I have serious concerns about that. We must fund this program at a level that allows us to maintain the network of institutes in every State. In addition, we must preserve the role of the advisory panels in each State, continuing to allow each State to determine the research agenda for themselves. I would hope the Department of Interior would not impose new restrictions on State water resources research programs in the future.

In addition to the core program, I am pleased the bill before us contains an authorization for a second program focused on regional issues. I amended the House bill to include this important program, which will allow the institutes to conduct research of regional, interstate issues. Increasingly the water issues we're asking States to deal with are of a regional, interjurisdictional nature. The bill as amended in committee reauthorizes the section 104(g) program to support this needed interdisciplinary research and analysis necessary for assessing regional and interstate water resource problems.

Finally, Mr. President, this bill takes a realistic look at future funding. This bill funds the institute programs at a level more in line with historical appropriations, reducing the current authorization by more than 40 percent below the current authorized level.

This is a good bill, a good program, and I'm pleased the Senate is moving ahead with passage today. I'm hopeful the House will agree to our changes quickly and we can get this bill signed into law without delay. Thanks again to the leadership of the Environment and Public Works Committee for working with me on this legislation.

COMMEMORATING THE TENTH ANNIVERSARY OF THE CHERNOBYL TRAGEDY

● Mr. BIDEN. Mr. President, I rise today to solemnly commemorate the tenth anniversary of the worst nuclear accident since the dawn of the nuclear age.

On April 26, 1986, a flawed structural design and operator error caused a sudden power surge within reactor number four at the V.I. Lenin atomic power plant in Chernobyl, Ukraine.

The resulting chemical explosion vaporized nuclear fuel, melted the reactor's substandard shell and released into the atmosphere a gigantic, 180-ton cloud of deadly radioactive iodine, cesium and other lethal isotopes—containing 200 times the amount of radioactive material emitted during the atomic blasts at Hiroshima and Nagasaki.

Within a 4-month period, 31 power plant employees and cleanup workers died of acute radiation poisoning. Tens of thousands of other Ukrainian and Belarusian men, women and children suffered radiation sickness. Invisible fallout—detected as far away as California—contaminated forever more than 10 million acres of nearby forests and farmland, permanently poisoning the local food chain.

When the magnitude and the severity of the catastrophe became clear, close to 200,000 people were hastily and permanently evacuated from the rich, fertile land which was their home for generations. The Chernobyl area—once lush with old-growth forests rich in mushrooms, berries and other medicinal herbs—is now a 30 kilometer dead zone.

Human habitation is strictly forbidden.

A decaying, 24-story concrete tomb known as the sarcophagus now encases the destroyed reactor, serving as a grim reminder of this dark page in human history.

A decade later, those affected continue to struggle with the lingering health effects. The incidence of adolescent thyroid cancer throughout northern Ukraine and nearby Belarus is an astounding 200 percent higher than average, due in part to the consumption of poisoned milk.

Already 800 children have contracted the disease, and experts say that as many as 5,000 will develop it.

The incidence of radiation-related birth defects in the region has doubled. A team of British and Russian scientists recently concluded that genetic DNA mutations caused by radiation poisoning are being passed along to a generation of children who did not even exist at the time of the accident.

Whether these malformations will affect the future health of these children is a mystery.

Many surviving Chernobyl victims also suffer from a myriad of psychological disorders, more difficult to identify and treat but every bit as harmful as the physiological effects of radiation.

Sadly, a recent study comparing mortality rates before and after the disaster places the total number of fatalities at roughly 32,000.

Despite these disturbing findings, we really know very little.

Information on radiation exposure is incomplete and unreliable, and many of those affected have moved or relocated hampering study efforts. Others may suffer from yet-to-be diagnosed diseases caused by prolonged exposure to unsafe levels of background radiation.

It is unlikely that we will ever know the true scope of this tragedy.

Though two of Chernobyl's four nuclear units remain operational, I am pleased that President Clinton and Ukrainian President Lenoid Kuchma agreed to an accord earlier this year to close the facility completely by the year 2000.

I am also pleased that the United States is committed to improving international nuclear reactor safety.

I am hopeful that more can be done for the afflicted region, and was heartened by the serious dialog at last week's G–7 nuclear safety summit in Moscow.

These are all important steps toward putting this devastating tragedy behind the Ukrainian people.

I also want to pay tribute to the compassion of the Ukrainian-Americans who have remained steadfast in their support for Chernobyl's victims.

Mr. President, the legacy of the Chernobyl disaster extends beyond nationalistic and ethnic boundaries and reaches all humanity.

Indeed, fallout from the accident affected 5 million people and set off monitors throughout the Northern Hemisphere.

Radiation knows no borders.

Here in the United States, I am comforted by the knowledge that because of our superior design and safety standards a Chernobyl-type event is, for all practicable purposes, an impossibility.

The Chernobyl facility never would have been permitted to open under our regulations.

Nonetheless, we can never be too vigilant in our efforts to ensure that nuclear power plants are operated in the safest possible manner.

As my colleagues in this body know, I have long believed that there exists an inherent conflict of interest in our nuclear regulatory system that requires the Nuclear Regulatory Commission to sit in judgment of itself.

NRC's two functions—providing day-to-day oversight and investigating serious events—are incompatible in my view.

For this reason, I have asked the General Accounting Office to look into the extent to which this conflict is responsible for events and accidents at nuclear plants.

I also propose that we remove the investigatory functions from the NRC, and give these functions to an impartial, truly independent nuclear safety board.

This watchdog would have broad authority to look into all circumstances surrounding any accident and to lay blame where it rightfully belongs—whether it is the utility, the reactor manufacturer, or the NRC.

By removing the structural conflict which currently exists within the NRC, it is my hope that we can regain the public's confidence and provide the utmost degree of safety to all Americans.

I look forward to working with my colleagues as we strive to restore needed objectivity to the oversight process.

Mr. President, the 10th anniversary of the Chernobyl disaster is more than just a reminder of the potential cost of nuclear energy.

It is a call to us, our Nation's elective representatives, to work together to ensure the safe operation of nuclear power, both domestically and internationally, for our children and our grandchildren.

Let us not watch this day pass without thoroughly and carefully examining our current nuclear regulatory system. All of humanity is depending on us.●

AUTHORIZATION FOR THE USE OF THE CAPITOL GROUNDS

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 166, which has just been received from the House of Representatives.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 166) authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 166) was agreed to.

The preamble was agreed to.

Mr. WARNER. Mr. President, I thank the distinguished ranking member of the Rules Committee, Mr. FORD. I raise this matter in my capacity as chairman of the Rules Committee. We did not have time, given the nature of the schedule, to take it up in the Rules Committee but both sides have cleared this.

I also thank the distinguished majority leader and the Senator from Missouri, [Mr. ASHCROFT], for their cooperation and support.

COMMEMORATING THE 1996 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 251 submitted earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 251) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

CONGRATULATION TO THE SIOUX FALLS SKYFORCE ON WINNING THE 1996 CONTINENTAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 252 submitted earlier today by Senators PRESSLER and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 252) congratulating the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRESSLER. Mr. President, due to a last second shot at the buzzer, South Dakota is home to the newest champions of professional basketball. Last night, the Sioux Falls Skyforce were crowned Champions of the Continental Basketball Association (CBA). The Skyforce dramatically defeated the Fort Wayne (Indiana) Fury, 118–117, after overcoming a 16-point deficit. That is my kind of deficit reduction.

In honor of this event, I am introducing a Senate resolution congratulating the Skyforce, and their fans, for this victory. I am pleased that Senator DASCHLE has also agreed to cosponsor the measure.

At this time, I want to personally extend my congratulations to the owners of the Skyforce, Greg Heineman, Robert J. Correa, and Roger Larson, General Manager Tommy Smith, and the Skyforce staff, for guiding the Skyforce to its first CBA Championship in the team's 7-year history. I also congratulate Head Coach Morris ''Mo'' McHone, Assistant Coach Paul Woolpert, and the talented Skyforce players, especially Playoff MVP Henry James. Their hard work, sweat, and determination really paid off when it counted. The Skyforce won the championship convincingly, beating Fort Wayne four games to one.

Most of all, I congratulate the people of Sioux Falls and the surrounding area. They have enthusiastically embraced the Skyforce and provided loyal support over the years. The success of the Skyforce, and the CBA as a league, prove that professional basketball can survive and prosper in smaller cities across the Nation. I have been to many Skyforce games. Their games are always very fun and exciting. It is family-orientated entertainment at its best.

Sioux Falls is rapidly becoming a sports mecca in the Midwest. The city's current professional baseball team, the Sioux Falls Canaries, have been playing in the northern league since 1993. But the city has been home to a number of professional baseball teams since the beginning of the century. Professional teams from other sports would do well to take note of the city's enthusiasm for sports and consider moving to Sioux Falls.

Finally, Mr. President, let me state that I was thrilled to learn of the Skyforce victory for personal reasons. Before the final series began for the CBA Championship, I made a small wager with the Senator from Indiana, Senator COATS. I gambled 12 pounds of South Dakota's finest steak, while my colleague risked 12 gallons of Edy's Grand Ice Cream, made in Fort Wayne. This afternoon, my good friend from Indiana graciously paid off. I will gladly take a scoop or two, but I will be sharing the fruits of this victory with several children's charities in Sioux Falls.

Mr. President, I ask consent that a roster of the Skyforce players and staff, along with a news article about the Skyforce victory, be printed in the RECORD.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

1995–96 SIOUX FALLS SKYFORCE

PLAYERS

Stevin Smith, Reggie Fox, Trevor Wilson, Henry James, Corey Beck, Carlton McKinney, Emmett Hall, Tony Massop, Rich King, Devin Gray, Mike Williams.

COACHES

Morris ''Mo'' McHone, Paul Woolpert.

OWNERS

Greg Heineman, Robert J. Correa, Roger Larson.

STAFF

Tommy Smith, John Etrhelm, Renae Sallquist, Tom Savage, Laura Musser, Sandra Hogan, Tim Hoover, Trent Dlugosh, Scott Brako, Scott Johnson.

[From the Sioux Falls Argus-Leader, Apr. 25, 1996]

WE'RE NO. 1—GRAY'S SHOT GIVES SKYFORCE TITLE

(By Stu Whitney)

FORT WAYNE, IND.—If Devin Gray didn't have NBA playoff tickets, the Skyforce might not be the Continental Basketball Association champions today.

But he does. And Sioux Falls has something to scream about.

Gray wanted to end the CBA Finals on Wednesday night so he could catch tonight's first-round game in Indianapolis between the Pacers and Atlanta Hawks. He got front-row tickets from his friend Dale Davis, who plays for Indiana.

The rookie forward made it happen by swishing a leaning 7-footer at the buzzer, giving the Skyforce a 118–117 Game 5 win over the Fort Wayne Fury before 4,377 at the Allen County War Memorial Coliseum.

Gray's drive from the right side sealed the fifth consecutive road victory for Sioux Falls, which took the best-of-seven series 4–1.

And after seven years of searching for greatness, this ambitious franchise has finally—and emphatically—reached the top.

''If I had to draw the play up, I'd do it the same way,'' a beaming Gray said as his teammates eagerly embraced the Jay Ramsdell Trophy with help from owners, wives, girlfriends and fans.

''I was looking to get the rock and go to the hole, and I figured I'd either make it or get fouled. They didn't call the foul, so I'm glad it went in. I was laying on the court when it did.''

Playoff MVP Henry James led Sioux Falls (42–26) with 26 points, while Trevor Wilson added 24 and Reggie Fox had 20 behind four 3-pointers.

James was hugged by his mother, Betty, after winning his second CBA title before 75 family members and friends in his hometown.

And he professed faith in the timely touch of Gray.

''I was used as a decoy, and I knew his shot was going in,'' said James, donning a freshly furnished Skyforce championship cap and T-shirt.

''He was able to lower his shoulder moving along the baseline, and you can't let him do that. He's too strong. We've all seen him make that shot a million times.''

But Fort Wayne—which got 29 points from Jaren Jackson and Carl Thomas—refused to end its surprisingly successful season without an admirable and fitting fight.

The Fury (32–38) led by as many as 15 points in the third quarter and nearly forced Game 6 in Sioux Falls with a heroic shot of its own.

Thomas, who struggled mightly in the first four games, gently coaxed in a driving one-hander with 2.9 seconds left to give his team a 117–116 lead that delighted the devoted crowd.

But during the ensuing timeout, Skyforce coach Mo McHone figured that Fort Wayne would be mainly concerned about the Skyforce/See 5C perimeter potency of James and Fox.

Having seen Gray perform with toughness and maturity throughout the playoffs, he called upon his seventh-round draft pick out of Clemson, who finished with 17 points.

Gray had missed two crucial free throws with 35 seconds left, but he had also preceded Thomas' basket with a strong drive that put Sioux Falls briefly ahead by one.

''Devin's been on five for us, and Trevor set him up with a great (inbounds) pass,'' said McHone, who is the first coach to claim consecutive CBA titles since Bill Musselman won four in a row (1985–88).

''We've been winning games like this, and this was such a great way to end it. We just fought hard all night, because we had to. They pretty much outplayed us.''

But never was McHone worried, not with a team that has frequently floored him during a magical playoff run.

By winning three straight to clinch the title on Fort Wayne's floor, the Skyforce once again displayed a maturity that stemmed from having a meaningful mission.

''We were lucky and good—and we came together when it counted,'' said Wilson, who added 11 rebounds and six assists.

''Earlier in the season, we were trying to win, but guys were also worrying about NBA callups and overseas offers. There was a little more selfishness at that point.

''When the playoffs started, everyone realized there was one common goal, and we did what we had to do.''

Both Wilson and Fox said they wanted to return to Sioux Falls, but not for a basketball game. Only for a celebration.

And when the CBA's finest team crooned ''We Are The Champions'' as cameras captured the moment, it seemed celebrating was the only logical thing to do.

Mr. KEMPTHORNE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating

to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne Fury, of Fort-Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Continental Basketball Association Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

THE 10TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Con. Res. 56, introduced by Senator LAUTENBERG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, I am pleased to join Senator LAUTENBERG in offering this legislation to remember the 10th anniversary of the terrible nuclear accident at Chernobyl. While 10 years have passed since that tragic day, the health and economic consequence of Chernobyl continue to be borne by the Ukrainian people.

I recall quite well how the Chernobyl accident on April 26, 1986 signaled the inhumanity of the totalitarian system of government. At first, the Soviet Government feebly attempted to deny the incident—with the effect of causing further harm to those who lived in its vicinity. Ultimately, the full scale of the disaster became known, but only after millions in Ukraine, Belarus, Russia, and Poland had been exposed to radioactive fallout.

That a government could be so brutal to its people is no surprise to those of us who worked for many years to confront and defeat the totalitarian system. That the Soviet Government could be so brutal to the people of Ukraine was no surprise to a people who endured the forced starvation, massacres, and genocidal policies of Joseph Stalin in the 1930's. The radioactive wasteland around Chernobyl will, unfortunately, serve as a lasting and hideous monument to refute those who would defend such a system, or whose historical memory has faded sufficiently to allow them to forget its evil.

Within the catastrophe at Chernobyl were sown the seeds of the downfall of the Soviet system. A fiercely independent people such as the Ukrainians cannot be subjected forever to such abuse. I am proud of the role that I was able to fulfill in the Congress, in full support of Presidents Reagan and Bush, as the United States prevailed, the Soviet Union collapsed, and Ukraine again became an independent state in the momentous year of 1991. I was proud to sponsor legislation which called for direct United States aid to the republics, rather than through Moscow in 1990. The goal of defeating communism and achieving independence for Ukraine was not easily achieved, it was one that required the combined efforts of many nations and many people, including the Ukraine-American community, who simply refused to accept that communism would prevail over the spirit of Ukrainians.

Democracy is prevailing in Ukraine today, but the Ukrainian people and Government continue to shoulder the burden of the Chernobyl disaster. Just as the United States joined with the Ukrainian people to defeat communism, we work in partnership to overcome the tragic consequences of Chernobyl. I was pleased to support the Republican initiative in Congress to provide Ukraine with $225 million in assistance this year, including specific assistance to nuclear safety, the development of alternatives to nuclear power and to address the ongoing health problems due to the Chernobyl disaster. I am certain that working together we can bring peace, prosperity, and a better quality of life to the people of Ukraine. I urge my colleagues to support our resolution.

Mr. D'AMATO. Mr. President, I am pleased to cosponsor Senate Concurent Resolution 56, which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst of its kind in history, and supports efforts to close the Chernobyl nuclear powerplant.

In the early morning hours of April 26, 1986, reactor number 4 at the Chernobyl nuclear power plant in northern Ukraine exploded, releasing massive amounts of radioactive substances into the atmosphere. This explosion released 200 times more radioactivity than was released by the atomic bombs at Hiroshima and Nagasaki, profoundly affecting the health of millions of people in the surrounding contaminated areas.

A decade after, Chernobyl's legacy continues and shows no signs of abating. At a hearing earlier this week of the Helsinki Commission, which I cochair, four experts, including the Ambassadors to the United States from both Ukraine and Belarus, the countries most adversely affected by the explosion, testified eloquently about the environmental, health, social, political, and economic consequences of the Chernobyl disaster. Their testimonies only reinforced the fact that Chernobyl's deadly fallout continues.

Thyroid cancers, especially among children in the contaminated areas in Belarus and Ukraine have risen dramatically. The rate of leukemia, and of birth defects, appears to be increasing. And an article in today's New York Times reports that scientists claim that they have found inherited genetic damage in people exposed to the fallout. While the depressing consequences to human health and the environment are increasingly coming to light, we need to understand more about the ongoing ramifications of the disaster.

Mr. President, Senate Concurrent Resolution 56 addresses the legacy of Chernobyl, recognizing the serious health and socioeconomic consequences for millions of people in Ukraine, Belarus, and western Russia. Ukraine and Belarus, in the process of a painful transition following 60 years of communism, simply are unable to deal with the full consequences of what is, ultimately, a global problem. The resolution calls upon the President to support continued and enhanced assistance to provide medical relief, humanitarian assistance, and hospital development for the countries most afflicted by Chernobyl's aftermath. It also calls upon the President to encourage research efforts into the public health consequences of the disaster, so that the world can benefit from the findings. Importantly, the resolution supports the December 1995 Ukraine—G–7 memorandum of understanding which calls for closing the Chernobyl nuclear power plant and broadening Ukraine's regional energy sources to reduce its dependence on any individual country.

Mr. President, continued and enhanced international cooperation is essential to address the suffering of the millions affected, and to prevent future Chernobyls. I urge my colleagues to join with me in supporting Senate Concurrent Resolution 56 as an expression of the American people's concern for the victims of Chernobyl.

Mr. KEMPTHORNE. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements relating thereto be placed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl's aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2024 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2024) to phase out the use of the mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, on September 19, 1995, the Senate unanimously passed the Mercury-Containing and Rechargeable Battery Management Act, S. 619. This legislation, which I introduced on March 24, 1995, was cosponsored by Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, REID, INHOFE, and SNOWE. The purpose of this legislation was to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys. In addition to facilitating the recycling of rechargeable batteries made out of nickel-cadmium (Ni-Cd), my legislation also codified the phaseout of the use of mercury in batteries.

The House of Representatives, on April 23, passed by voice vote under suspension, the House version of the battery bill, H.R. 2024. The House legislation, with the exception of some enforcement-related technical changes to the bill that were advocated by the Environmental Protection Agency, is virtually identical to the language contained in S. 619 that the Senate passed 7 months ago.

For the benefit of my colleagues I should like to remind them of what this legislation is intended to do. Most notably the legislation—

First, facilitates the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium (Ni-Cd) and certain other batteries by: (a) establishing a coherent national system of labeling for batteries and products; (b) streamlining the regulatory requirements for battery collection programs for regulated batteries; and (c) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and second, phase out the use of mercury in batteries.

I am pleased to report that not only is H.R. 2024 supported by the U.S. Conference of Mayors, the National Conference of State Legislatures, the Electronic Industries Association, the Portable Rechargeable Battery Association, the National Electrical Manufacturers Association, the National Retail Federation, and the North American Retail Dealers Association, but it is also supported by the Environmental Protection Agency.

The prompt passage of this bipartisan legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a costeffective means to promote the reuse of our Nation's resources. Second, this legislation will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups, and the affected industries.

Mr. President, passage of this legislation will not only provide a significant and positive step in removing potentially toxic heavy metals from our Nation's solid waste stream, but it will also provide a cost-effective and sensible method of protecting the environment. If we adopt H.R. 2024 today, this legislation can be quickly sent to President Clinton for his signature, and we can get to work to get these materials out of our solid waste stream and ensure protection of the environment. I urge its immediate adoption.

Mr. CHAFEE. Mr. President, I rise in strong support and urge the adoption of H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act. The bill is nearly identical to S. 619, legislation introduced by Senator SMITH, reported by the Environment

Committee and approved by the full Senate by voice vote on September 21, 1995.

H.R. 2024 is an industry initiative developed to respond to the environmental threats posed by used, spent batteries. The approach is twofold. First, the bill promotes the recycling of rechargeable batteries through uniform labeling requirements and streamlined regulations for battery collection programs. Second, the bill limits mercury content in and phases out the use of mercury in certain batteries.

The bill is straightforward and contains two titles. Title I would facilitate the efficient recycling of nickel-cadmium rechargeable batteries, small lead-acid rechargeable batteries, and rechargeable batteries used in consumer products through: One, uniform battery labeling requirements; two, streamlined regulatory requirements for battery collection programs; and three, the elimination of barriers to funding voluntary industry collection programs.

Title II is intended to phase out the use of mercury in batteries, thus reducing the threat this material poses to our air and groundwater.

H.R. 2024 and its Senate companion S. 619 are prime examples of industry's concern for the environment. The legislation is an excellent example of a point that I have made many times: protection of the environment and a strong economy go hand in hand. By providing a coherent national system for labeling batteries and products, requiring the easy removability of batteries from consumer products, and streamlining Federal regulations, the Mercury-Containing and Rechargeable Battery Management Act will provide States, localities, consumers, and industry the opportunity to join together to achieve greater environmental protection without imposing burdens on the States or local taxpayers. In fact, the bill will generate substantial savings for Federal, State, and local entities and commercial operations that ship batteries due to the lower cost associated with the bill's streamlined requirements.

H.R. 2024 is legislation supported by the Portable Rechargeable Battery Association and the National Electrical Manufacturers Association. In addition, the administration has expressed its support for the bill. I am convinced that H.R. 2024 will result in greater protection of our environment and I urge its adoption.

Mr. LAUTENBERG. Mr. President, I rise to join Senator CHAFEE and Senator SMITH in supporting H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act.

The bill is based on the bipartisan bill that I sponsored with Senators FAIRCLOTH, LIEBERMAN, REID, and GRAHAM during the last Congress.

This legislation is an important step in our efforts to control the amount of toxic wastes entering the waste stream. Specifically, it deals with mercury, cadmium, and lead, which are contained in some battery casing. These materials pose no risk while a battery is in use. But they can be a significant concern when discarded in our solid waste stream.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage.

Mercury exposure can cause significant damage to the nervous system and kidneys. It has also been linked to decreased motor functions and muscle reflexes, memory loss, headaches, and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury, which is extremely toxic to both humans and wildlife.

Although dry cell batteries account for less than one-tenth of 1 percent of the 180 billion tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium, and lead in our waste stream.

According to a New York State report, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium, in New York's solid waste.

In landfills, dry cell batteries can break down to release their toxic contents and contaminate our waters. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and has increased the concentrations of toxic metals in the resulting fly and bottom ash.

This bill, by limiting the amount of toxics used in primary batteries and creating a recycling program for rechargeable nickel cadmium, will remove a significant source of toxics from our landfills.

Mr. KEMPTHORNE. I ask unanimous consent that the bill be deemed read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2024) was deemed read for the third time, and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. DOLE. Mr. President, I ask unanimous consent that I be permitted to sign duly enrolled bills and resolutions during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 1660

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that if and when the Environment and Public Works Committee reports the bill S. 1660, the National Invasive Species Act of 1996, the bill be sequentially referred to the Committee on Commerce, Science, and Transportation for a period not to exceed 20 calendar days; further, that if the measure has not been reported following that period, it be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF SENATE DOCUMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the statement submitted with reference to the death of Secretary Brown and other officials at the Commerce Department and from the business community be compiled and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 1708

Mr. KEMPTHORNE. Mr. President, I understand that S. 1708, introduced earlier today by Senator THURMOND, is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows.

A bill (S. 1708) to amend title 28 of the United States Code to clarify the remedial jurisdiction of the inferior Federal courts.

Mr. KEMPTHORNE. Mr. President, I now ask for its second reading and, on behalf of Senator DASCHLE, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure which will be offered by Senator GRAMM regarding the gas tax repeal; that no other amendments be in order; further, that immediately following the disposition of the Gramm amendment, the bill be read a third time and the Senate proceed to vote on passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I have to object on behalf of the minority leader, and I would state that the Democrats are cleared with no amendments.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 a.m. on Monday, April 29; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 2:30 p.m., with the first 90 minutes under the control of Senator DASCHLE and the last 90 minutes under the control of Senator COVERDELL, and that at 2:30 p.m., the Senate resume the immigration bill.

I further ask unanimous consent that Friday, April 26, be considered the intervening day with respect to rule XXII, and the cloture vote occur at 5 p.m. on Monday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KEMPTHORNE. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, at 2:30 p.m. on Monday, and at that time Senators are urged to offer amendments that may be cleared to the immigration bill.

Senators are also reminded that all second-degree amendments to the Simpson amendment must be filed by 4 p.m. on Monday in order to qualify postcloture.

Mr. President, Senators can expect additional votes on the immigration bill on Monday following the cloture vote; however, no votes will occur prior to 5 p.m. on Monday. The Senate may also be asked to turn to any other legislative items that can be cleared for action.

ADJOURNMENT UNTIL 11:30 A.M. MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:20 p.m, adjourned until Monday, April 29, 1996, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN A. GORDON, 000–00–0000, U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) THOMAS B. FARGO, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. DANIEL T. OLIVER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DENNIS C. BLAIR, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. ARCHIE R. CLEMINS, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ROBERT J. NATTER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES B. PERKINS III, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. HERBERT A. BROWNE II, 000–00–0000.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR APPOINTMENT IN THE REGULAR AIR FORCE, IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION IN ACCORDANCE WITH SECTION 8067 OF TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED:

MEDICAL CORPS

To be colonel

KATHLEEN S. BOHANON, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

SCHUYLER K. GELLER, 000–00–0000
ROGER R. HESSELBROCK, 000–00–0000
JANET M. WALKER, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

ROBERT C. PARKER, 000–00–0000

MEDICAL CORPS

To be major

GREGG A. BENDRICK, 000–00–0000
BRUCE T. HEWETT, 000–00–0000

DENTAL CORPS

To be major

JEFFREY C. BANKER, 000–00–0000
DAVID B. CHIESA, 000–00–0000
GIAO V. WEBB, 000–00–0000

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. AIR FORCE IN ACCORDANCE WITH SECTIONS 624 AND 1552 OF TITLE 10, UNITED STATES CODE. THE OFFICER IS ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

LINE

To be major

NANCY MELENDEZ CAMILO

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE:

LINE

To be lieutenant colonel

JAMES C. BAIR, 000–00–0000
MARK C. CROCKER, 000–00–0000
LARRY D. HALE, 000–00–0000
TERESA A. HARDEN, 000–00–0000
THERESA G. JEANE, 000–00–0000
EARL K. JUSKOWIAK, 000–00–0000
THOMAS, J. KEOUGH, 000–00–0000
MARK R. KRAUS, 000–00–0000
ROBERT E. LALLY, JR., 000–00–0000
ROBERT L. LEWIS, 000–00–0000
KENNETH A. LUIKART, 000–00–0000
TIMOTHY A.J. MC GREER, 000–00–0000
MARK A. RELFORD, 000–00–0000
RONALD D. STRALEY, 000–00–0000
SIEGFRIED G. VONSCHWEINITZ, JR., 000–00–0000

CHAPLAIN CORP

To be lieutenant colonel

LESLIE R. HYDER, 000–00–0000

BIO-MEDICAL SCIENCE CORPS

To be lieutenant colonel

CHARLES A. MIRANDA, 000–00–0000

NURSE CORPS

To be lieutenant colonel

PATRICIA M. YOW, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

DONALD W. DAVISON, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES A. CAVINESS, 000–00–0000
TONY S. CLINTON, 000–00–0000
ANGELIQUE CRAIG, 000–00–0000
DONALD S. CRAIN, 000–00–0000
KARA L. CRISMOND, 000–00–0000
KIMBERLY D. DAVIS, 000–00–0000
ANTHONY E. DELGADO, 000–00–0000
KEVIN A. DORRANCE, 000–00–0000
DAVID M. DROMSKY, 000–00–0000
CARL C. EIERLE, 000–00–0000
STEVEN J. ESCOBAR, 000–00–0000
MARK J. FOWLER, 000–00–0000
JACOB L. FRIESEN, 000–00–0000
JAMES J. GEORGE, 000–00–0000
BRYN J. HAASE, 000–00–0000
KEITH A. HANLEY, 000–00–0000
TERENCE A. HEATH, 000–00–0000
MARK E. HERRERA, 000–00–0000
REID D. HOLTZCLAW, 000–00–0000
SUEZANE L. HOLTZCLAW, 000–00–0000
PRISCILLA HUYNH, 000–00–0000
SEAN R. KELLY, 000–00–0000
JANETH F. KIM, 000–00–0000
MARK A. KOBELJA, 000–00–0000
CHRISTOPHER B. LANDES, 000–00–0000
HENRY LIN, 000–00–0000
THOMAS C. LUKE, 000–00–0000
KEVAN E. MANN, 000–00–0000
JOHN M. MC CURLEY, 000–00–0000
PATRICK M. MC ELDREW, 000–00–0000
MARGARET M. MC GUIGAN, 000–00–0000
MARK E. MICHAUD, 000–00–0000
ERICA S. MILLER, 000–00–0000
ELIZABETH M. NORRIS 000–00–0000
TIMOTHY W. O'HARA 000–00–0000
RALPH H. PICKARD, 000–00–0000
EMERICH D. PIEDAD, 000–00–0000
ANNA M. RAFANAN, 000–00–0000
SARA L. SALTZSTEIN, 000–00–0000
ANDREW W. SCHIEMEL, 000–00–0000
CATHLEEN M. SHANTZ, 000–00–0000
STEVEN T. SHEEDLO, 000–00–0000
CRAIG R. SPENCER, 000–00–0000
MICHAEL S. SULLIVAN, 000–00–0000
ADRIAN D. TALBOT, 000–00–0000
SALLY G. TAMAYO, 000–00–0000
GREGORY T. THIER, 000–00–0000
CHRISTOPHER WESTROFF, 000–00–0000
WILLIAM M. WIKE, 000–00–0000