United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, MONDAY, APRIL 29, 1996 No. 56

Senate

The Senate met at 11:30 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, Sovereign of this Nation, we praise You for Your amazing grace. Your unlimited love casts out fear, Your unqualified forgiveness heals our memories, Your undeserved faithfulness gives us courage, Your unfailing guidance gives us clear direction, Your presence banishes our anxieties. You know our needs before we ask You and Your spirit gives us the boldness to ask for what You are ready to give. You give us discernment of the needs of others so we can be servant leaders. Your love for us frees us to love, forgive, uplift, and encourage the people around us. We commit this day to be one in which we are initiative communicators of Your grace. We open ourselves to the infilling of Your spirit. Lead on, Gracious God, we are ready for a great day filled with grace. In the name of the Mighty Mediator. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business until the hour of 2:30. Senator DASCHLE will be in control of the first 90 minutes, Senator COVERDELL, the last 90 minutes. At 2:30 we will resume consideration of S. 1664, the immigration bill. By a previous order, a cloture vote will occur at the hour of 5 p.m. today on the Simpson amendment to the immigration bill. If additional votes are ordered with respect to amendments to the immigration bill, it is possible those votes would be stacked to occur during Tuesday's session but they could occur this evening.

I remind Senators we have until 4 o'clock to file second-degree amendments to the Simpson amendment.

Mr. President, is leaders' time reserved?

The PRESIDING OFFICER (Mr. BENNETT). Leaders' time is reserved.

JAPAN TRADE POLICY

Mr. DOLE. Mr. President, first I would like to speak briefly on Japanese trade and the President's recent trip to Japan.

Mr. President, we must now declare President Clinton's trade policy with Japan a spectacular failure, a fiasco.

The capstone of this almost unbelievable 3-year fiasco occurred recently. The White House has an electronic home-page on the Internet, where Americans can go for the latest statement of administration policy on any issue. Recently, Americans reading the official White House electronic home-page on the Internet would have found documents describing the United States-Japan trade policy. But it was a description that no one would have recognized. The documents described in glowing detail how all disputes between the two countries had been resolved, how there was no longer any need for any of the agreements that had been reached between the United States and Japan, and how the United States should just drop its complaints against Japan.

Mr. President, a closer look revealed that these documents on the White House home-page had been written by the Japanese Foreign Ministry.

I understand the Japanese materials have now been deleted.

I guess that just about sums up the Clinton record on trade. This is the point we have reached—the most powerful economic force in history, the United States of America—after 3½ years of stewardship by Bill Clinton and his advisers, and it is the Japanese who are writing the trade policy papers for the Clinton White House.

Mr. President, this is a sad, and dangerous, state of affairs. Yet it is merely the logical conclusion of a trade policy that has emphasized appearance over reality, talk over substance, and politics over national interest.

President Clinton returned a few days ago from a trip overseas that included a stop in Japan. Every American probably expected that this trip would shed at least a little additional light on the question of trade with Japan. After all, President Clinton and his advisers never tired of talking about their grand plan to deal with Japan. Last year, Clinton took this country to the brink of a trade war with Japan. Most people reasonably anticipated some progress, or at least discussion, of some of our massive trade problems with Japan.

But that is not what happened. It now appears that Clinton did virtually nothing to raise any of these serious problems. This trip might have been the best opportunity in years for the American Chief Executive to raise—at the highest level—issues that mean real jobs in towns and communities across America. Issues that mean economic growth and a higher standard of living for Americans. Clinton's trip might have been the best opportunity in years to fix a serious and destabilizing problem—the massive trade deficit with Japan—and President Clinton squandered it.

Most Americans probably would simply find this hard to believe. Most Americans are charitable, they want to believe the best about people, especially their President. They do not want to think that he would so profoundly misunderstand the opportunity

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

Printed on recycled paper containing 100% post consumer waste

that presented itself to help America and working people at home.

Yet, this is the hallmark of the Clinton trade policy. Actual substantive achievement means nothing—only appearances matter. For example, how else was it possible for Clinton to declare victory in the auto dispute with Japan when all the evidence showed nothing less than a full retreat and surrender to the Japanese?

In the auto dispute, President Clinton went to the brink of a trade war with Japan, but came away with almost nothing to show for it. When the so-called agreement was reached last July, high-level Japanese officials immediately and publicly disavowed the import targets that President Clinton hailed as his great achievement. It turns out those numbers were simply not part of the agreement. The agreement was just another political publicity stunt, designed to convey the appearance of toughness. Unfortunately, creating this appearance for Clinton and his advisers cost the United States much credibility with Japan, not to mention with other countries looking for instruction on how to deal with American demands on future trade issues.

The consequence of this massive retreat by the Clinton administration was serious and damaging for American companies and American jobs. The Japanese quickly realized that they had been dealing with a paper tiger. Suddenly, on all other fronts, negotiations with Japan came to a halt. U.S overtures even to begin a dialog on other issues were rebuffed. United States trade negotiators were told by their Japanese counterparts to find some other agency to address their complaints. This mocking of U.S. officials by a major trading partner is unprecedented—and prior to the Clinton years would have been inconceivable.

And so, Mr. President, it is easier to understand why serious trade disputes with Japan were ignored by Clinton during his summit with Mr. Hashimoto. Clinton brought back nothing on the dispute over Japanese discrimination against Kodak film. He brought back nothing on the dispute over access to Japan for American semiconductors, one of our most competitive industries. Clinton brought back nothing on the dispute over access to the Japanese market for American insurance companies, another industry where the United States has a strong competitive advantage.

Mr. President, how can people put all of this in perspective? There is one simple way to express the damage to America of Clinton's botched trade policy. I believe the American people would be astonished to know that today, the United States trade deficit with Japan is higher than it was when Clinton took office. That is right, it is higher. The merchandise trade deficit with Japan is now a staggering $60 billion—this is $10 billion higher than when Clinton became President.

Furthermore, figures were released last week showing that the trade deficit with Japan continues to climb, growing over $100 million from January to February of this year.

Candidate Clinton talked a lot about trade deficits. He knew that trade deficits siphon our wealth and our jobs, to other countries. The giant trade deficit with Japan constitutes a massive transfer of wealth out of American communities into the hands of the Japanese. Under President Clinton, our trade deficit with Japan has gone up. Clinton has presided over the highest trade deficits with Japan in history. In fact, another shocking achievement of the short Clinton era is that the U.S. trade deficit with the world also hit a record high. He has ignored, or sought to divert attention from, these harmful acts. He has done nothing to reverse it, change it or improve it. Oh, yes, he has done plenty of talking, but he has done nothing to save the jobs that continue to be in danger.

I believe the American people deserve to know about President Clinton's failed trade policy. The American people need to know about his new policy of camouflaging the truth. I hope that he will abandon this new policy that only seeks to hide his failures. Too many important decisions lie ahead for President Clinton to continue to substitute appearances for reality.

TRIBUTE TO JERRY ROBERTSON

Mr. DOLE. Mr. President, I rise today to pay tribute to a Kansan who passed away recently. Jerry Robertson was the president of the Topeka YMCA and leader of the revitalization of downtown Topeka, KS.

Jerry Robertson was a 1965 graduate of my alma mater, Washburn University, and symbolized everything that the YMCA stands for, the Christian service to the community, respect for God and the commitment to serving everyone in Topeka and Shawnee County.

Prior to being president of the YMCA, Jerry headed the athletic department of Washburn University when Washburn won the N.A.I.A. national championship in basketball, and was a star baseball pitcher in the major leagues.

Jerry dedicated many years of his life to the YMCA and to the growth of the Topeka economy and although I did not know him personally, I am told that his sudden passing will leave a great void that will be difficult to fill.

Mr. President, I know all my colleagues join me in sending our most heartfelt sympathies to Jerry's wife, Carol, and their two sons, Jeff and Jason.

CLINTON JUDGES UPDATE

Mr. DOLE. Mr. President, as the American people know all too well, Federal judges can play an enormous role in our daily lives. Through their rulings, Federal judges help determine whether criminals walk the streets or stay behind bars; whether racial quotas or merit govern in hiring decisions; whether businesses can function, prosper, and create jobs without being subject to baseless litigation; and whether parents can control the content of their children's education.

Today, Federal judges micromanage schools, hospitals, fire and police departments, even prisons. According to one estimate, a staggering three-fourths of all State prisons and one-third of the 500 largest jails are under some form of Federal court supervision.

One notorious example of judge-acting-as-legislator is Carl Muecke, appointed to the Federal bench by President Johnson. Judge Muecke has become the de facto administrator of the Arizona State Prison System.

In a textbook example of judicial activism run amok, Judge Muecke has declared that Arizona prison libraries must be open at least 50 hours each week, that the State of Arizona must grant each of its 22,000 prisoners the opportunity to make at least three 20-minute phone calls every week to an attorney; that Arizona must provide lengthy legal research classes to inmates; and that Arizona prison officials must give each indigent inmate 1 pen and 1 pencil, 10 sheets of typing paper, 1 legal pad, and 4 envelopes upon request.

Not surprisingly, Arizona's attorney general, Grant Woods, has challenged the judge's misguided rulings, appealing all the way up to the Supreme Court. Unbelievably, Attorney General Woods has found himself at odds with a powerful adversary: the Clinton administration. In a friend of the court brief filed with the Supreme Court, the Clinton administration's top lawyer—Solicitor General Drew Days—sided not with Attorney General Woods and the taxpayers of Arizona but with Judge Muecke and the State's litigious inmates.

Let's put this in perspective: while the Justice Department should be working overtime to save the taxpayers money by reducing the number of frivolous inmate lawsuits, the Clinton administration—through its lawyers—is actually contributing to the litigation explosion.

In other cases, the Solicitor General has shown that being tough on crime is apparently not part of his justice department portfolio. In the now-famous Knox case, the Solicitor General's office actually argued for a weakening of our Federal laws against child pornography. And in another case—United States versus Hamrick—the Solicitor General's office decided not to seek a rehearing of a fourth circuit ruling overturning the conviction of someone who mailed a defective letter bomb to a U.S. attorney. Since the letter bomb failed to detonate—although it scorched the packaging in which it had been mailed—a fourth circuit panel

reasoned that the bomb could not be a dangerous weapon or a destructive device under the relevant Federal statute. Of course, had it detonated, I think probably they might have had a different indication.

The Solicitor General would normally intervene in such a case, particularly since the recipient of the letter bomb was a U.S. attorney. Yet Solicitor General Drew Days declined to do so. As Prof. Paul Cassel of the University of Utah has explained:

> The . . . decision [by the Solicitor General's office] is truly hard to fathom. A ruling that otherwise dangerous bombs with defective igniters are not ''dangerous weapons'' could be expected to have serious effects on the Government's ability to prosecute a number of serious criminals under the relevant Federal statutes.

Fortunately, the Reagan-Bush judges on the entire fourth circuit stepped in, and on their own initiative, reversed the crazy panel decision. And yes, President Clinton's appointment to the fourth circuit, Judge Blaine Michael, joined a dissent insisting that the letter bomb was nonoperational.

In yet another case—United States versus Cheely—a panel of Carter-appointed judges on the Ninth Circuit Court of Appeals struck down the Federal death penalty statute. Despite the Clinton administration's professed support for the Federal death penalty, Solicitor General Days declined to appeal the ninth circuit panel decision.

Unfortunately, the Solicitor General's actions in the Knox, Hamrick, and Cheely cases appear to be part of a pattern. As Senator HATCH explained last week, and I quote:

> The Clinton administration's Solicitor General generally has ceased the efforts of the Reagan and Bush administrations to vigorously defend the death penalty and tough criminal laws.

So, what is the lesson here? The lesson is this: Talk is cheap. The President may talk a good game on crime, but the real-life actions of Clinton judges and Clinton lawyers often don't match the President's tough-on-crime rhetoric.

Mr. President, I reserve the remainder of my leader's time. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN and Mr. CRAIG pertaining to the introduction of S. 1712 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNDERMINING THE PUBLIC TRUST

Mr. GORTON. Mr. President, in the real world, when one of us makes a promise, he is expected to keep it. Politicians are held in low repute precisely because people do not expect them to keep their promises, and herein lies the heart of President Clinton's problem.

The people elected him President in 1992 because of his promises and now find that he has repudiated them. President Clinton promised to ''end welfare as we know it.'' He broke that promise. He failed to keep his promise to give the middle class a tax cut. He failed to keep his promise to reduce the size of Government. He failed to keep his promise to balance the budget in 5 years.

The consequences of the President's broken promises are grave, not just because the country is still stuck with a broken welfare system, a Tax Code that makes it hard for workers and their families to get by, and a rising national debt that threatens the future of our children and grandchildren but also because in failing to keep his promises the President undermines the public trust.

President Clinton, I fear, does not understand that when he breaks a promise, he contributes to the cynicism and anger of the public. The American people are by nature neither cynical nor angry, but who can blame them for their distrust of politicians in Washington, DC, when they are forever being disappointed by broken promises.

The people have demonstrated to us time and time again that they want welfare reform, they want a balanced budget, and they want tax relief. Most people, unfortunately, are not aware that Congress has passed all three, and President Clinton has vetoed every one. Welfare reform, indeed, he has vetoed twice.

I am reminded of T.S. Eliot's eloquent poem ''The Hollow Man.'' In it he paints a dismal picture of politicians whose talk means nothing and actions meaningless:

> Between the idea
> And the reality
> Between the motion
> And the act
> Falls the Shadow

There is, indeed, a shadow between the President's words and his actions. He can work wonders in front of a camera or before a live audience. When he is performing, he is good. But when the time comes to act to keep his commitments and make tough decisions, sadly, he comes up short.

Of course, the picture is not irredeemably bleak. There has been progress. Two years ago, most Washington, DC, politicians were talking more and bigger Government programs, not a balanced budget; midnight basketball, not welfare reform, and tax hikes, not tax cuts. Today, the picture is different. This Congress has changed the debate. We have not won on every point but progress, especially when one is dealing with such issues, is bound to be slow and a certain amount of time and patience required, but we are doing our level best to keep our promises.

So, we can ask that age old question: Is this glass half empty or is it half full? It is half empty if you want a balanced budget and do not have it. It is half full if you recognize that Republicans in Congress have accomplished what no Congress did for 30 years—we passed a balanced budget. President Clinton vetoed it.

The glass is half empty if you expected tax cuts for families and small businesses. It is half full if you remember that Republicans passed a bill to give just such relief but the President vetoed it. The glass is half empty if you see an unreformed welfare system continuing to undercut the American ideal of family responsibility and hard work, but it is half full if you credit a Congress that took seriously its commitment and the President's to end welfare as we know it. But Bill Clinton vetoed welfare reform—twice.

Republicans passed a balanced budget for the sake of our children and grandchildren. Knowing that every American's personal share of the debt is $18,000, and that continued unrestricted growth in Government will add so much more to our national debt that a child born today can expect to pay $187,000 in interest on that debt in his or her lifetime, Congress acted. We made some tough choices and hard decisions to cut Government spending, and we came up with a plan for a balanced budget. President Clinton vetoed it. He says he favors a balanced budget, and he uses all the fine words his political consultants advise him to use, but the bottom line is President Bill Clinton vetoed the only balanced budget Congress has passed in 30 years.

Republicans reformed Medicare to preserve and strengthen it for older Americans and for those who expect it when they retire, but President Clinton vetoed it. Just last week, his own Medicare trustees reported that Medicare's hospital insurance fund is approaching bankruptcy even more rapidly than we feared, but President Clinton will not budge.

Republicans also voted tax relief to American families and to those who provide jobs and opportunity for all Americans. President Clinton vetoed this tax cut as well. With hundreds of thousands of working families just barely making ends meet, with small businesses—the driving force of the American economy—increasingly burdened by heavy taxes and regulations, the President sent the message to taxpayers that the Federal Government wants more and more of their hard-earned dollars.

Republicans twice passed welfare reforms to require able-bodied people to work and to instill responsibility and dignity into the lives of those who are subjected to the destructive forces of the current system. President Clinton vetoed welfare reform bills not once but twice.

It is unfortunate but true that Bill Clinton is the President of the status

quo. He is the President of big Government, high taxes, and an unreformed welfare system.

We all must admit, of course, that President Clinton has some of the attributes of a great leader. He does an outstanding job when he makes a speech or brings the Nation together in times of tragedy. But there is much more to leadership than giving speeches, shaking hands, and acting well before the camera lens. Being a leader is not just eloquence. Being a leader is acting on that eloquence and keeping your word even when it is tough to do so.

Do the American people trust the President's word? Do we in Congress, even some in the President's own party, trust the President's word when he says something? When he makes a commitment, can we be sure that he means it now and will mean it in a week, a month, or a year?

One of my colleagues said recently, more in sorrow than anger, ''My problem is I believe 90 percent of what he says and disagree with 90 percent of what he does.''

When we look at the glaring difference between what the President says and what he does, our reaction can only be one of profound disappointment. So many chances we have had to set America on a new course, to change the way the Government works, and so many chances lost because the President will not stick to his word.

The President of the United States holds a special elevated place in the minds of the people. More than Congress, more than any other institution, the people look to the President for leadership. His words and his actions are of great importance, and have an immense impact.

The learned historian Donald Kagan, writing about the first great democratic leader who lived more than 2,000 years ago, Pericles of Athens, said:

> Every leader who makes any impression at all acts as an educator for good or ill, knowingly or not. His people pay attention to his words and deeds as to few others, and he contributes to their vision of the world, their nation, and themselves and their relations among them.
>
> The leader's vision may be confusing and chaotic, or it may be . . . clear and orderly; it may encourage or discourage; it may degrade or elevate the people.

How shall we assess the President's leadership by this standard? I am saddened, I am disappointed to say it has been confusing and chaotic—to the American people, and to us in Congress. It has been discouraging as well. The President has lifted our hopes by promising he is for welfare reform, tax relief, and a balanced budget, only to discourage us by going back on his word. Time and time again, the President has changed his mind. Things have come to such a sad state that we are no longer surprised when the President breaks a promise. We expect him to be inconsistent more than we expect him to be reliable.

I hope the President will decide that keeping his promises is better politics than repudiating them. If he does, we can work with him on a balanced budget, tax relief, and welfare reform—all the changes the American people want, changes, indeed, they have wanted for a long time, and that will be of enormous help for the country.

I wish I could be optimistic in this hope, but based on his past record, I doubt President Clinton will sign a balanced budget, tax relief measures, or welfare reform legislation. I doubt he will work with Congress to reduce the size of the Federal Government or to get Government off the people's backs. This is an area, however, Mr. President, in which I hope against hope that the President will prove me wrong.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny that keeps moving and moving and moving on television—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—''talk'' is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, April 26, the exact Federal debt stood at $5,096,090,106,286.92 or $19,250.20 per man, woman, child on a per capita basis.

TRIBUTE TO MRS. VIRGINIA N. FOSTER

Mr. THURMOND. Mr. President, I rise today to recognize a woman, Virginia N. foster, who, through her 50 years of service to our Nation, has helped to keep the United States safe and secure, and is someone who is worthy of our thanks.

Many of you may already know Mrs. Foster from your dealings with the Air Force's Directorate of legislative Liaison, where she has worked for the past 21 years. Through 12 Congresses, the 93d to the 104th, she has dutifully and faithfully assisted Members and their staffs in resolving issues and questions concerning the Air Force. Due to her long tenure, she has become more than a valued employee, she has become an important asset to the Air Force, providing her superiors and co-workers with an encyclopedic knowledge of Air Force policy, and an institutional memory that is unmatched by anyone else working in Legislative Liaison Directorate.

What is perhaps most amazing about Mrs. Foster is not necessarily her impressive abilities as an employee, but that her 23 years of working with Congress does not comprise even half of her civil service career, which began in 1944 when she went to work at a German Prisoner of War Camp in Texas. In subsequent years, she has held many positions, though since 1951, she has lived in the Washington, DC area where she has never been too far from either the U.S. Congress or the headquarters of the Air Force, both institutions which she has served with devotion and unflagging competence.

Mr. President, Mrs. Foster will mark her fifth decade of Government service on May 1 of this year. On that day, the Air Force will present her with the ''Exceptional Civilian Service Award'' in recognition of her dedicated work and support, a recognition of which she is truly deserving and in which she can take great pride. I know that those in this Chamber who know Mrs. Foster will want to join me in expressing our gratitude for her assistance to us over the years, and in congratulating her on celebrating 50 years of service to our Nation. We wish her great health and happiness in the years to come, and hope that she continues to be an important part of life on Capitol Hill.

TEXT OF EULOGY TO DR. I. BEVERLY LAKE, SR., BY DR. NORMAN ADRIAN WIGGINS

Mr. HELMS. Mr. President, a couple of Sunday afternoons ago, several hundred of us gathered at the Baptist Church on the campus of what, until mid-20th century, was Wake Forest College, the marvelous institution that I attended and of which I shall always be proud. (Wake Forest College moved to Winston-Salem in 1954 and is now one of the Nation's prominent universities.)

The multitude came on April 14 to pay our last respects to a great American, Dr. I. Beverly Lake, Sr., who had passed away a couple of days earlier.

At the April 14 services for Dr. Lake, a eulogy was delivered by one of North Carolina's most prominent present-day citizens, Dr. Norman Adrian Wiggins, who, to all of us who know him, is simple Ed Wiggins, our friend.

Mr. President, as Ed Wiggins spoke that afternoon, I was both touched and inspired, yes, but I was also grateful for the blessings of having known both Dr. Lake and Ed Wiggins and for having them as treasured friends.

Dr. Norman Adrian Wiggins is president and professor of law at the rapidly growing Baptist institution in North Carolina, Campbell University, of which years ago, I was honored to serve as trustee.

But, Mr. President, my purpose today is to enter into the CONGRESSIONAL RECORD the beautiful, caring eulogy to Dr. Lake delivered by Ed Wiggins on Sunday, April 14. I ask unanimous consent that it be printed in the RECORD.

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

EULOGY TO DR. I. BEVERLY LAKE, SR.

(By Dr. Norman Adrian Wiggins)

He is in His presence! He is in His presence! Dr. Isaac Beverly Lake is in the presence of the Master he served during life! All is well.

This is the day the Lord hath made, let us rejoice and be glad in it!

The apostle Paul said, ''I have fought the good fight. I have finished my course, I have kept the faith'' (II Timothy 4:7).

This towering figure and one of North Carolina's most outstanding sons whose life we honor today never made such a claim. But we who have known him best can testify to the appropriateness of this description. Few, if any, have fought the fight, finished the course or kept the faith better than the one we honor today. And today we come to celebrate his victory and final graduation.

I count it a great honor to participate in this service of my teacher, mentor, colleagues and longtime friend. What a wonderful gathering of family and friends. It is a splendid testimony to the life of one who could talk with crowds and not lose his virtue and walk with kings and not lose the common touch.

When asked by a mother what advice he could give her for the rearing of her infant son, General Robert E. Lee, then President of Washington and Lee, replied, ''Madam, teach him to deny himself.''

So it was with the life of the one we remember today. Few were ever so dedicated to the principle of self denial and duty.

It accounts in part for his outstanding success as practicing lawyer, brilliant legal scholar, both in the classroom and on the Bench of the North Carolina Supreme Court, outstanding Deputy (then Assistant) Attorney General in a critical time in the life of our state and as a dedicated Churchman.

If time permitted, we could study, with profit, the many facets of Dr. Lake's career. But these have been recalled frequently in the news media in recent days. They are well known. I shall not repeat them. Instead, I want to speak about what I have observed of this man of Impeccable character and invincible integrity.

In addition to his devotion to duty and self denial, the guiding light of the life of Dr. Issac Beverly Lake was his belief in and devotion to the Gospel of Jesus Christ. Whenever he spoke, he almost always used the occasion to advance the Kingdom of God here on earth. Although conservative in philosophy with a brilliant mind that could cut through and define an issue with great clarity when explaining ''truth,'' he would go back to that greatest teacher in history who told his students, ''If you continue in my word . . . ye shall know the truth, and the truth shall make you free,'' and again he said, ''I am the way, the truth and the life,''

And then Dr. Lake would lead us to see that truth is a seamless web, woven together by God, that there are no inconsistent truths or portions of truth. And then he would strongly declare: ''Jesus's definition stands alone, uncontradicted and complete—''I am the truth.'' This was his north star!

In addition to his faith in God and his passion for truth, Dr. Lake had an unshakeable faith in the importance of Christian higher education. This personified his education at ''Dear Ole Wake Forest'' where his father was a great teacher of Physics and where he was surrounded by loving parents and great Christian teachers. Always willing to acknowledge with gratitude the education he received at two other great universities, he reserved his greatest appreciation for that school where students, without sacrificing the knowledge of material things and values, were encouraged to learn and appreciate the values of the spirit and character. It was there where students were taught that as the poet said, ''one must know, but to know is not enough. One must will, but to will is not enough. One must act!'' (Goethe)

In William Ellery Channing's charge on the ordination of the Reverend J. S. Dwight, he urged the young minister to remember that: ''The fewer the voices on the side of truth, the more distinct and strong must be your own.'' Dr. Lake always had a distinct and a strong voice for truth, even when others chose to remain silent.

Like John Ruskin, Dr. Lake believed that education was not so much teaching the young to learn what they previously did not know, but to teach them to behave in a way they did not previously behave. In other words, academic achievement and Christian commitment were expected to go hand in hand. And it was the teaching of these principles that elevated him to the class of the four or five greatest classroom teachers of his day.

It was bad for physics but good for law when Dr. Lake decided to study law. He said, ''I had no higher ambition than to be a member of the Wake Forest Law School faculty. In speaking of the great ''faculty of Gulley, Timberlake and White,'' he could say ''I was grandson of Gulley and son of Timberlake and White.'' The faculty proved that you could have a great law school notwithstanding modest facilities (one room) and a weak library.

In speaking of the Wake Forest College faculty he described them as the finest collection of scholars, teachers and men with whom he was ever associated.

In traditional Christian fashion, the family came next to Dr. Lake's devotion to God. His first wife and the mother of his son, Associate Justice Beverly Lake Junior, was Gertrude Bell. Some years after her death, he married Kathleen Robinson Mackie, the widow of Dr. George Mackie. Dr. Mackie was and still is known as Wake Forest's most famous college physician. Mrs. Lake was and Mrs. Kathleen Lake is a complete homemaker. Beautiful in appearance, highly capable intellectually, the lives of both ladies have been characterized by a sense of calling and duty. Without their inspiration, daily encouragement and wise counsel, Dr. Lake could not have accomplished so much. It is a great credit to both ladies and to his devoted and distinguished son, Beverly Junior, who followed his father as Associate Justice of the North Carolina Supreme Court, that they sensed Dr. Lake was called to perform a special service and were willing to help him render it.

As you know, Dr. Lake was tremendously proud of his son. Early in Beverly Junior's life he and his father were in Raleigh to view a political parade. Dr. Lake turned to Beverly and said, ''I want you to promise me that you will stay out of politics and I will promise you I will do the same.''

Later on I questioned Dr. Lake about this advice and asked him how he came to get involved in politics. He replied, ''I guess I just drifted into it.'' Notwithstanding the humorous reply, I realized that like the late Justice Arthur Vanderbilt, he came to see that the holding of political office and service to country is the lawyer's most noble service.

Speaking of family, in characteristic humor, when receiving the Medal of Honor from the National Society of the Daughters of the American Revolution for leadership, trustworthiness, service and patriotism, he stoutly disclaimed his worthiness, but declared he would take it so the ''grandchildren and great grandchildren might possibly see that there were some good qualities about the old man after all.'' This was typical of the good humor and wit he exhibited all during his life.

Dr. Lake's entire life was characterized by his love for God, family and country. He often spoke about how his mother taught him ''to love and honor his country and to learn about his country and its heritage.''

''A person with no pride of heritage is a pathetic individual,'' said Dr. Lake.

Time and time again, as he expressed concern about the political direction of our country, he made it clear that ''Whatever may have been true of Tsarist Russia, this country (the USA) needs no new foundation.'' He wanted everyone to know the noble purposes upon which the government was founded. While we have yet to attain them (the founding purposes) he strongly contended that ''no nation on earth, past or present, ever got closer to them.''

Dr. Lake wanted the Supreme Court of the United States to return to its original moorings—the Constitution. Twice Dr. Lake sought the office of Governor without success. Of course, he, the family, and all of us and especially ''his boys'' who supported him were disappointed. Did it impair his enthusiasm for his country? You be the judge.

Speaking at one ODK meeting held at Campbell some years after the unsuccessful campaigns and with a Supreme Court that was continuing to move from the foundation upon which the country had been founded, it could have been ''pay back time.'' He could have weakened the faith of the young people in their country. What did he tell them?

''So often I hear thoughtful people say 'It's too late. We have already lost our way. America has passed beyond the hope of rescue.'''

''I do not believe that,'' said Dr. Lake with that strength of conviction for which he was famous.

But then he went on to say, ''But if you are going to be a leader and going to change things, you must be willing 'to speak to your contemporaries truths they do not perceive and often do not want to hear.'''

Dr. Lake's life was characterized by enthusiasm, happiness, optimism, courage and deep faith in a risen Lord. One of the Nation's finest classroom teachers, he demanded much of his students. But love them he did. He called them ''my boys.'' He visited with them when he met us on campus. When time permitted, he loved to join the students for a round of golf or a ball game. He and Mrs. Lake went far beyond the call of duty to make the students and other guests ''feel at home'' when they came calling on a visit.

If I had time to relate to you the stories that we remember and something of the good times we had, you could better appreciate why his students admired, respected, and yes, loved their teacher. Until the very end, he constantly dedicated his books, articles and lectures to ''my students'' to whom I owe so much.

When God sent angels to bring Dr. Lake home last Thursday, I suspect they said: ''Come ye, Beverly, blessed of our father, enter thou into the joys of the Lord.''

It is hard to imagine anyone more deserving of such a Divine invitation than Dr. I. Beverly Lake who spent his life in service to the people of North Carolina and the Nation!

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I also ask unanimous consent that I be allowed to speak as if in morning business for up to 20 minutes.

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

Mr. GRAMS. Thank you very much.

REMOVE THE BARRICADES, REOPEN PENNSYLVANIA AVENUE TO THE PEOPLE

Mr. GRAMS. Mr. President, I don't know how or why it developed, but one trait most humans share is a deep interest in chronicling the passage of time. And so we attach a special significance to the observance of anniversaries—those anniversaries marking celebration and achievement, and those marking solemn events of remembrance and passage.

On May 20, 3 weeks from today, we'll have an opportunity to observe both. We'll be celebrating the 88th birthday of actor Jimmy Stewart, the 64th anniversary of Amelia Earhart's solo flight across the Atlantic, the patenting of the fountain pen in 1830, and Levis' riveted-pocket blue jeans in 1873.

But on May 20, we'll also be observing a much more troubling event, because unless the Government takes action in the next 3 weeks to stop it, we'll be marking the 1-year anniversary of the closing of Pennsylvania Avenue in front of the White House.

Mr. President, we have an opportunity—an obligation—to prevent this anniversary from ever happening.

The city has certainly grown up around it, but Pennsylvania Avenue has changed surprisingly little since 1791, when George Washington gave his approval to Pierre L'Enfant's innovative city plan. They envisioned the avenue as a bold, ceremonial stretch of boulevard physically linking the U.S. Capitol Building and the White House, and symbolically linking the legislative and executive branches of government.

By the early 1800's, Pennsylvania Avenue had become a busy thoroughfare. The people of Washington went about their daily business in the shadow of the White House, which for much of the 19th century, wasn't set off from the street by as much as a fence. Believe it or not, folks used to pull their carriages up to the front door of the President's house to ask for directions.

By 1995, carriages had been replaced by station wagons and tour buses, and Pennsylvania Avenue—America's main street—had grown up. Over 80 feet wide, the modern, six-lane boulevard was being used by more than 26,000 vehicles every day. Families on vacation would travel down Pennsylvania Avenue past the White House on the same route their ancestors might have taken, and it gave a lot of people goosebumps. When ordinary citizens could drive by the President's home or walk by his front gate, well, that said something important to them about living in a country where freedom is valued above all else.

As the home to every President since John Adams, the White House had become one of Pennsylvania Avenue's crown jewels, a primary destination of visitors to the Nation's Capital. The People's House was hosting 1½ million tourists annually. Given its prominent location on Pennsylvania Avenue and its proximity to the people, the White House was a powerful symbol of freedom, openness, and an individual's access to their Government.

That is, until May 20 of last year, when the Treasury Department shut down two blocks of Pennsylvania Avenue. For the first time in its 195-year history, all traffic in front of the White House came to a halt.

The President ordered the avenue closed to vehicles in the wake of the tragic Oklahoma City bombing a month earlier, citing possible security risks from trucks carrying terrorist bombs. At the time, the President said the decision wouldn't change very much except the traffic patterns in Washington—but it has. By barricading a symbol of democracy and access which dates back to nearly the birth of this Nation, we've surrendered to fear. Without striking a single match in the vicinity of Washington, the terrorists have won.

Have you been to the White House lately, Mr. President? You'll see what fear looks like. With all the guards, the guns, the cement barriers, the police cruisers, Pennsylvania Avenue now looks like what some are calling a war zone. Or a bunker. This is not the White House of leaders like John Adams and Thomas Jefferson and Abraham Lincoln, who defined freedom's essence and took deep pride in being its stewards.

In fact, I don't know whose White House this is anymore. But I do know that it no longer seems to belong to the people.

Mr. President, I hope my colleagues had an opportunity to read the editorials on the subject of Pennsylvania Avenue published in the Washington Post over the last several months. The newspaper has focused on fear, and what happens when that fear is allowed to take hold and fester until it dictates and clouds the decisions made every day here in Washington.

''This is a concession to terrorism that should not be made permanent,'' wrote the Post last December. ''Two world wars did not close Pennsylvania Avenue. Neither did the Civil War or past attempts on Presidents' lives, as the White House itself has noted. The avenue stayed open despite a British invasion, and despite street riots in the 1960's. But now, because of the devastation in Oklahoma City, the history of Pennsylvania Avenue may be erased by bulldozers.''

Mr. President, it would be a second tragedy if a capital city steeped in fear is among the lasting legacies of the Oklahoma City bombing. That is not how we should honor the explosion's innocent victims.

In their rush to close Pennsylvania Avenue down, officials apparently gave little thought to the long-term consequences of their action. After all, Pennsylvania Avenue is far more than just a decorative patch of roadway, reserved for parades and official functions. It's a living, vital spoke of the city. For almost 200 years, Washington's workers and families have lived along Pennsylvania Avenue, shopped along it, dined along it, done their shopping at its corner markets, traveled on it to and from the office. The knee-jerk closing of such a major artery has had a devastating cost for the District of Columbia and its businesses, its commuters, its tourists, its residents.

With the avenue closed for two blocks, and several surrounding streets blocked off as well, the people who live, work, and visit here and give life to this city are feeling choked off from it.

Nearby businesses are no longer as accessible to employees and clients, now that daily traffic hassles tie up the downtown area. City officials are worried that commercial development will eventually suffer: with the city's east and west sides artificially separated, potential tenants may decide to skip the headaches of dealing with the closed avenue and opt to locate outside Washington.

A great deal of parking space has been eliminated, too. Add up the lost parking revenue, the cost of changing street signs and signals, higher Metrobus subsidies, and police overtime, and just 6 weeks into the closing, the District estimated the cost of closing Pennsylvania Avenue had already reached nearly $750,000. I'm afraid the cost after an entire year will be staggering.

And that doesn't begin to take into account the other indirect costs of the closing. Tour bus operators can no longer drive their customers—many of whom are strapped for time, or unable to walk the extra three or four blocks—past the White House.

What about the public transportation system? In order to provide the same services it offered before the Pennsylvania Avenue shutdown, transit officials have estimated they'll need to spend up to $200,000 more every year by adding new buses and drivers.

And the increased bus traffic on streets not meant to bear such a heavy load is threatening historic buildings like Decatur House on H Street and St. John's Episcopal Church on Lafayette Square. Both have survived more than 175 years of political turbulence, but neither was built to endure the rumbling they've been subjected to over the last 12 months. Buses now pass by at a rate of more than 1,000 trips a day—experts are afraid the traffic will reduce the structures to rubble.

What's most troubling about all of this is the fact that the Federal Government carried out the closing of Pennsylvania Avenue without any consultation with the District, without any direct public input from the people their decision would most disrupt.

Mr. President, the people of this city who depend on open access to Pennsylvania Avenue say they've accepted the present closure, but they're not going along with the idea that the avenue must be blockaded forever. That

case has simply not been made, they say. And I agree.

I was pleased to learn that the National Park Service recently scrapped what they called their interim beautification plan for the 1,600-foot strip of the avenue between Lafayette Park and the White House. The plan involved replacing large sections of the asphalt with grass, but architects called it off when they realized that something as drastic as digging up the asphalt would be too hard to change in the future, once a final plan of action is decided upon.

The Park Service is still going ahead with plans to bring in 115 concrete barriers disguised as planters to ring the closed-off avenue. Most of these new roadblocks are almost 3 feet high; the largest is 7 by 13 feet and weighs 36 tons. ''It will really dress the area up,'' said a Park Service official. Mr. President, I don't believe Martha Stewart herself could dress up a 36-ton, concrete traffic barricade.

And the cost of these new measures? About half a million dollars—a great deal of taxpayers' money, especially considering it's only supposed to be temporary.

Last December, 14 top architects, planners, and sculptors met to brainstorm about the future of Pennsylvania Avenue. They didn't publicly announce any final decisions—that won't happen until later this year. But they are expected to release five proposals later this month on how to proceed. Most of the plans are said to center around the idea of keeping the avenue closed and turning the area surrounding the White House into some sort of President's park, something they say could become a shrine of democracy. But a pretty name can't disguise a terrible idea.

Mr. President, Washington doesn't need another ceremonial park, especially around the White House. Kings live in park enclaves, as they say, while Presidents live along streets. Washington doesn't need another shrine to democracy, either. This city itself is a shrine to democracy. I would suggest that returning Pennsylvania Avenue to the way it was before May 20, 1995, would be the greatest tribute to democracy we could offer.

We all need to stop, catch our breath, and put aside the fear. If we don't, where will it stop? One year after Oklahoma City, the Government has already increased its national security force by more than 800 guards, at a cost to the taxpayers of $32 million.

New security equipment is being installed in Federal buildings to the tune of $77 million, and another $174 million is slated to be spent on additional security measures over the next 20 months.

Then what? There are 8,100 Federal buildings in the United States—do we turn each and every one of them into a fortress? Already, the drastic security measures undertaken on Pennsylvania Avenue have set a precedent and have been mirrored on Capitol Hill. Access to streets on the Senate side of the Capitol have been shut off and parking has been eliminated or restricted in many places. Security at the Capitol itself has been tightened dramatically.

How much of Washington, DC, are we going to have to rope off before the public begins thinking we simply don't want them here? As tragic as it sounds, that's the message we're sending.

Mr. President, all Americans are deeply concerned about the safety of their President. The security measures used to protect him must be well reasoned, appropriate, and thorough. I don't question the desire to afford him every ounce of security available, but I do question whether we can satisfy that desire without sacrificing the people's freedom.

The sad truth is that we can't protect the President—or any Federal worker, for that matter—by sealing them off from the world. A determined terrorist will not be stopped. But there will always be risks in a free and open society.

I received a letter from a California man who wanted to share his thoughts as an occasional visitor to this city. ''I am in Washington about 10 times a year,'' he wrote, ''and I feel an oppression there that I feel in no other city, either in the United States or abroad. I really feel the oppression around the White House.'' He wrote that any black or white minivan parked in the vicinity will have a policeman in it. That's in addition to the policemen with dogs, and the vast number on foot and in Secret Service cars in the area, all behind those ugly, concrete barriers. ''Closing off Pennsylvania Avenue seems to be going a bit overboard,'' he concluded.

In the year since the closure of Pennsylvania Avenue, the calls for its reopening have grown louder. There's a deep perception among many Americans that the closing was an emotional reaction—a judgment rendered too quickly, and initiated out of fear. It's time for President Clinton to reconsider a decision made amidst such emotion, and replace it with one of reasoned courage.

And so I am sending today a letter to the President requesting the reopening of Pennsylvania Avenue no later than May 17, 1996. I ask unanimous consent that a copy of my letter be printed in the RECORD.

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

(See exhibit 1.)

Mr. GRAMS. Mr. President, on behalf of the American people who aren't here to stand up for themselves, I ask my colleagues to stand with me in taking back Pennsylvania Avenue from the fear to which it has been surrendered. It's time to halt these efforts to close off the people's house, on America's main street, from the people themselves. We don't need to wait for the reports and recommendations of another government commission to know that this is wrong.

By ordering the immediate reopening of Pennsylvania Avenue, President Clinton has the power to return the avenue to the people. He has the power to undo a costly mistake. He has the power to ensure that the closure of Pennsylvania Avenue does not mark its first anniversary.

We must not allow fear to claim the victory. Dismantle the barricades, Mr. President, and may the souls of the patriots who founded this Nation in freedom's name take pity on us if we don't.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 29, 1996.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you are no doubt aware, May 20, 1996 will mark the passage of one year since the closing of Pennsylvania Avenue in front of the White House. To eliminate the need for observing this somber anniversary, I am writing to respectfully request the reopening of Pennsylvania Avenue by a date no later than May 17, 1996.

Within the history of Pennsylvania Avenue can be traced the history of this great nation. In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city. They envisioned Pennsylvania Avenue as a ceremonial boulevard physically linking the U.S. Capitol and the White House, and symbolically linking the Legislative and Executive branches of government. As an integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as ''America's Main Street.''

As the home to every president since John Adams, the White House has become one of Pennsylvania Avenue's ''crown jewels'' and a primary destination of visitors to the Nation's Capital; today, ''the People's House'' is host to 1.5 million tourists annually. Given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

And so you can imagine the disappointment of many when your order of May 20, 1995 closed Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House. By impeding access and imposing hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue has drastically altered L'Enfant's historic city plan, replacing the openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

The closure has come with not only an emotional cost, but a financial cost as well—both to the taxpayers, who have been asked to bear the burden of funding new security measures along Pennsylvania Avenue near the White House, and for those who are dependent upon access to the avenue for their livelihood.

I acknowledge that the security of the President of the United States is paramount and a matter not to be taken lightly, but I ask you to recognize that the need to ensure the president's safety must be balanced with the expectation of freedom inherent in a democracy. I believe the present situation is tilted far to heavily toward security at freedom's expense.

In the year since the closure of Pennsylvania Avenue, the calls for its reopening have grown louder. There is a deep perception among many Americans that the closing was

an emotional reaction—a decision rendered too quickly, initiated out of fear fueled by the terrible disaster in Oklahoma City. I ask you to reconsider a decision made amidst such emotion, and replace it with one of reasoned courage.

By ordering the reopening of Pennsylvania Avenue by May 17, 1996, you have the power to undo a costly mistake, return the avenue to the people, and guarantee that its closure will not mark its first anniversary.

Sincerely,

ROD GRAMS,
U.S. Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I ask to speak in morning business for such time as I may consume.

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

PRIVILEGE OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Michael Schiffer, a fellow in my office, be granted floor privileges during my remarks.

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

Mrs. FEINSTEIN. I thank the Chair.

SETTING THE RECORD STRAIGHT ON CHINA

Mrs. FEINSTEIN. Mr. President, 100 years from now, I have no doubt that when historians look back, the remarkable rise of China as a world power will be considered one of the most important international events in the latter half of the 20th century. Even more than the tragic war in Bosnia, more than the fragile attempts at peace in the Middle East, more than the collapse of the Soviet Union, I believe that China's ascendance as a great power and its impact as such—and the content and quality of the United States relationship with China—will shape the direction of global history in the Pacific century.

In recent months, Sino-American relations have reached perhaps their lowest level since President Nixon's historic trip to China in 1972. Our relationship has been plagued by tensions in nearly every area in which we interact—trade, nuclear nonproliferation, concerns about Taiwan, Hong Kong, and Tibet to name just a few. But most often the Sino-American relationship has been buffeted by clashing visions of human rights. And it is that which I wish to speak about today.

Last month, the State Department issued its annual report on human rights which contained a highly critical section on China. Having read the report and the attendant media coverage that interpreted its contents, I wish to address what I perceive to be a number of grave misjudgments and, frankly, a double standard in American foreign policy when it comes to China.

Let me begin with some examples of that double standard. The liberation of Kuwait following the Persian Gulf war is viewed as a triumph of freedom and a high point in recent American foreign policy. Yet, how many Americans are aware of the fact that upon their return the Kuwaitis expelled thousands of Palestinians and denied repatriation of thousands more who had fled during the war for their suspected—and I say suspected—support of Iraq. Before the war, there were over 400,000 Palestinians in Kuwait. Now there are 33,000, according to the Human Rights Watch/Middle East.

What happened to them, and who cares? At times, it seemed that there was more attention in the American press given to the number of wives of certain members of the Kuwaiti royal family than of how many Palestinians were expelled in political reprisal.

There has been, however, some media coverage and American criticism of Russia's brutal suppression of Chechnya's move toward independence. The Russian military decimated the city of Grozny with tremendous loss of life among civilians and the Chechnyan rebels alike. And the battle goes on today. Conservative estimates are that 30,000 people have been killed. Yet, our President just visited Russia, and our relations with Russia have never been better.

The cover story in the April 22 Washington Post puts America's blind eye in perspective: ''Clinton, Yeltsin Gloss Over Chechen War.''

> . . . [the two leaders] declared their admiration for each other and brushed off criticism of Russia's war against Chechen separatists.

Our relationship with the former Soviet Union is of such unquestionable importance that, muted criticism aside, American support of the Russian President has never really been in question. So how can China's importance be any the less?

Recent tragic events in Liberia, where an unknown number of people have been killed, is only the latest slaughter to emerge from that continent. Not long ago, the news media recounted the massacre of hundreds of thousands of Tutsi and Hutus in Rwanda, and the regime of Gen. Sani Abacha in Nigeria continues to suppress political dissent with lethal force. And yet, each of these countries enjoys the most-favored-nation trading status with the United States.

Even some of our closest allies have deeply flawed human rights records.

In Egypt, a legitimate effort to crack down on Islamic extremists has at times crossed the line into abuse, such as extended detention without charge, torture, and even summary executions.

In Brazil police just 2 weeks ago killed 19 people who were protesting the slow pace of land reform.

Turkey, a close NATO ally, has made considerable progress on human rights in recent years, but freedom of expression is still suppressed, torture is still widespread, and there have been numerous documented cases of the excessive use of force against the Kurds in recent years, about which we are all familiar.

I do not mean to suggest that human rights should not occupy an important place in our Nation's foreign policy. In each of the cases cited above we have, rightly, protested to the governments involved and worked with them to improve their human rights records.

The status of human rights in the countries I have just mentioned is or has been questionable, yet our relations with them do not fluctuate wildly based on human rights violations. We are able to recognize that the United States also has other important interests that must be taken into account, and we must constantly weigh these interests and values as we try to construct an effective foreign policy.

No one, for example, would suggest that we cut off relations with Kuwait, Russia, Egypt, Brazil, or Turkey based solely upon their record of human rights abuses. The United States simply has too many security, diplomatic, economic and other interest at stake to contemplate such a course of action.

And yet, that is exactly the case with what is probably our most important bilateral relationship in the world today.

Fundamental to the instability in the relationship between the United States and China is the lack of any conceptual framework or long-term strategy on the part of the United States for dealing with China. Instead, U.S. policy has been reactive and event-driven, responding to whatever happens to be the current revelation—generally about human rights. Each time we lurch from crisis to crisis, we call into question our entire relationship with China.

A whole host of events has contributed to the current deterioration in Sino-American relations, but it is important to recognize the role played by the media in this process.

I recognize that the Chinese government does not treat the international press well. But virtually everything we read, hear or see in the American press about China is negative. Yes, there is much that happens in China that is worthy of scrutiny and criticism, but there is also much that is positive as well, and it is largely ignored. The real danger in this is Americans know so little about China. They know only what they read and, particularly since Tiananmen, most of it is negative.

The most blatant example of this unbalanced reportage of China was evident when the State Department released its human rights report last month. I read the newspapers. The coverage of the section on China was 100 percent negative.

Then I read the report itself, and I am deeply troubled by what can only be described as America's blind eye when it comes to China.

Let me read you some of the press coverage following the release of the

State Department's Human Rights report.

China's economic reforms have failed to alter the government's pattern of systematic disregard for basic human rights, according to the State Department's annual report . . .—Washington Post (3/6/96).

The State Department outlined Wednesday what it described as a nightmarish human rights situation in China. . .—Dallas Morning News (3/7/96).

The U.S. report released Wednesday found Chinese authorities guilty of widespread and well-documented human rights abuses—San Francisco Examiner (3/7/96)

China Dismal on Human Rights, U.S. Admits—Chicago Tribune (3/7/96).

Reading these articles, one could only conclude that there have been virtually no changes or improvements on human rights in China in decades, save for a modest increase in the standard of living among some.

But anyone who has any knowledge of China can see that in fact dramatic changes have taken place in that country over the course of the last 20 years, and that those changes, by their very nature, have opened the door to major improvements in human rights.

Let me read you sections of the unbound version of the State Department's report supplied to the Foreign Relations Committee that were not widely reported on:

On page 3 it notes that:

In many respects, Chinese society continued to open up: greater disposable income, looser ideological controls, and freer access to outside sources of information have led to greater room for individual choice, more diversity in cultural life, and increased media reporting.

On page 13 it says that:

Economic liberalization is creating diverse employment opportunities and introducing market forces into the economy, thus loosening governmental monitoring and regulation of personal and family life, particularly in rural areas.

On page 9 it notes that, ''Chinese legal scholars and lawyers acknowledge the need for legal reform,'' and notes that development toward a system of due process—the most fundamental guarantee for human rights is due process of law—a system of due process and other legal reforms are under way.

For example, an experimental trial system tested in 1994 has now been approved for use in Shanghai and for most civil cases. The new system introduces an adversarial element into trials by giving attorneys more responsibility for presenting evidence and arguing facts.

On page 5 it says:

In December 1994, China enacted a new prison law designed, in part, to improve treatment of detainees and respect for their legal rights.

Farther down on the same page it says:

In February, the National People's Congress passed three new laws designed to professionalize judges, prosecutors, and policemen.

On page 2:

In October the Ministry of Justice promulgated implementing regulations for 1994 legislation that allows citizens to sue government agencies for malfeasance and to collect damages.

Where do we see any of this reported? We do not.

Page 3:

The Government has also drafted a lawyers law that would clarify the nature of the attorney-client relationship, improve professional standards, separate most lawyers from state employment, and improve the ability of citizens to defend their legal interests.

The report also cites some positive development in religious freedoms in China. On page 19, it says:

After forcefully suppressing all religious observances and closing all seminaries during the 1966 to 1976 cultural revolution, the government began in the late 1970's to restore or replace damaged or confiscated churches, temples, mosques and monasteries and allowed seminaries to reopen. According to the government, there are now 68,000 religious sites in China and 48 religious colleges. The government has also adopted a policy of returning confiscated church property.

Where is any of that reported?

On page 17, the report cites the growth and development of two specific areas of a freer press:

Despite official admonitions, China's lively tabloid sector continued to expand in 1995. Radio talk shows remained popular and, while generally avoiding politically sensitive subjects, they provided opportunities for citizens to air grievances about public issues.

The report characterizes a nascent movement toward democracy in China on page 24:

Direct election for basic level or village government is legally sanctioned for all China's 1 million villages. Foreign observers estimate that more than one-third of China's 900 million rural residents—which is three times the population of the United States—have already participated in elections for local leaders. . . Successful village elections have included campaigning, platforms and use of secret ballots. . . There were credible reports that candidates most favored by the authorities were defeated in some local, village elections.

Where is this reported?

And although the Chinese Government, like any government, is reluctant to accept criticism of its human rights record, on page 25, the report notes that:

Since 1991, the government has promoted limited academic study and discussion of concepts of human rights. Research institutes in Shanghai and Beijing, including the Chinese Academy of Social Sciences, has organized symposia on human rights, established human rights research centers, and visited other countries to study human rights practices in those nations.

Some may view these changes as modest and limited in scope, and perhaps they may be, but one has only to look back 30 years to the Cultural Revolution to understand how enormous these changes truly are.

We must understand these changes in context: China is a nation which has been ruled by man for 5,000 years, by emperors in the most despotic system, by the national government in the most despotic manner. Changing to the rule of law will not happen overnight or even in a decade, but it is happening.

Thirty years ago—just 30 years ago—20 to 30 million people died during the Cultural Revolution and Great Leap Forward. Millions lost their jobs, their families and were falsely imprisoned. The human rights and political situation in China has changed dramatically for the better over the last 20 years.

When I first went to China in 1979, shortly after the end of the Cultural Revolution, no one would talk freely. You could not have a political conversation. It was a totally centrally controlled government. Now all of that has changed.

So change in a country as huge as this, as different as this, where the urban eastern cities are very different from the isolated western areas, does not happen overnight, and sometimes it is even difficult to evaluate it on a year-to-year basis.

As I think recent history and this State Department report indicates, China is changing and Americans need to recognize this. They need to know it and they need to encourage China's continued modernization.

I should note for those in this body who consider themselves to be friends of Taiwan, as I do also, that the Taiwan whose democracy we celebrate in 1996 was not so very long ago considered to be one of the most egregious violators of human rights, during which we kept all contact with Taiwan.

Beginning on February 28, 1947, thousands of political dissidents were killed and imprisoned by the nationalist government on Taiwan in a matter of weeks—the infamous ''2–28 incident.''

In 1948, a state of emergency was declared allowing the President to rule by decree, and from 1950 to 1987, Taiwan was ruled by martial law. During this time, it is estimated that over 10,000 civilian cases were tried in military courts. Citizens were subjected to constant surveillance, individual rights and freedoms were compromised, and political opposition was silenced.

To our credit, during this same period, the United States engaged Taiwan politically and economically, working to encourage the growth of democracy. Today, Taiwan is a democracy.

To be sure, China has a long way to go, but China is growing so rapidly—with a 10-percent annual growth in gross domestic product. Today, China, as an export power, is where Japan was in 1980, the 11th largest exporter in the world, and it is growing much more rapidly than Japan was growing.

To this end, the report also contains a number of constructive suggestions that I feel we should seek to develop as we encourage China to modernize. I believe we should work with the Chinese to develop national legislation governing organ donations, so as to bring to an end any question about current policies, but work with them, engage with them, discuss with them, counsel with them.

We should encourage the Chinese to let the International Committee of the Red Cross monitor prisoners to assure

that their rights, under these new Chinese laws just now going in place, are not being abused. We should encourage the Chinese to allow the establishment of truly independent Chinese nongovernmental organizations to monitor and discuss the human rights situation.

I also add to this list the development of a legal system that guarantees an independent judiciary, due process of law, and new civil and criminal codes. This will do more in protecting and advancing human rights than any other single thing the United States can do, and the Chinese have asked for help in this regard.

In releasing the report, Assistant Secretary of State for Democracy and Human Rights, John Shattuck, stated at the press conference on March 6:

> There is no question that economic integration enhances human rights.

As Secretary Shattuck also stated, isolating China will not enhance human rights—just the opposite. The continued improvement in the economic well-being of China's citizens is critical to the continued growth of human rights. And continued trade with the United States is critical for the continued development of China's economy.

I do not mean to suggest that the free market by itself will improve human rights records. Assistant Secretary Shattuck once again was so right when he said—and I quote—

> Economic growth is not in and of itself the ultimate sufficient condition for the full flowering of human rights.

We must also pursue other forms of engagement with China.

So it is in this context that I urge my colleagues to read in full the State Department's human rights report on China, but to do so not with a jaundiced eye and a focus only on those areas that still require improvement, but with a sense of appreciation for how far in 20 short years China has come, and with continued United States engagement, how much farther China can go in the next 20 years.

That is our challenge today. I thank the Chair. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, under the previous order I am to be recognized during morning business for a period of 90 minutes. I ask unanimous consent that during this period I be permitted to yield portions of my time to other Members without losing my right to the floor.

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

DRUG USE IN AMERICA

Mr. COVERDELL. Mr. President, over the last several months we have heard a growing crescendo, so to speak, about a new national epidemic. And make no mistake about it, Mr. President, the United States is once again revisiting a drug epidemic.

This epidemic took hold of our Nation in the 1960's and 1970's. By 1979, Mr. President, somewhere in the neighborhood of 55 percent of our youth—importantly here—age 17 to 21, were involved in drugs, an alarming crisis for the Nation. From 1979 to 1992, this usage was cut in half.

For all the naysayers that said you could not do anything about drugs—wrong. This Nation did. It cut drug use in half. It took it down to 24, 26, 27 percent. But in 1992, as I am sure will be alluded to here repeatedly on the floor, something went wrong, something changed. Policies changed, and drug use took off like a rocket. It is now approaching the 40 percent level.

Over the weekend there was a lot of discussion about drug abuse because the President had a much heralded press conference in Miami this morning. But, Mr. President, this is one we cannot win with press conferences. This is one that will be exceedingly difficult to turn into some political gambit for the 1996 Presidential campaign.

Somebody will have to be responsible for what happened between 1992 and 1996. And what happened is a very ugly picture.

Over the various talk shows this quote surfaced. ''This President is silent on the matter. He has failed to speak.'' That was Senator JOSEPH BIDEN, Jr., of Delaware. Or we have Mr. RANGEL, Congressman RANGEL, who has previously said, he has never seen a President care less about drugs. That is Congressman RANGEL. These are Members of the President's own leadership, party.

The point is, that there are ramifications for the policies we have set, Mr. President. In his first 3 years in office, President Clinton abandoned the war on drugs. He slashed the staff of his drug office 83 percent, he decreased the number of Drug Enforcement Agency agents, cut funding for drug interdiction efforts and abandoned the bully pulpit. I will mention this again. But out of 1,680 statements by the President, the word ''drugs'' was only used 13 times in the first 3 years. We turned away from the message that drugs are very harmful.

You know, Mr. President, President Reagan and President Bush deserve a lot of credit. They engaged this war as the Nation would expect them to, and indeed they contributed to saving millions of lives and harm to millions of families all across the land because they engaged the battle.

Yes, she was made fun of at the time, but Nancy Reagan, our First Lady, when she said, ''Just say no,'' it made a difference. Who knows the number of families that were spared the devastation of drugs just because she led the way. She is going to be remembered very favorably for the role she played in our drug dispute.

I see, Mr. President, I have been joined by the distinguished Senator from Michigan, who has been a leading advocate in the drug war. I now yield up to 10 minutes of my time.

Is that enough, I ask the Senator?

Mr. ABRAHAM. That would be fine.

Mr. COVERDELL. I yield 10 minutes of my time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I first thank the Senator from Georgia for having come here today to help lead this discussion. I think the role he is playing in trying to focus public attention on problems in the area of crime and drugs is to be commended. We are grateful to have leadership like that on these issues because we have not had enough of it, either in the Congress or particularly in the administration.

So today I will talk a little bit more specifically about some of the problems we are contending with as a society as they relate to the broadly defined topic of drug use in America.

After steadily declining for a number of years, through the administrations of Presidents Reagan and Bush, drug use has been skyrocketing in recent years. It is increasing at a very alarming rate. According to the 1994 ''Monitor of the Future'' study, drug use in three separate categories—use over lifetime, use in past year, use in past month—has shown a remarkable surge during the last 2 years, for young people in particular.

Lifetime drug use went from a high in 1981 of about 65 percent to a low of just over 30 percent in 1992. Recently, though, the trend has been in a different direction. In both 1993, and again in 1994, after over a decade of uneven, but steady, decline, drug use has shot up again. It has shot up not just among high school seniors either, Mr. President.

According to the 1995 National Household Survey on Drug Abuse, drug use among children from as young as the age of 12 through 17 years of age, went up by 28 percent from 1993 to 1994. That is not just percentages we are talking about. It is human lives, Mr. President.

To make it a little more specific, and to really, I think, dramatize the alarming changes we are talking about, these statistics indicate that in 1994, 1 million more children between the ages of 12 and 17 were using drugs than had been the case in 1993.

Mr. President, I would like to state very clearly that the decisions people make to abuse drugs or any other similarly abused substance of any type is an individual decision. This is not a partisan decision. This is a not a decision that can be blamed on any one individual in Washington.

I think what is critical and what we need to assess is the response that we, as Government leaders, are making to this alarming increase. I think that is where we have to take focus here

today. I think we should specifically look at what this administration has done, because I think in examining it we will get a feel for the different types of priorities that can be established and give the American people a chance to decide which priorities they prefer.

In terms of the Clinton administration, the first thing that we should note is the dramatic drop in drug prosecutions, both in 1993 and again in 1994. Despite the country's increasing drug problem in those years, Federal drug prosecutions fell from a high of over 25,000 prosecutions in 1992 to fewer than 22,000 in 1994. It just 2 years, Federal drug prosecutions dropped 12 percent. In addition, this administration made the decision to dramatically reduce the budget of the drug czar's office. The war on drugs conducted through the drug czar's office, has been cut by approximately 83 percent.

Mr. President, reducing the number of prosecutions and reducing the size of the budget of the drug czar's office, in my mind, at least, is the wrong set of priorities to deal with an increasing rate of drug abuse, particularly when much of the increase can be found among young people.

Third, I think the administration has changed priorities in terms of the message it is sending, particularly the message young people are hearing. The Senator from Georgia has already identified, and I think accurately, and very positively talked about the impact of the ''just say no'' program. Mr. President, for the better part of a decade, the words ''just say no'' meant the same thing pretty much to everybody in America, and especially young people. It meant ''say no to drugs.'' With a theme like that resonating whether through the airwaves or in speeches of the public officials and the leadership of the First Lady, Nancy Reagan, young people heard clearly one continuous message. I think that that pervasive message helped to change the direction of drug use in this country. I think that message has been blurred a lot in recent years.

Indeed, unfortunately, I think mixed signals have been sent inadvertently that have at least suggested a certain condoning of the use of drugs. I do not think that those are the kind of signals we want to send. For example, I note the Department of Health and Human Services has sponsored commercials on MTV proclaiming, ''If you use drugs, don't share a needle.''

Now, I realize that ''just say no'' may have sounded hackneyed to some, but it works and it is true. In my judgment, sending any kind of signal to our children that suggests that any form of drug use is preferable to other forms, rather than as a society we are opposed to all drug use, will confuse, and I think contribute to their reluctance to follow the message to avoid the use of drugs altogether.

In addition, I think we have sent a mixed message in terms of what the leading messengers of the administration have been saying about drugs. As we know, Surgeon General Joycelyn Elders talked at length about even going so far as to legalize drug use in this country. It just seems to me, Mr. President, if young people reach the conclusion that an administration or Washington or public officials think that drug legalization is an acceptable alternative, their willingness to begin experimenting or to use drugs will increase. Indeed, Mr. President, those seem to have been the results.

Again, according to the former ''drug czar'' in my State of Michigan, just a few weeks ago, the Centers for Disease Control jointly sponsored a conference in Atlanta with one of the country's leading pro-drug legalization organizations, the Drug Policy Foundation. The conference agenda was to promote needle exchanges and healthy drug use messages.

These kinds of mixed messages, combined with a drop in prosecutions and a reduction in spending on the drug czar's office, I think, Mr. President, demonstrate the wrong priorities. I think we should have a healthy debate this year over this country's priorities. I happen to think that the investment of funds in the drug czar's office, the increased prosecution of drug offenders, and the sending of one clear unmistakable message that we should say no to drugs is the only way to seriously and effectively deal with the drug abuse problems we face in this country, and particularly with youthful drug offenders. I think to divert resources from that approach is to invite increases in drug use.

I think the American people should understand that there are two very different courses, a course that was followed with great success for over a decade, and a new course that has blurred the message, invested fewer dollars and generated fewer prosecutions. That clear choice, I think, is one that we in Congress now should effectively try to address. I will be working hard to do that in my State, to try to make sure at least in Michigan we send an unequivocal message to just say no to drugs and I will do my best here to support efforts to beef up the forces that will crack down on drug abuse, those in both prosecutorial ranks and providing the drug czar's office and others with the adequate resources they need to combat this on the front lines.

Last year, Mr. President, I was involved in sponsoring a bill which ultimately became law and was signed into law to try to make sure we did not liberalize the sentences that crack cocaine dealers would receive. We have to remain vigilant and tough. I think the sentences for those who use powder cocaine should be tougher as well. We have to make clear that young people in this country, and really to all Americans, that the war on drugs has not been won. Progress that was made in the 1980's can be reversed if we are not vigilant.

I intend to come to the floor often, joining my colleague from Georgia and others, to make sure those are the messages we send. I yield the floor.

Mr. COVERDELL. Mr. President, I want to commend the Senator from Michigan. As I said, he has been a stalwart on this kind of work, on crime in general, and the United States and his State are all benefactors of his good work. I appreciate his coming to the floor.

Just to mention again or reinforce a comment I made, when I began in 1993 and 1994, President Clinton made seven addresses to the Nation. None mentioned illegal drugs—none. The President's official 1993 Presidential papers reveal 13 references to illegal drugs as a total, in a total of 1,628 Presidential statements, addresses, and interviews.

Of course, no wonder, Mr. President, if the bully pulpit is not used in whatever form it is chosen, I do not think you have to replicate what First Lady Reagan said, but you do have to use that pulpit. It got turned off.

Mr. President, I yield up to 10 minutes to my colleague from Arizona, also a Senator who has come here with enthusiasm and energy on the topic of making American citizens safer. I yield to the Senator from Arizona.

Mr. KYL. I thank the Senator from Georgia for his work on this issue and for yielding the time to me relative to the comments that he just made.

I note as recently as yesterday on the ''Meet the Press'' television program, Senator JOSEPH BIDEN said: ''The President is silent on the matter. He has failed to speak.'' Of course, we are talking about the matter of drug abuse and, more broadly, the war on drugs.

Actually, I am very heartened that the President has rediscovered his enthusiasm to fight this war on drugs. When he campaigned for the Presidency in 1992, candidate Bill Clinton said, ''President Bush hasn't fought a real war on crime and drugs. I will.'' During the first 3 years in office, the President virtually ignored the drug problem. The moving trucks had barely arrived from Little Rock when the President slashed the office, the so-called drug czar's office, by 80 percent. The drug problem received little attention thereafter from his administration.

Whatever the motivation, some might say election year politics, I assume it is an obvious realization that the policy has not worked and has had a disastrous effect. The President has now reversed course and is exercising very needed leadership in our efforts to combat drugs.

During his State of the Union Address, the President announced the appointment of General McCaffrey as the next drug czar, a welcome appointment, because General McCaffrey has a very fine reputation, and, of course, the energy and enthusiasm to deal with this problem.

CLINTON'S ABDICATION ON THE WAR ON DRUGS

A. SLASHING ONDCP'S BUDGET

As mentioned before, one of the first official acts by President Clinton was

to slash the drug czar's staff by more than 80 percent. The number of workers fell from 146 to just 25—half of the size of the White's House's communication staff. The President also cut the budget from $185.8 to $5.8 million—a 90-percent cut.

After drastically reducing the size of the drug czar's office, the President took nearly a year to select a drug czar, finally settling on Lee Brown.

Lee Brown was not an effective drug czar. Instead of focusing efforts on getting cocaine and other drugs off of our streets, Mr. Brown launched an effort to have ''Big League Chew'' bubblegum removed from convenience store chains. The drug czar's office was concerned that the packaging resembled some chewing tobacco products, although its Deputy Director admitted that the agency didn't have any hard data to show look-alikes lead to use of the real thing.

B. APPOINTING A SURGEON GENERAL WHO PROPOSED LEGALIZING DRUGS

Lee Brown was not the only Clinton administration official to set back efforts to combat drug use. While serving as the Nation's top health official, Jocelyn Elders commented that, ''[I] do feel that we would markedly reduce our crime rate if drugs were legalized.''

C. DRAMATICALLY REDUCED INTERDICTION EFFORTS

Under President Clinton, interdiction has been dramatically scaled back.

Keeping drugs out of the country was an important and successful element of the Reagan-Bush drug war. Successful interdiction leads to less drugs reaching our streets, and poisoning our children. Interdiction raises the price of drugs, and lowers their purity, which translates into less people using drugs, and those who do, ingesting drugs of lower potency. As a candidate for the Presidency, Clinton recognized the importance of interdiction:

> [W]e need an effective, coordinated drug interdiction program that stops the endless flow of drugs entering our schools, our streets, and our communities. A Clinton-Gore Administration will provide cities and states with the help they need.

The President's fiscal year 1996 request represented a 37-percent cut from 1991 interdiction funding levels. And in Clinton's first year in office, the National Security Council downgraded the drug war from one of three top priorities to number 29 on a list of 29.

Between 1993 and the first half of 1995, the transit zone disruption rate—which measures the ability of the United States to seize or turn back drug shipments—dropped 53 percent. The President has cut the interdiction budgets of the U.S. Customs Service, the Department of Defense, and the Coast Guard. Not surprisingly, these agencies are showing a downturn in statistical measures of interdiction.

The administration's cuts to the Customs Service interdiction budget coincided with a 70-percent decline in Customs-supported cocaine seizure in the transit zone.

Between fiscal years 1992 and 1995, the Defense interdiction budgets were reduced by more than half.

The Coast Guard operating budget for drug missions fell from $449.2 million in fiscal year 1991 to a projected $314.2 million in fiscal year 1996. Cutter and aircraft resource hours for drug missions are projected to fall 23 and 34 percent, over the same period.

D. REDUCED EMPHASIS ON LAW ENFORCEMENT

The President has also reduced the emphasis on law enforcement.

If the President's fiscal year 1995 budget proposal had been passed, the DEA, FBI, INS, U.S. Customs Service, and the U.S. Coast Guard would have lost a total of 621 drug enforcement agents.

While Congress reversed many of the Clinton cuts, the DEA has lost over 200 agents during the President's tenure. No DEA special agents were trained in 1993, nor were any budgeted to be trained in either 1994, or 1995.

Although drug use is going up, the number of individuals prosecuted for Federal drug violations is going down. Between 1992 and 1994 drug prosecutions dropped 12 percent.

E. ABANDONED BULLY PULPIT

President Clinton has failed to use the bully pulpit.

Criticism of the President's lack of leadership on the drug issue is bipartisan. Representative CHARLES RANGEL, a Democrat from New York, said: ''I've been in Congress for over two decades, and I have never, never, never seen a President who cares less about this issue.''

And yesterday on ''Meet the Press,'' Senator BIDEN said: ''This President is silent on the matter. He has failed to speak.''

F. TREATMENT STRATEGY

The de facto strategy of the Clinton administration in fighting drugs was to deemphasize interdiction, law enforcement, and prevention, and concentrate on treatment.

But even though Federal treatment spending was 230 percent greater in 1995 than in 1989, the number of persons served in treatment decreased 144,000.

The President has continued to pursue his treatment strategy, even though reducing hard-core drug use through treatment is generally futile. A 1994 study by the Rand Corp. prepared for the drug czar's office studied the effects of treatment of hard-core cocaine users. The study found that 27 percent of hard-core drug users continued hard core use while undergoing treatment. And 88 percent of hard-core users returned to hard-core use immediately after treatment.

RESULTS OF PRESIDENT'S LACK OF LEADERSHIP

A. DRUG USE IS UP

As a measure of President Clinton's lack of leadership, drug use is up.

The Clinton administration's abdication of the war on drugs has already had a devastating effect on all Americans—especially our Nation's children.

Last year, the University of Michigan's Institute for Social Research found that, after a decade of steady decline, drug use by students in grades 8, 10, and 12 rose in 1993.

More bad news: In September 1995, the Department of HHS released the National Household Survey on Drug Abuse, which showed that marijuana use had increased by an average of 50 percent among young people.

One in three high school seniors now smokes marijuana. We are approaching the point where a student is just as likely to drink a soft drink than use an illicit substance

The increase in marijuana use among young people is frightening, not only because so many of our young people are using this dangerous narcotic, but also because, according to surveys by the Center on Addiction and Substance Abuse, 12- to 17-year-olds who use marijuana are 85 times more likely to graduate to cocaine than those who do not use marijuana.

Hard-core drug use is also up.

The treatment strategy is failing. Far from decreasing the number of hard-core uses as Clinton predicted, the number is increasing.

The Drug Abuse Warning Network [DAWN], which monitors the number and pattern of drug-related emergencies and deaths in 21 major metropolitan areas across the country is used as a bellwether of hard-core use because so many emergency room cases involve hard-core addicts. The most recent DAWN results: Cocaine-related episodes hit their highest level in history in 1995. Marijuana-related episodes increased 39 percent, and methamphetamine cases rose 256 percent over the 1991 level.

Clearly, it makes far more sense to spend resources that will prevent people from using drugs in the first place. Once people are damaged by drugs, at most, treatment can prevent further harm. As some have said, you can't fight a war by focusing only on the treatment of the wounded.

B. WHAT THESE STATISTICS MEAN

These statistics show that more kids are becoming hooked on dope. Promising young lives are being derailed.

It is tough to imagine that American children will be equipped to compete with foreign competitors when one-third of high school seniors are smoking pot. The President can talk about education and all of the programs he wants, but if we don't work to keep kids off drugs, all the rhetoric and good intentions will be worthless.

Drug abuse is a major contributing factor to child abuse and homelessness. All Americans bear the costs of the abuse—through increased crime and increased taxes to pay for welfare and other social programs. According to the drug czar's office, the social cost of drug use is $67 billion annually.

WHAT CAN BE DONE TO RETURN TO THE SUCCESSES ACHIEVED DURING THE REAGAN-BUSH ERA

President Clinton needs to do many things to recapture the advance made during the Reagan-Bush years.

First, it needs to be recognized that the war on drugs can be won. It is not just the President who has waived a white flag—at least before his welcome change of heart—some prominent conservatives have also surrendered.

According to statistics compiled by the National Household Survey on Drug Abuse, between 1979 and 1992, overall drug use declined about 50 percent. Between 1985 and 1992, monthly cocaine use dropped by 78 percent.

If we turn from overall narcotics use to the crucial 14- to 18-age bracket, we see that the results of the Reagan-Bush efforts were just as encouraging. According to the monitoring the future study, illicit drug use by high school seniors dropped from 54.2 percent in 1979 to 27.1 percent in 1992, and cocaine use fell from an annual rate of 13.1 percent in 1985 to 3.4 percent in 1992.

I believe that we should return to the strategies that were proven effective during the Reagan-Bush administrations. These include:

Interdiction: Renewed efforts by the Federal agencies responsible for fighting drugs to spend greater resources identifying sources, methods, and individuals involved in trafficking.

Enforcement: As I mentioned before, drug prosecutions under the Clinton administration have significantly decreased. Those violating our drug laws must be prosecuted. Additionally, we must make sure that those who are profiting from the drug trade are severely punished.

Bully Pulpit: the intellectual elite laughed at the Reagan administration's ''Just Say No'' campaign. But it was clearly an important part of its successful efforts to reduce drug use. The ''Just Say Nothing'' approach of the Clinton administration has softened the attitudes of students toward marijuana. Peer disapproval of marijuana has dropped from 70 percent in 1992 to 58 percent in 1994.

Mr. President, in conclusion, I would like to say that efforts to fight drugs can and should be bipartisan. For example, earlier this year, Senator FEINSTEIN introduced a bill—which I have cosponsored—to make it more difficult to peddle the ingredients use to make methamphetamine. Senator FEINSTEIN recognized that further controls were necessary to stop a drug which is currently ravaging the Southwest from turning into the next crack epidemic.

I am glad that the President is finally putting some energy into fighting the Nation's drug problem. His recent actions are appreciated, and should be at least somewhat helpful. It is time to resume the drug war. America's future is at stake.

Mr. COVERDELL. Mr. President, I thank the Senator from Arizona for his remarks and contribution to this effort.

I yield up to 10 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I thank my colleague, Senator COVERDELL, from Georgia and also Senator KYL from Arizona. I want to echo the comments of the Senator because they are right on target. I hope the American people have had a chance to listen to what the Senator from Arizona said.

Whatever happened to the war on drugs?

In 1981, Americans were calling the drug epidemic the gravest internal problem facing our society. So Ronald Reagan issued a clarion call. He said, ''The United States has taken down the surrender flag and run up the battle flag. And we are going to win the war on drugs.'' That was in 1982.

In 1992, candidate Clinton sounded out an all-out drug war charge. It is now 1996, an election year.

Today, more than 3 years into his term, President Clinton is announcing his drug policy. Maybe it is better late than never. But to this Senator it sounds a lot like an election conversion.

Under the Clinton administration, drug use amongst teenagers is up sharply, and drugs are more readily available and more cheaply available than at any time in our Nation's history. The surrender flag has been run up the pole once again.

This is not a partisan point of view. Look at what some leading Democrats said about Clinton's lack of leadership in combating drug use.

''The President is silent on the matter. He has failed to speak.''

That was not made by DON NICKLES or PAUL COVERDELL. It was made by JOE BIDEN on NBC's ''Meet the Press'' on the 28th of April, yesterday.

Here is another quote:

''I have never seen a President care less about drugs.'' Again, not by a partisan Republican but by CHARLES RANGEL, Democrat from New York.

Many Americans, I think, are startled to realize these facts. ''What happened to the war on drugs? I thought we were winning.'' Well, we were.

Between 1979 and 1992 the number of Americans using illicit drugs plunged from 24.7 million to 11.4 million. The so-called casual use of cocaine fell by 79 percent between 1985 and 1992, and monthly cocaine use fell by 55 percent between 1988 and 1992 alone; an enormous decline.

We were winning the war. We were on the way. The war was not over, to be sure, but we had won a lot of battles, and significant progress had been made. So what has happened?

Part of the answer must lie in the fact that the bully pulpit used so often and so forcefully by President Reagan and President Bush, and by their appointee, Bill Bennett, our former drug czar, and Nancy Reagan and Barbara Bush, has been vacated by this administration.

The strategy of ''just say no'' that Nancy Reagan used was laughed at by many of the persons in this administration. But it has turned into a policy not of ''just say no'' but ''just say nothing'' by this administration.

It could be that the administration's silence has been by design created by a need to cover up the backsliding that has resulted from the administration's failed policies.

Whatever happened to the war on drugs?

The Senate Judiciary Committee, led by Chairman ORRIN HATCH, issued a report in December of last year, and it provides several good clues.

Clue No. 1: President Clinton slashes the Office of Drug Control Policy.

President Clinton had been in office almost a year before he finally appointed his drug czar, and that was Lee Brown.

After receiving his appointment, Mr. Brown was not greeted with the support one would expect from a President who is dedicated to an all-out war on drugs.

While reminding America that drug abuse is ''as serious a problem as we have in America,'' President Clinton greeted his Cabinet-level drug czar with a decimated budget and radically reduced staff. Staff size at the Office of Drug Control Policy was reduced from 146 employees to 25 under President Clinton. That is less than one-half the size of the White House communications staff. That is about one-sixth. He did not cut it in half. He did not cut it by a third. He cut from 146 individuals to 25.

He cut the budget from $185.8 million to only $5.8 million. It does not even show up. He cut it from $185 million to less than $6 million.

That was the President's war on drugs. That looks like a surrender to me. It looks like he gave up.

Clue No. 2: President Clinton downplays the domestic law enforcement efforts.

President Clinton's budgets have resulted in a loss of 227 agents from the Drug Enforcement Administration between September 1992 and September 1995.

The number of individuals prosecuted for Federal drug violations dropped 12 percent over this same period of time; no big surprise. If you cut the number of agents by 227 in 3 years, you are going to have a significant number of individuals prosecuted.

Clue No. 3: President Clinton scales back efforts for drug trafficking prevention.

The overall proportion of the Customs Service budget devoted to drug control fell from 45.5 percent in 1991 to projected 33.9 percent in 1996, again a significant reduction in Custom's budget.

Department of Defense airborne detection and monitoring assets were cut back from 3,400 to 1,850 hours between 1992 and 1995—again almost half.

The use of Navy vessels measured in so-called steaming days was cut from 420 to 170—less than half.

We are doing a lot less interdiction.

The Coast Guard operating expense budget for drug missions fell from $449 million in fiscal year 1991 to projected $314 million in 1996.

What is the result of these actions? Between 1993 and the first 6 months of 1995, the transit zone ''disruption rate''—which measures the ability of the United States to seize or otherwise turn back drug shipments—dropped 53 percent.

The number of drug trafficking aircraft seized by Customs in the transit zone fell from 37 to 10 between 1993 and 1995.

The Coast Guard cocaine seizures remain 73 percent below the peak of 1991.

Marijuana seizures fell even more drastically—more than 90 percent over the same period.

Mr. President, I look at many of the things that President Clinton has done, and I see a real lack of leadership—almost a surrender on the war on drugs. Maybe this is best exemplified by the some of his appointees.

I think of Dr. Elders, who was President Clinton's first Surgeon General, a candidate whom many of us opposed because of her positions on a lot of issues. After she was confirmed, she made a couple of statements of note. One, she said ''I think we should consider legalizing drugs.'' This was not anybody. This was the Surgeon General, the No. 1 public health officer appointed by this administration who said that we should ''consider legalizing drugs.''

What did President Clinton do? He said, ''Well, I am not sure I agree with her.'' He asked her not to say it again. A couple of months later she said it again. ''I think we should seriously consider legalizing drug use.''

This is not a war on drugs. This is a capitulation. This is surrender. This is not using the bully pulpit to combat drug use. This is saying maybe top officials in Government think we should legalize drugs. Maybe drugs are not so bad after all.

She was wrong. Was she removed for those statements? No, she was not. She might have been reprimanded for the first.

The second statement she made was almost ignored, and, frankly, she was removed from office for other statements she made talking about teaching kids things on sexual tendencies and so on in the classroom. She was not removed for her discussion before the press that we should legalize drugs. Again, this is the Nation's No. 1 health officer. Is not drug use unhealthy? Certainly.

Again, what about example? President Clinton's own admission that he has used drugs—and then he came back and said, ''Well, I never broke the laws of this country.'' Well, it was in some other country. But he said he did not inhale. What kind of example is that?

Again, we want to discourage the use of drugs, and when we talk about statistics and we see drug use is up sharply amongst teenagers, what kind of example do we have by the President himself?

Sadly, like so many other things, the war on drugs fell victim to a President who lacks conviction to back up his promises.

I am glad the President made a speech today talking about we need to stand up and fight the war on drugs. Again, it sounds to this Senator like an election conversion. For 3 years where has his leadership been? It has been actually vacant. It has been silent. It has not existed. It is surrender.

Now we have an election, and I think pollsters informed the President, ''Hey, this is an important issue, and drug use is up amongst teenagers.'' So, finally, we have a speech 6 months before election time.

So what now? On December 13, Majority Leader BOB DOLE and Speaker of the House NEWT GINGRICH convened a bicameral Leadership Task Force on National Drug Policy. The task force was chaired by Senators GRASSLEY and ORRIN HATCH, as well as House Members WILLIAM ZELIFF and HENRY HYDE.

They were asked to develop principles for coherent, national counterdrug policy as well as supporting strategy for future actions. On March 28 of this year, the task force released a five-point national drug strategy.

Sound interdiction strategy. We must stop the enemies' attack by protecting our borders from the pestilence of drugs. On land, air, and sea, our Nation's enforcement officers must have the commitment and the resources from our Nation's leader's so they can do their job.

Serious international commitment to the full range of counter-narcotics activities. We must support renewed efforts by the U.S. Customs Service, Drug Enforcement Administration, Immigration and Naturalization Service, Department of Defense, and Coast Guard to identify sources, methods, and individuals involved in drug trafficking.

Effective enforcement of the Nation's drug laws. The Clinton administration's revolving door justice is making innocent Americans prisoners in their own communities. Our policy must be simply: If you commit the crime, you do the time.

We must also commit to nominating and confirming judges who are tough on crime, unlike President Clinton's judicial nominees —and primarily I think of Judge Baer, who basically said, no, we will not use the evidence of pounds and pounds of cocaine; it was seized illegally. Under pressure, President Clinton pressured the judge and the judge changed his mind. Maybe that is good. But the better aspect of that would have been not to have Judge Baer a Federal judge. He was President Clinton's nominee and, unfortunately, has lifetime tenure.

We need a united commitment toward prevention and education. A key component of any coherent, sustained drug program must be a public education program. This means ensuring that the bully pulpit is not empty and that national leadership is not AWOL. The antidrug message must be clear, consistent, and repeated often, not just in election years.

Mr. President, we need treatment returning to a proper balance. We must realize that emphasizing treatment alone addresses the wrong end of the problem. Treatment is most effective for those who are motivated and face substantial penalty if they do not achieve and maintain sobriety.

Mr. President, I thank again my colleague, Senator COVERDELL, and Senator GRASSLEY, Senator HATCH, and others for their work on combating drugs. We need to do this every year. It needs to be done by the White House, through the bully pulpit, appointees—appointment of good judges—and we need a consistent effort, not just in an election year. Unfortunately, I think we have not had that from this administration.

I urge my colleagues to be forceful. I urge my colleagues to speak out because the war on drugs needs to be fought, and for the sake of our children the war on drugs needs to be won.

I thank my colleague from Georgia.

Mr. COVERDELL. I thank my colleague from Oklahoma for his important remarks and observations made about the situation on the drug war.

Mr. President, I yield up to 10 minutes to the senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are talking basically today about crime, though I heard Senator GORTON speak on another subject, and obviously an important one. He mentioned Pericles of Athens and, I would only add, O that the Lord would send us a Pericles now that we really need one. But we are here today basically talking about crime, and I want to touch on three issues. I want to express frustration about two of them. For the last 6 years, as we have debated crime bills, I have offered two amendments that have passed the Senate with overwhelming votes. They both relate to mandatory minimum sentencing.

The first amendment addresses the same issue the President addressed this morning in Florida, and that is the problem we have with children and drugs. The amendment I have offered recognizes the fact that there is a drug pusher almost literally standing at the doorway of every junior high school in America. In addition, increasingly drug pushers use children to deliver the drug and to take the cash, because it is at that point of transaction, where the exchange between money and drugs actually occurs, that you have the strongest possibility of prosecution. And so, what is increasingly happening in our country is not only are drug pushers exploiting our children by selling drugs outside the doorway—and sometimes inside the doorway—of what would seem to be every junior high school in America, but increasingly our children are being used in drug conspiracies to actually transfer the drug and take the money.

Recognizing this incredible tragedy, I have repeatedly offered an amendment to require 10 years in prison without parole for selling drugs to a minor or for using a minor in drug trafficking or a drug conspiracy. Two years ago I strengthened that amendment to add life imprisonment without parole on a repeat offense.

The thing I think would be most stunning for people to know is that while we have adopted my amendment on minimum mandatory sentencing for selling drugs to children or using our children in drug sales, every time we have debated a crime bill this decade, that amendment has been adopted, and yet it has never become the law of the land. In fact, in President Clinton's so-called crime bill, in 1994, Congress overturned minimum mandatory sentencing for drug felons and, by giving discretion to judges, in essence, guaranteed that the minimum sentencing provisions we had, were largely eliminated.

This spring and summer we are going to debate crime again. I want to put my colleagues on notice. I am going to offer this amendment again: 10 years in prison without parole for selling drugs to a minor or using a minor in drug trafficking; life imprisonment without parole on the second offense. I am not going to stop until, this year, we make that amendment the law of the land.

The second provision, which I have offered now for the better part of a decade—and it normally gets an overwhelming majority in the Senate, but it never becomes law—is 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony; 20 years for discharging the firearm; life imprisonment without parole for killing somebody, and, in aggravated cases, the death penalty. That provision has consistently been adopted, but what always happens is in the conference committee, where we work out the differences between the Senate bill and the House bill, it ends up being dropped. I do not intend to see that happen this year.

We have proven in the District of Columbia and all over the planet that gun control does not work. But if we add 10 years in prison without parole for simply possessing a firearm during a violent crime or drug felony, in addition to the penalty for the violent crime and drug felony, if we add 20 years for discharging the firearm, if we had the death penalty for killing somebody, we could begin to do something about gun violence in America. I am ready. The Senate has been ready, at least in terms of the public votes we cast. But in the private votes, in conference committee, this provision, year after year after year, has been dropped. It is time for that to stop.

Finally, I want to put prisoners to work in America. It seems that every year somebody offers an amendment—normally, our dear colleague from North Carolina, Senator HELMS—to ban trade with some country that uses prison labor, and every year I wonder why we cannot use prison labor. We have 1.1 million people in prison in America, yet we have three Federal statutes, all arising out of the Depression era, that criminalize prison labor in America: the Hawes-Cooper Act, the Sumners-Ashurst Act, and the Walsh-Healey Public Contracting Act. Each effectively limits our ability to have people work in prison to produce goods for sale.

One bill says it is a felony if you produce something in prison and send it across State lines; another bill limits the transport of such goods; another limits the use of prison labor in regard to Federal contracts. Converted into English, what that says it that it is illegal to make prisoners work. I do not understand that.

I want to repeal these three statutes. I want to turn our prisons into industrial parks. I want to make prisoners work 10 hours a day, 6 days a week, and I want to make them go to school at night. We spent $22,000 a year last year to keep somebody in the Federal penitentiary. If we stop building prisons like Holiday Inns, if we make prisoners work, I believe we could cut that cost by 50 percent in 5 years, and cut it by three-quarters in 10 years, and I think that ought to be our objective.

So I think it is time to stop talking about the crime problem and start doing something about it.

I remind my colleagues that last year in the Commerce, State, Justice appropriations bill, the committee adopted an amendment that I authored that would repeal these three laws. But guess what happened? It was not in the final version of the bill. The same thing that has happened on minimum mandatory sentencing for selling drugs to children, the same thing that has happened on minimum mandatory sentencing for gun violence. We cast votes in the Senate—in public everybody says, ''Great,'' they are really serious about this problem—and then some of our most senior Members meet in the dark, dingy corners of some room here in this magnificent building and these great proposals die.

I believe the time has come for that to stop. I think these are three changes that need to be made, and I intend to continue to fight for them. It is our Republican agenda. I want to make it happen.

I thank our colleague from Georgia for his great leadership, and I yield the floor.

Mr. COVERDELL. Mr. President, I thank the senior Senator from Texas, and I wish him well on the efforts to secure the adoption of his amendments.

We have been joined by the Senator from New Mexico. I yield, if he is prepared, up to 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I want to thank the distinguished junior Senator from Georgia, a Republican, for arranging this floor time, to give us an opportunity to talk to the issue of drugs and crime.

The remarks that the President made in Miami today concerning the administration's new drug control strategy—and I underline the word ''new''—come as a great surprise to me. Accompanying the President was the new drug czar, General McCaffrey. He has been a rather outstanding American general, and while he has only been on this job a little more than a month, he is already having an impact on the policies of this administration.

But in the past 3 years, since the President took office, drug use by children between the ages of 12 and 17 has increased 50 percent. Cocaine used by high school students has increased 36 percent during that same period of time. Juvenile crimes have increased dramatically during this same period, and studies show that drug use is closely linked to juvenile crime. According to the Justice Department, in 1994, one out of three juvenile offenders was under the influence of drugs at the time of their arrest.

There are several aspects to the drug and crime problem that I would like to touch upon today. They include drug use, interdiction, and juvenile crime as it relates to drugs.

As you know, Mr. President, my home State is in the southwestern part of America. In fact, New Mexico and Mexico share 175 miles of common border. I say that looking directly at the Senator from Georgia, because some Olympic organizers got confused and did not think there was a border. They thought New Mexico was Mexico. We have straightened that out, at least temporarily.

But to show that, seriously, we understand this issue, we have 175 miles of common border, and without an effective drug control interdiction strategy involving help from the Mexican Government, that 175 miles can and, I might say does, serve as a huge segment of the pipeline through which illegal drugs flow to these United States.

It is not uncommon for contrabandistas to cross the border at El Paso or Santa Teresa into New Mexico. Incidentally, some of these individuals are human mules. Others are actually accompanied by donkeys or other animals that have been fit with packets of illegal drugs and, in many cases, have been fed the illegal drugs—literally ingested them.

Mexican drug gangs also are responsible for large quantities of methamphetamine, or speed, as we commonly know it, as well as other drugs which have begun to pose particularly difficult problems in the Western States.

When the FBI and the DEA appeared before the Senate Banking Committee in March, their prepared statements included the following information:

Of three dominant Mexican drug gangs, one is located in Juarez, just an hour by car

from a city in New Mexico called Las Cruces. This Juarez cartel is headed by Amado Carillo Fuentes, the most powerful figure in the Mexican drug trade. He is known as ''the lord of the skies'' because he owns several airplanes and, indeed, several airline companies which enable him to fly 727 jet airplanes from Colombia into Juarez.

We used to wonder about interdicting twin engine Piper Cubs and Cessnas and single engines. We cannot catch this fellow, this ''lord of the skies,'' because he is so big, strong and rich that he has his own airlines. His group is directly associated with the Rodriguez Orejuela drug mafia in Cali, Colombia, and through a cousin to the Ochoa brothers of the Medellin cartel as well.

This Juarez cartel acts as the transportation agent for the Colombia-based distribution organizations, and the cartel's operations include the use of 18-wheelers to transport money. Murders in Juarez have increased and have been associated with Carillo Fuentes. For instance, in July of 1995, the leader of the juvenile gang Carillo Fuentes used to smuggle drugs across the border, was found shot 23 times in the head.

These Mexican transportation organizations are full partners with the Colombians in the drug trade. They are full and total partners—it is customary for them to split 50–50 the drug profits.

I was shocked by this information, but it is accurate. As I said, it was excerpted from the testimony of the FBI and the DEA before the Senate Banking Committee on Mexican-American cooperation with reference to stopping the flow of drugs into this country.

My State, because of its proximity, has been particularly affected by the inability of the Republic of Mexico to deal with the illegal trade. A group, which I helped establish, called New Mexico First, recently published a report on crime in New Mexico. The results of the report show that there is a direct link between drug use and crime in my State. The report notes, and I quote, ''A common and reoccurring characteristic [of those committing crime in New Mexico] is substance abuse.''

According to the report, 75 percent of those arrested in 1994 and 1995 admitted to using illegal drugs. Sixty percent of the criminals in New Mexico tested positive for at least one illegal drug at the time of their arrest, and 18 percent of females arrested were under the influence of three or more illegal substances.

New Mexico first, in its report, also notes that the use of cocaine by criminals has doubled from 1992 to 1994. Amphetamine use was up fourfold during the same period.

In his speech today, the President asked Congress to increase funding for the drug war by 9.3 percent to give schools, hospitals, and communities the tools they need to fight the war on drugs, however, he offered few specific details on how this money was to be used.

The President is correct to emphasize the methamphetamine threat, which is growing every day. Nationwide that threat has risen 256 percent over the 1991 level. We are seeing it as a growing problem in New Mexico schools, and much of it is manufactured in Mexico.

Not too long ago 700 pounds of speed was intercepted in Las Cruces, NM. I just told you that is 1 hour from the Juarez headquarters of the very major gang that I described. That drug, which causes hallucinations, paranoia, and wrecks a lot of lives, is in abundance in my State. And it is becoming more abundant in America, not just in the border States.

In the city of Albuquerque, we saw a group of young girls aged 10 to 13 breaking into homes to steal jewelry, that they would sell to kids doing drugs. The kids doing drugs would sell the stolen property to pay for their drug habits. Several of the young girls have been charged with as many as 30 felonies. It is a real problem.

But, actions speak louder than words. The day after taking office the Clinton administration cut the Office of National Drug Policy staff by more than 80 percent. Soon after taking office the Attorney General announced that she wanted to reduce the mandatory sentences for drug trafficking and related Federal crimes.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. DOMENICI. I ask the Senator, can I have 3 additional minutes?

Mr. COVERDELL. I yield 3 minutes to the Senator from New Mexico.

Mr. DOMENICI. Consequently, Federal drug prosecutions dropped 12 percent in the first 2 years of the Clinton administration. From 1992 to 1995, 227 agent positions were eliminated from the DEA. And President Clinton's 1995 budget proposed cutting 621 enforcement positions for DEA, FBI, INS, and Customs.

Fortunately, in the Subcommittee of Appropriations which I was privileged to serve on, we restored most of these positions. The Clinton administration also has shifted funding priorities away from drug interdiction to treatment of hardcore users.

The President asked for an increase, but gave no specifics about what to do with the money. I have some specifics. Reintroduce the drug education program for our youth that was developed in the 1980's. Programs like ''just say no'' had a visible impact on reducing drug use.

Adopt a policy of treating violent juvenile offenders in the same manner as we treat violent adult offenders. The current system fosters a lack of respect for law and the courts and encourages the commission of more crimes by more juveniles. We are reluctant to hold them accountable. As a matter of fact, we wait until they have been arrested innumerable times, incarcerated innumerable times, before we decide that they must truly be held accountable.

A survey of judges showed that 93 percent thought that juvenile offenders should be fingerprinted, which they are not. And 85 percent said that juvenile arrest records should be available to adult authorities. They are not. I believe both should become a part of common practice. While the State's business is the State's business, I believe that if we are going to supply more and more aid to fight crime, we ought to begin to ask States to do these kinds of things.

The judges want to fingerprint juveniles so we have permanent records of their criminal acts. They want the arrest records to be available, just as adult records. Perhaps there should be a time limit, maybe not 13 years of age, but starting maybe at 12. But essentially we must act and act quickly in this regard.

So I come to the floor of the Senate to say that the President's speech today was long past due. It is almost too late for the President to have credibility on this issue. Actually, if the distinguished general that recently was hired after the drug policy office was rendered a nullity, if the office would have been funded and had somebody like the general in charge 3 years ago, just look at the results we might be expecting today. For he has already taken charge and is doing some very positive things.

Let me say to the distinguished Senator from Georgia, I welcome the opportunity to speak on this subject and again thank him for arranging the time. I hope it is educational. I hope the people of our country learn from it, as the Senator expects them to. Most of all, I hope we do some very constructive things with reference to this issue. I yield the floor.

Mr. COVERDELL. I thank the Senator from New Mexico. I would remind him, as he spoke of what has not happened over the past 3 years, that there are consequences of that, the most specific of which is that where we had 1.5 million teenagers caught up in this vicious cycle, we now have 3 years later 3 million. So 1.5 million teenagers have been steered to this problem because of our lack of attention, each one of those a personal tragedy in and of itself.

I thank the Senator from New Mexico for his eloquent remarks on this subject. I now yield up to 10 minutes to the Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President.

I come to the floor to echo the words of the distinguished Senator from New Mexico, as well as Georgia. We just heard the statistics on teenagers and drug abuse, misuse. I had the pleasure this morning of sitting around the breakfast table with my youngest son, who is now 9 years of age, and had the opportunity to wish him happy birthday. And across the table at breakfast this morning, I was thinking about what to say and how to express it, and I looked in the eyes of my 12-year-old son, whose birthday is in 8 days, and he will be 13 years of age.

We just heard the statistics. But the backdrop of what I had to say, as I looked at my children, who are a part of that generation, sitting around the breakfast table, was that survey done by the Department of Health and

Human Services, where drug use among teenagers rose from 2.4 million 4 years ago to 3.8 million in 1994. Marijuana use increased 137 percent among 12- to 13-year-olds—the exact age of my son—since 1992. Marijuana use increased 200 percent among 14- to 15-year-olds during this same period.

This, I might add, sharply contrasts with the Reagan-Bush record where between 1979 and 1992, overall drug use declined more than 50 percent.

So that is the backdrop. It is the concern for the current young generation, the generation of our children.

President Clinton referred to action over the last 3 years, as we heard his words this morning, but the action has not been there. Ever since the start of 1996, President Clinton has been shouting about law and order. He capped his efforts today by unveiling in Miami a new drug strategy. But what you are seeing now, I am afraid, is no more than yet another demonstration of President Clinton's lack of candor with the American people. And all you have to do is go back and look at what has happened over the last 3 years.

President Clinton, in spite of his rhetoric, has been soft on crime. He has appointed judges who favor the rights of criminals over law-abiding citizens. He abandoned, as we have heard, the war on drugs. Only now in this election year does he rediscover the crime and drug issue.

As the old saying goes, ''Shame on you for fooling me once, but shame on me for being fooled twice.'' So, before we are fooled once again by President Clinton's law and order rhetoric, we should take a closer look at the actual—I call it ''dismal'' —record of law enforcement and drug policy over the past 3 years.

Going back to 1992, when Clinton claimed, in an effort to win the war on drugs, he would put a premium on drug interdiction, at that time he stated: ''We need an effective, coordinated drug interdiction program that stops the endless flow of drugs entering our schools, our streets, and our communities.'' He further stated he would provide cities and States with the help they need. It sounds good. Who could possibly disagree with this strategy?

If you look at the actual record of President Clinton, once he was elected, not only did he not pursue new efforts to stop drugs from entering this country, he gutted existing drug interdiction efforts.

First, the newly elected President Clinton cut—cut—his drug policy office staff by 83 percent. He cut the staff from 146 employees to 25 employees. Then he had his National Security Council drop the drug war from one of its top three priorities to No. 29, and there were only 29 priorities on the list.

In 1993, President Clinton stopped the training of new DEA agents. What a contrast this was to the drug interdiction record of President Bush, who trained 347 DEA agents in 1992 alone.

Does President Clinton's commitment to fighting drugs sound bad? Unfortunately, there is more when we look at the record. President Clinton cut Federal spending on drug interdiction by 14 percent during his first 2 years as President. Now, in the fiscal year 1996 budget request, he wants to cut drug interdiction spending by 37 percent from 1991 levels. His misguided efforts to gut drug interdiction programs have resulted in America losing its war on drugs.

With fewer DEA agents, there have been fewer drug prosecutions and fewer convictions. Between 1992 and 1994, Federal drug prosecutions dropped by 12.5 percent. Furthermore, fewer drugs are being stopped at the border. From 1993 to the 6 months of 1995, the transit zone so-called ''disruption rate'' —that is the ability of U.S. forces to seize or turn back drug shipments—dropped 53 percent from 435 kilograms per day to 205 kilograms. This means that in all probability, approximately 84 metric tons of additional illegal drugs may be arriving on the streets of America.

With fewer drugs being stopped at the border, drugs are more readily available. Under President Clinton, the supply of drugs has increased so much that between February 1993 and February 1995, the price of cocaine fell by 20 percent and the price of heroin fell by 37 percent.

Clinton's soft-on-crime approach to drug interdiction has paralleled the increase that I opened with, drug abuse among our children, with those children who, at the age of my 12- to 13-year-old Harrison, marijuana use has increased 137 percent.

We should resume, not desert, the war on drugs. So, face it, we have to look at the actions. The actions do speak louder than words. I commend President Clinton for coming forward today, but we should look at what he has done those last 3 years. While President Clinton plays lip service to the rights of law-abiding citizens, his abandonment of drug interdiction efforts has left children all over America vulnerable to drug-dealing thugs. To make matters worse, President Clinton has sprinkled his judicial appointments with judges who go out of their way to put criminals back on the streets.

Mr. President, in closing, after looking at President Clinton's crime record over the past 3 years, there is only one conclusion that anyone with common sense can have about it: President Clinton has been soft on crime and drugs, and he is trying to conceal this fact through rhetoric during this election year. It is time to be tough on crime for the future of our children.

Mr. COVERDELL. Mr. President, I thank my colleague from Tennessee. I will ask unanimous consent—we negotiated with the other side—for an additional 5 minutes on our time, and then I will yield up to 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Let me thank my colleague from Georgia for yielding and in assuming the Chair so I could speak for a few moments on this very important issue.

I want to thank the Senator from Tennessee for relating, I think, the kind of concerns that all of us have today about the future of our young people and the kind of environment in which they live and survive in. I use the word ''survive'' because I think when the Presiding Officer and I were growing up, the kinds of stresses in the communities, the kind of peer pressure we had, was so significantly different than it is today. There is no doubt that access to drugs, the availability of drugs, the kind of statistics that we have heard quoted here in the last little while prey heavily upon young people and provide them not only with unique opportunities, but with tremendous courses toward disaster if they choose to make themselves available to these drugs.

I must say that when I look at the statistics today, when I see there was an effort begun in this country in 1979 and early 1980 and throughout the 1980's by Members of the Senate and Members of the House, the administrations of that time, to focus Federal law enforcement and dollars to the interdiction of drugs coming into our communities and into our economy, and in doing so, we found out that it was working. We found out that illicit drugs plummeted in their usage from 24 million in 1979 to about 11.4 million by 1992. The so-called casual use of cocaine fell by 79 percent between 1985 and 1990, while monthly cocaine use fell 55 percent between 1988 and 1992.

It was not by accident, Mr. President, that that was happening. It was happening because this country, its Government and its law enforcement community, was focused. We recognized the crisis in urban America and the crisis on the streets that was dragging our young people into it. It was a drug crisis. That is why Americans told us, ''Something has to be done. We are concerned about the future of our country and the future of our young people.''

As recently as December of this past year, in a Gallup poll, an issue that had begun to slide on the polling of Americans as to a No. 1 issue was up again, to show that 94 percent of Americans viewed illegal drug use, again, as a crisis and a very serious problem for our society, and that something must be done about it.

That is what was going on out there. Of course, you have heard speakers here on the floor today speak of the President's initiatives announced today in a backdrop of something or nothing having been done for the first 3 years of his administration—or, I should say, a great deal being done, but none of it right: a near collapse of the drug program in this Government, the laying off of employees and personnel in the area of drug enforcement, and

the focus of this administration largely disappearing from a high priority to a very low priority, showing very clearly that when you focus and when you direct resources on a problem of this nature, you can have a substantial impact. We were beginning to show the real results of the availability of these drugs on the streets, and, of course, if they are on the streets, then there is an opportunity for our young people to have access to them.

Perhaps 820,000 of the new crop of youthful marijuana smokers will eventually try cocaine. That is a statistic that has just come from a study done by the Senate Judiciary Committee, published by the chairman, ORRIN HATCH—a horrible statistic, in light of the fact that we are now being told by the criminologists of our country, ''Get braced, America, for the greatest juvenile crime wave in the history of our country.'' What is it driven by? In part, it is driven by drugs, or the desire to have access to them and, therefore, the willingness to commit crimes to have the resources to pay for them. These are horrible statistics that we must become aware of.

I am so pleased today that the Senator from Georgia has taken this special order to speak to this issue. I say, Mr. President, thank you for waking up. But shame on you for turning your back, in the last 3 years, on an initiative that was working well and removing drugs from our streets and was creating a better environment for our youth.

Better late than never? I hope so, because I think the American people want it, and I certainly hope this President will focus the resources of our Government, once again, toward aggressive interdiction and a program worthy of this country in getting drugs off of our streets and making the environment in which our children live a safer place. I yield the remainder of my time.

(Mr. CRAIG assumed the chair.)

Mr. COVERDELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. Thank you, Mr. President. I thank the Senator from Idaho for his remarks on this terribly important issue. If we can just step back for a moment and try to put this situation into perspective, it began with the inauguration of President Clinton. The first sign from the White House was the suspension of the preemployment drug testing program at the White House of the United States. From that moment on, the message became clearer and clearer. We have heard all the statistics that have emanated since—a shutting down of the policy of interdiction, law enforcement, and education saying to America's youth that drugs are harmful.

The result of these changed policies are these: America's youth today no longer think drugs are dangerous. That statistic has plummeted. So it should come as no surprise to any of us that usage has skyrocketed. They no longer are afraid because of signals like no more drug testing or, ''Let us legalize drugs,'' or, ''Let us shut the drug czar's office down,'' or do not mention drugs at all in 3 years. So that pulpit is shut off, the resources are shut off, our youngsters no longer think it is a problem, and they start exploring drugs. The result is that we have gone from just under 2 million using them to almost 4 million. So that means that 2 million American families and 2 million teenagers' lives are stunted or put at risk as a result of these policies that have been changed.

Mr. President, in closing, the ripple effect of this is stunning. I was with President Zedillo of Mexico a couple of weeks ago, and he said that the drug lords' attack on his country is the single greatest threat of national security to that nation. I say, further, Mr. President, that drugs in the narco operations are the single greatest threat to the security of the democracies in our hemisphere.

Mr. President, in closing, I say that this is the first time a war has ever been declared on children age 8 to 12 years old. What a disgusting, evil force we stand against. This is a war we cannot afford to lose.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk continued calling the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE PLACED ON CALENDAR—S. 1708

Mr. KYL. Mr. President, I understand there is a bill due for its second reading.

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

The legislative clerk read as follows:

A bill (S. 1708) to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts.

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

The PRESIDING OFFICER. The bill will be placed on the calendar under rule XIV.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the floor situation, we will now return for a continued discussion on the immigration bill, and then at 5 o'clock, the time has been designated for a vote on cloture relating to a matter on that immigration bill. Am I correct?

IMMIGRATION CONTROL FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, and under a previous order, at the hour of 5 p.m., the clerk will report a motion to invoke cloture.

The clerk will state the bill by title.

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 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.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Dole (for Simpson) amendment No. 3744 (to amendment No. 3743), of a perfecting nature.

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

Lott amendment No. 3745 (to the instructions of the motion to recommit), to require the report to Congress on detention space to state the amount of detention space available in each of the preceding 10 years.

Dole modified Amendment No. 3746 (to amendment No. 3745), to authorize the use of volunteers to assist in the administration of naturalization programs, port of entry adjudications, and criminal alien removal.

Mr. KENNEDY. Mr. President, I was wondering if we could ask my friend from Arizona if we could divide the time between now and then between the two parties. I do not know how many other speakers we are going to have, but there may be some at the end. Just as a way of proceeding, maybe we can do that. If there is a reservation about it, I will continue to inquire of the Senator about some evenness in time. We might not approach that as an issue, but, more often than not, just before we get to the debate, a number of Senators would like to speak. I would like to see if we can reach some kind of way of allocating the time fairly and perhaps permitting Senators on both sides to make increasingly brief comments as we get closer to the time.

Mr. KYL. I do not have any objection to that. I know the Senator from Nevada wants to speak on unrelated matters now. Perhaps as we get further into that, the precise nature in which we can proceed may be more apparent to us later than it is now. I have no objection.

Mr. REID. If the Senator will yield, I want to speak on immigration matters. So it is a related matter.

Mr. KENNEDY. Mr. President, I will visit with the Senator in another hour and see where we are.

Mr. REID. Mr. President, I want this afternoon to talk about two amendments that I am hopeful will be allowed to be disposed of by a vote in this Chamber at some time during the discussion of this immigration bill.

As we all know, the parliamentary procedure is such that I do not think anyone knows at this time what the future of amendments like those that I intend to offer by 4 o'clock today will be. But I wanted to have the opportunity to talk about one or two matters in light of the unknowns that lie ahead.

Mr. President, first of all, I want to talk about a subject that, even though I have spoken about it many times on the Senate floor—I have spoken about it in other forums—it is still difficult to speak about because it is an issue about, no matter how many times you speak about the unfairness, the brutality of the procedure which is something that you never get used to.

In the fall of 1994 I introduced a sense-of-the-Senate resolution condemning the cruel practice of female genital mutilation, and at that time I applauded the Government of Egypt for taking quick action against two men who performed this illegal act on a 10-year-old girl. This act had been performed hundreds of thousands of times. But on this occasion television cameras hidden in nature were watching this brutal act by a man with his 10-year-old daughter. Dressed in the finest clothes, she had came for a celebration. The little girl was excited, and happy because the attention was focused on her. And then, Mr. President, she was held down, her legs spread apart, and she was brutally mutilated.

This little girl was screaming, ''Daddy, why did you do this to me?''

My being the father of a daughter, it brought tears to my eyes.

This resolution passed on September 27, 1994. At that time I committed myself to continue to talk about this issue and informing my colleagues, and others that would listen, of the dangers it poses to the physical and emotional health of young ladies, and how basically immoral it is.

I felt it was important, and believe it is important, to inform the American public of its prevalence in immigrant communities in the United States.

That next month, in October, I came to the floor to introduce legislation to make the practice of female genital mutilation against the law in the United States. I have tried on numerous occasions to do that. I have been unable to succeed.

The latest failure was when the conferees on the omnibus appropriations bill that we just passed—and which was signed into law by the President—was stripped from that bill for procedural reasons.

The chairman of the Judiciary Committee from the House—when I explained to him the procedure—said, ''You will have no objection from me.'' HENRY HYDE, the chairman of the House Judiciary Committee, recognizes brutality, and said he would not oppose it. But, of course, in the confines of the conference people look for all kinds of excuse and reasons to do things. And, no matter the times I spoke to people, they said, ''Well, we do not want to pass any criminal law in an appropriations bill.''

I do not think this is something that calls for formalities. I thought that we should have passed the law previously. I think it is wrong that we have waited so long. And, as we speak, this practice is being performed all over the world. And it is being performed in the United States.

I, Mr. President, think it is a shame that organizations like the United Nations are mute about this particular procedure. They say nothing.

In October 1994 I came to the floor to introduce legislation. The bill also directed the Secretary of Health and Human Services to identify and compile data on the immigrant communities in this country that continue this practice, and to develop recommendations for the education of medical school students so that they can treat women that have been mutilated by this ritual.

I am pleased to say that we have been successful in having the directives to the Secretary of Health and Human Services accepted in the omnibus appropriations bill which passed last week. We have made that progress. I think that is important. We know that out of Santa Clara County in California recently we heard of seven cases being reported there of this brutal act being performed on girls and young women.

I would like to thank those that made it possible to get that part of the bill passed.

But this language is only a small step in acknowledging this practice that takes place so often—this torture which has been performed on 100 million girls and young women in over 30 countries worldwide—over 100 million human beings.

Mr. President, again, as I said, I have spoken about this subject on a number of occasions. It does not become easier to speak about it in repetitive cases. But it is important to inform those who are within the sound of my voice what this barbaric procedure is.

Normally, if anything can be normal that is associated with this practice, it is performed on young girls between the ages of 4 and 10 years of age. But, if they happen to slip by some way, many teenagers and women in their twenties have had this performed on them. This procedure is often referred to as circumcision, but it has more in common with castration. Excision and infibulation are the most common practices.

Infibulation, Mr. President, is practiced in many countries. It entails the excision of all female genitalia with a razor, a piece of glass, or just a knife. The remaining tissue is stitched together leaving only a small opening for urine, and menstrual fluid. This practice has no medical justification for being performed on healthy young girls, and certainly not on women. And it is usually performed with crude, unsterile instruments without anesthesia. These young girls are many times tied down, or held down. And I have watched the one that I talked about initially where this young little girl was screaming as no one can scream. The aftereffects of this act include shock, infection, emotional trauma, hemorrhaging, debilitating scarring, infertility, and death.

If there were ever an example of sexism, this is it.

A young woman from Togo was recently called to our attention because this woman, a 20-year-old woman, was going to have this procedure. Fauziya Kasinga fled Togo and came to America in order to escape the torture of female genital mutilation. She is now seeking asylum based on the threat of this procedure being performed on her and she deserves it. She fled Togo, left behind people, and her family. She has been in the United States prisons for 2 years in order to escape this procedure. Women and children should not be forced to face this pain, potential death, and emotional scarring.

An amendment will be offered today to the pending immigration bill that would allow female genital mutilation to be the basis of asylum in this country, as well as to criminalize the act in the United States. We must join other countries in legally banning female genital mutilation. As immigrants from Africa and the Middle East travel to other nations, this practice travels with them. The United Kingdom, Sweden, and Switzerland have passed laws prohibiting this practice. France and Canada maintain that their laws will prevent this from happening. The United States is faced with the responsibility, I believe, of abolishing this specific practice within its borders as well as providing safe refuge for those in fear of having this torture inflicted upon them.

Mr. President, I think we should be very clear and precise in what we allow for asylum. I think we have been too lax in asylum cases. I do not think we have had the personnel to adequately handle these cases. People come and claim political asylum, and are lost in the vast bowels of this country.

Having said that, though, I believe there is no case clearer for demanding asylum than a woman or a girl saying I am here because if I stay in my country, they are going to rip out my genitalia.

This practice is brutal, systematic, and it is a cultural practice. It has been endured by millions of young girls and women and its prevalence is just now being revealed to the world.

Last month, the Pulitzer Prize was given to Stephanie Welsh, a Syracuse

University student who photographed the procedure that was being performed on a 16-year-old girl in Kenya. These pictures show the world how horrific and real this practice is. Many nations have made efforts to deter the practice with legislation. We should do the same.

Sudan has the longest record of efforts to combat the practice of FGM and has legislated against the procedure, but it has been for show only: 80 percent of Sudanese women continue to be infibulated, according to the 1992 Minority Rights Group report.

I commend Senator SIMPSON for his work on immigration generally and for supporting me on this very important issue.

On one other issue before I give the floor back to the managers, it was brought to my attention recently that a couple in Henderson, NV, a suburb of Las Vegas, had experienced cries for legislation.

Mr. President, I practiced law and did a lot of domestic relations work. I have been an attorney for hundreds of people who have been involved in divorce proceedings. I have been involved in many, many divorce cases involving child custody. They are heart-wrenching cases, where a mother and father fight over the custody of their children. I have had experiences where it is difficult to believe that parents could do to their children what they do in order to spite their former husband and wife, but they do it. I have had cases where custody has been awarded where I thought the judge was wrong, but I have witnessed how difficult it is for a husband, wife, father and mother to lose custody of their children. That is really a heart-wrenching situation.

But what has been one of the low points of my emotional stability has been when a father or mother steals the child and then you have this mother or father coming to you, saying: What am I going to do? Will I ever get to see my little girl again, or my little boy again?

It is a difficult divorce case in Nevada, and they run off to Tennessee or Maine, and it is very expensive and difficult to get that work out. But in the United States, with rare exception, judges from one jurisdiction recognize the decrees of another jurisdiction, so if we find where that child is in Tennessee we can bring the Nevada judgment and the court in Tennessee will recognize that.

What this amendment is about is when a parent takes a child to another country, which happens very often—and that is what happened to Barbara Spierer, the mother of Mikey Spierer. What happened is her husband, the father of the child, a Croatian, in the dead of the night, took this child to Croatia, his place of birth, the father's place of birth. It was a war-torn country. It was 1993.

The mother of this baby wakes up, recognizing that her child is in Croatia, a country that is at war. I will not go into all the details, but she was finally able, after tremendous expense and exhausting emotions, to get her child back.

I believe we have to look at why that was allowed to take place. Much of the debate on immigration legislation involves complex issues and arcane areas of the law. The amendment that will be offered this afternoon is a commonsense legislative solution to a simple but extremely troubling issue. The issue is an attempt by me to resolve international parental abductions. The amendment does not attempt to right a wrong, but it does attempt to prevent future wrongs from occurring. And without this amendment future wrongs will occur.

I have indicated the nightmare forced upon this family in Henderson, NV. Few would disagree that parental consent should be given before a passport is issued to a minor child. This problem that Barbara Spierer had would not have taken place if our laws did not permit such easy procurement of passports for minors, and in short what this amendment will require is that both parents will have to sign before you can get a visa granted to a child, or if not both parents the parent with the custody of the child would have to sign and allow the child to get the passport.

Current law is an invitation to engage in the grossest of misbehavior by a scurrilous parent and usually, not for any reason that relates to the child, they want to get back at the husband or the wife or the mother or the father.

I wish the situation of Barbara Spierer and her son Mikey were an isolated incident, but it is not. In 1994, the last year we have records, over 600 cases, over 600 cases of children abducted from the United States were reported. Thousands of parents are attempting, as we speak, to bring home their children who were taken from this country by a disgruntled mother or father.

While these cases are tracked by the State Department and by children advocates, it is believed that many, many of the cases go unreported. So if we have 600 reported cases, most experts believe hundreds and hundreds more occur every year.

This usually takes place where a parent has strong ties to a foreign country like the Spierer boy whose father was Croatian, but sometimes an American-born mother or father will take off for an unfamiliar nation or flee United States law.

I had a case where I represented the father, and he was not going to be awarded those children so he just took them to Mexico and just basically lived down there. I thought it was so unfair what he had done, but it took us a couple years to get him to come back, and, of course, by then the children had been from their mother for almost 2 years. It happens often.

Why does this happen so easily? Because under present law one parent can procure the child's passport without the other knowing. Left-behind parents are faced with wading through a maze of foreign laws and customs in their efforts to secure their child's return.

Imagine how difficult it is to find a missing child in the United States. Multiply that times 1,000 to find a missing child outside our borders. Finding the child is only the start. Once you find the child, you have to submit yourself to the foreign country's legal system, and most nations do not recognize custody orders of the United States. Even when criminal charges have been filed against the abducting parent in the United States, many nations will not honor a United States request for extradition. Some countries simply discriminate against women. The decision to fight for a child's return consumes enormous amounts of time and money. Many parents are simply without the financial wherewithal to engage in a protected international legal dispute, and that ends it.

For a variety of reasons, the Government is able to do very little to assist these parents, and it is becoming more difficult all the time as the State Department moneys are being squeezed and squeezed.

So I hope my amendment, which takes cost-effective steps toward preventing future abductions, would be adopted. It provides a series of checks prior to the time of the issuance of a minor child's passport. Both parents would be required to sign an application. If the child were under the age of 16 or if the divorce were already granted, the application would have to be signed by the parent of the child having primary custody. If such a law had been in place in 1993, Barbara Spierer's ex-husband would not have been able to abduct Mikey to Croatia. The passport would not have been issued, because a written permission had not been given. I believe this legislation is drafted in such a manner as to give the State Department the discretion to implement a reasonable and flexible rule.

This amendment is not just about parental rights and preventing these tragic international abductions. It is about protecting the rights of children. Nobody disagrees that the rights, freedoms and liberties provided in our country make it the best country in the world. No child should be forced to lose those rights. No American child, regardless of age, should be abducted to the middle of a war-torn part of the world or any other part of the world. American parents should not be forced to endure the living nightmare that Barbara Spierer was forced to go through.

If my amendment prevents only one family from having to endure this nightmare, it will be judged a success. I believe we have to pass this amendment and the one on the terrible procedures performed on women, and do it as expeditiously as possible.

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. KYL. 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. KYL. Mr. President, while we are waiting for some other Members to come to the floor and discuss their proposed amendments, let me talk about an amendment which I had planned to offer but which I understand may not be considered germane—it is relevant but not germane, and therefore, presumably, I would not be able to offer it—but which is included in the House-passed bill and therefore will be a subject of the conference committee, and, therefore, I hope our Senate colleagues will be able to study and, hopefully, concur in it.

This is an amendment to restrict section 245(i) of the Immigration and Nationality Act. By way of explanation, prior to 1994, if an illegal alien residing in the United States became eligible for an immigrant visa through a family relationship or other means, then the alien could adjust to lawful, permanent resident status without any financial or other penalty.

In order to obtain the visa, the alien was required to depart from the United States, obtain a visa at the foreign consulate, and then, of course, return and acquire the legal status here. Section 245(i) of the Immigration and Nationality Act was added by section 505 of the fiscal year 1995 State appropriations measure. Under this new section, an illegal alien who becomes eligible for an immigrant visa may adjust to lawful permanent status without departing the United States, but only if the individual pays a penalty of five times the normal application fee. The penalty fee is approximately $750. Some have referred to this as, ''buying your way in.'' Those who are wealthy enough simply pay this fee, this five times the normal penalty fee, and thereby are able to convert an illegal status to legal status and never have to return home to obtain a visa to arrive here legally.

Under the proposed amendment, which I will not be able to offer but, as I said, which is included in the House-passed version of the bill and which I hope our Senate conferees will look kindly upon, under this amendment, the aliens present in the United States illegally will no longer be able to stay here and buy their way into permanent resident status. They would have to return to their home country, obtain a legal visa, and return just as they did prior to 1995.

The amendment would take effect on October 1, 1996. There are a couple of exceptions that are worth noting, because we do not want to penalize anyone who is already here and who would be acting under appropriate color of law.

First, all aliens currently eligible for lawful permanent resident status under section 245(i) of the act may, under our proposal, upon payment of the full penalty fee, apply for legal status until October 1, 1996.

After October 1, 1996, those aliens, and only those aliens in the so-called ''family fairness'' category, would be eligible to change their status under section 245(i). The people protected under that section are those under section 301 of the Immigration Act of 1990. They are exempt from this change.

Those in the family fairness category would be able to stay in the United States and would not be faced with this penalty fee. It includes those children and spouses of aliens granted asylum on May 5, 1988. In order to be eligible, the spouse or the child must have been present in the United States on that date. Those are the people who, in some way, were grandfathered in, and, as a result, they would not be required to go back and obtain a visa in order to obtain legal status here.

But, except for those two categories, people would no longer be able to buy their way into the United States. The amendment takes effect at the end of the fiscal year, in order to give INS and the State Department an opportunity to adjust their resources. After September 30, 1997, this whole section 245(i) would expire.

Just a word. The Immigration and Naturalization Service and the Department of State oppose the amendment, primarily on fiscal grounds because of their costs inherent in processing the visa applications. We are in the process of working out the possibility where a fee would be paid which would cover their expenses and alleviate that particular concern.

They also pose the argument that, regardless where an illegal alien applies for legal status, either in the United States or a consulate in their home country, the waiting period to achieve the visa is the same. The point I make, however, is that the illegal alien is already in the United States illegally and that is not something we should reward, at least for those who are able to pay for it, by simply having them pay a special fine.

I also think what the agencies fail to appreciate is that once an illegal alien applies for legal status in the United States, he may be considered to be permanently residing in the United States under color of law, the so-called PRUCOL status. The PRUCOL standard is frequently used as a transitional status for aliens who are becoming permanent residents of the United States. If an alien is considered under PRUCOL, then that alien is eligible for numerous Federal assistance programs, including AFDC, SSI, Medicaid, unemployment insurance, housing assistance and other unrestricted programs. So, in this manner, aliens who enter the United States illegally would be rewarded if they are allowed to reside in the United States while they are waiting for a decision on their application.

The amendment I have offered but will not reask for a vote on eliminates this reward and the accompanying drain on federally funded programs by requiring illegal aliens desiring to apply for permanent status to return to their home country.

Just to summarize it, again, if you were here illegally, you would need to go back home and get a visa to apply for permanent legal status. You would not be able to pay a five-times-the-usual-amount fee and thereby buy your way into the country, as they say.

Again, the House has adopted this. Hopefully, on the conference committee we will agree with the House proposal and we can make that change in our immigration law.

CRAIG-GORTON AMENDMENT REFORMING THE H–2A TEMPORARY AGRICULTURAL WORKERS PROGRAM

Mr. CRAIG. Mr. President, I have filed an amendment at the desk on behalf of myself and the Senator from Washington [Mr. GORTON].

Let me start by publicly thanking my good friend, AL SIMPSON. The senior Senator from Wyoming has been tireless in his efforts to maneuver this legislation through the 104th Congress. While, I am very appreciative of his efforts in general, I want to address an issue that is of utmost importance to this country's farmers and ranchers.

That issue is the impact of immigration reform on the supply of agricultural labor. There is very real concern among Idaho farmers and throughout the countryside that these reforms will reduce the availability of agricultural workers.

Farmers need access to an adequate supply of workers and want to have certainty that they are hiring a legal work force. In 1995, the total agricultural work force was about 2.5 million people. That equates to 6.7 percent of our labor force that is directly involved in production agriculture and food processing.

Hired labor is one of the most important and costly inputs in farming. U.S. farmers spent more than $15 billion on hired labor expenses in 1992—one of every $8 of farm production expenses. For the labor-intensive fruit, vegetable and horticultural sector, labor accounts for 35 to 45 percent of production costs.

The competitiveness of U.S. agriculture, especially the fruit, vegetable and horticultural specialty sectors, depends on the continued availability of hired labor at a reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other countries for market share in both United States and foreign commodity markets.

Wages of U.S. farm workers will not be forced up by eliminating alien labor, because growers' production costs are capped by world market commodity prices. Instead, a reduction in the work force available to agriculture will force U.S. producers to reduce production to the level that can be sustained by a smaller work force.

Over time, wages for these farm workers have actually risen faster than nonfarm worker wages. Between 1986–1994, there was a 34.6-percent increase in average hourly earnings for farm workers, while nonfarm workers only saw a 27.1-percent increase.

Even with this increase in on-farm wages, this country has historically been unable to provide a sufficient number of domestic workers to complete the difficult manual labor required in the production of many agricultural commodities. In Idaho, this is especially true for producers of fruit, sugar beets, onions, and other specialty crops.

The difficulty in obtaining sufficient domestic workers is primarily due to the fact that domestic workers prefer the security of full-time employment in year round positions. As a result the available domestic work force tends to prefer the long-term positions, leaving the seasonal jobs unfilled. In addition, many of the seasonal agricultural jobs are located in areas where it is necessary for workers to migrate into the area and live temporarily to do the work. Experience has shown that foreign workers are more likely to migrate than domestic workers. As a result of domestic short supply, farmers and ranchers have had to rely upon the assistance of foreign workers.

The only current mechanism available to admit foreign workers for agricultural employment is the H–2A Program. The H–2A Program is intended to serve as a safety valve for times when domestic labor is unavailable. Unfortunately, the H–2A Program isn't working.

Despite efforts to streamline the temporary worker program in 1986, it now functions so poorly that few in agriculture use it without risking an inadequate work force, burdensome regulations and potential litigation expense. In fact, usage of the program has actually decreased from 25,000 workers in 1986 to only 17,000 in 1995.

Our amendment will provide some much needed reforms to the H–2A Program. I urge my colleagues to consider the following parts of our amendment as a reasonable modification of the H–2A Program.

First, the amendment will reduce the advance filing deadline from 60 to 40 days before workers are needed. In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

Second, in lieu of the present certification letter, the Department of Labor [DOL] would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria and lists the number of U.S. workers referred. The employer would then file a petition with INS for admission of aliens, including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision. The purpose is to restore the role of the Labor Department to that of giving advice to the Attorney General on labor availability, and return decisionmaking to the Attorney General.

Third, the Department of Labor will be required to provide the employer with a domestic recruitment report not later than 20 days before the date of need. The report either states sufficient domestic workers are not available or gives the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer. The Department of Labor now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers.

Fourth, the Immigration and Naturalization Service [INS] will provide expedited processing of employers' petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days. This will ensure timely admission decisions.

Fifth, INS will also provide expedited procedures for amending petitions to increase the number of workers admitted on 5 days before the date of need. This is to reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

Sixth, DOL will continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. This method is needed to allow the employer at a date certain to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

Seventh, our amendment will enumerate the specific obligations of employers in occupations in which H–2A workers are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

1. The employer offers a competitive wage for the position.

2. The employer will provide approved housing, or a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

3. The employer continues to provide current transportation reimbursement requirements.

4. A guarantee of employment is provided for at least three-quarters of the anticipated hours of work during the actual period of employment.

5. The employer will provide workers' compensation or equivalent coverage.

6. Employer must comply with all applicable Federal, State and local labor laws with respect to both U.S. and alien workers.

This combination of employment requirements will eliminate the discretion of Department of Labor to specify terms and conditions of employment on a case-by-case basis. In addition, the scope for litigation will be reduced since employers—and the courts—would know with particularity the required terms and conditions of employment.

Eighth, our amendment would provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Ninth, certainty would be given to employers who comply with the terms of an approved job order. If at a later date the Department of Labor requires changes, the employer would be required to comply with the law only prospectively. This very important provision removes the possibility of retroactive liability if an approved order is changed.

Again, I urge my colleagues to support this amendment and avoid actions that would jeopardize the labor supply for American agriculture.

Thank you, Mr. President. At this time, I ask unanimous consent that a summary of our amendment be printed in the RECORD.

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

SUMMARY OF THE CRAIG-GORTON AMENDMENT REFORMING THE H–2A TEMPORARY AGRICULTURAL WORKERS PROGRAM

The following proposed changes to the H–2A program would improve its timeliness and utility for agricultural employers in addressing agricultural labor shortages, while providing wages and benefits that equal or exceed the median level of compensation in non-H–2A occupations, and reducing the vulnerability of the program to being hamstrung and delayed by litigation.

1. Reduce the advance filing deadline from 60 to 40 days before workers are needed.

Rationale: In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

2. In lieu of the present certification letter, DOL would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria (or the specific deficiencies in the order) and the number of U.S. workers referred, per #3 below. The employer would file a petition with INS for admission of aliens (or transfer of aliens already in the United States), including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision.

Rationale: The purpose is to restore the role of the Labor Department to that of giving advice to the AG on labor availability,

and return the true gatekeeper role to the AG. Presently the certification letter is, de facto, the admission decision.

3. DOL provides employer with a domestic recruitment report not later than 20 days before the date of need stating either that sufficient domestic workers are not available, or giving the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer and who have agreed to be available at the time and place needed. DOL also provides a means for the employer to contact the referred worker to confirm availability close to the date of need. DOL would be empowered to issue a report that sufficient domestic workers are not available without waiting until 20 days before the date of need for workers if there are already unfilled orders for workers in the same or similar occupations in the same area of intended employment.

Rationale: DOL now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. These suppositions almost never prove correct, forcing the employer into costly and time wasting redeterminations on or close to the date of need and delaying the arrival of workers. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers. DOL also interprets the existing statutory language as precluding it from issuing each labor certification until 20 days before the date of need, even in situations where ongoing recruitment shows that sufficient workers are not available.

4. INS to provide expedited processing of employer's petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days.

Rationale: The assure timely admission decisions.

5. INS to provide an expedited procedures for amending petitions to increase the number of workers admitted (or transferred) on or after 5 days before the date of need, to replace referred workers whose continued availability can not be confirmed, who fail to report on the date of need, or who abandon employment or are terminated for cause, without first obtaining a redetermination of need from DOL.

Rationale: To reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

6. DOL would continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. Employers would be required to give preference to able, willing and qualified workers who agree to be available at the time and place needed who are referred to the employer until 5 days before the date workers are needed. After that time, employers would be required to give preference to U.S. workers who are immediately available in filling job opportunities that become available, but would not be required to bump alien workers already employed.

Rationale: A method is needed to allow the employer at a date-certain close to the date of need to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

7. Create a ''bounded definition'' of adverse effect by enumerating the specific obligations of employers in occupations in which H–2A aliens are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

7a. Offer at least the median rate of pay for the occupation in the area of intended employment or, if greater, an Adverse Effect Wage Rate (AEWR) of 110 percent of the Federal minimum wage, but not less than or $5.00 per hour.

7b. Provide approved housing or, if sufficient housing is available in the approximate area of employment, a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

NOTE: Provision should also be made to allow temporary housing that does not meet the full set of Federal standards for a transitional period in areas where sufficient housing that meets standards is not presently available, and for such temporary housing on a permanent basis in occupations in which the term of employment is very short (e.g. cherry harvesting, which lasts about 15–20 days) if sufficient housing that meets the full standards is not available. Federal law should pre-empt state and local laws and codes with respect to the provision of such temporary housing.

7c. Current transportation reimbursement requirements (i.e. employer reimburses transportation of workers who complete 50 percent of the work contract and provides or pays for return transportation for workers who complete the entire work contract).

7d. A guarantee of employment for at least three-quarters of the anticipated hours of work during the actual period of employment.

7e. Employer-provided Workers' Compensation or equivalent.

7f. Employer must comply with all applicable federal, state and local labor laws with respect to both U.S. and alien workers.

Rationale: The objective is to eliminate the discretion of DOL to specify terms and conditions of employment on a case-by-case basis and reduce the scope for litigation of applications. Employers (and the courts) would know with particularity, up front, what the required terms and conditions of employment are. The definition also reduces the cost premium for participating in the program by relating the Adverse Effect Wage Rate to the minimum wage and limiting the applicability of the three-quarters guarantee to the actual period of employment.

8. Provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Rationale: To reduce litigation costs.

9. Provide that if an employer complies with the terms of an approved job order, and DOL or a court later orders a provision to be changed, the employer would be required to comply with the new provision only prospectively.

Rationale: To reduce the exposure of employers to litigation seeking to overturn DOL's approval of job orders, and to retroactive liability if an approved order is changed.

AMENDMENT NO. 3789

Mrs. MURRAY. Mr. President, I have an amendment at the desk that seeks to protect legal immigrant children from being denied access to foster care. Under the deeming provisions of this bill, children who would otherwise be eligible to be placed in foster care, due to abuse and neglect for example, could be denied this benefit. The Murray amendment protects these children from being forced to remain in an abusive situation because they are deemed ineligible to receive AFDC benefits, and therefore do not qualify for foster care assistance. This applies to any situation which would result in the child being placed in a foster care, transitional living program, or adoption assistance under current law.

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.

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

Mr. KENNEDY. Mr. President, we have found ourselves on Monday in the early afternoon anticipating a vote on cloture at approximately 5 o'clock. Generally, the motion for cloture is a way to terminate debate on a measure that is put before the body which is apparently being filibustered. That means a group generally does not want the measure to pass and, therefore, is using the rules of the Senate to frustrate, in this case, 60 Members of the Senate—more than a majority—so that they cannot work their will.

Under the time-honored process, in terms of the cloture motions, we have to have a 60-vote margin that says after a period of time, which is 30 hours, and after due notification, that the roll will be called and Senators will be make a judgment about whether there should be a termination of the debate. Then there is a reasonable period of time for amendments which have to be germane, and then there is the final outcome of an up-or-down vote on the matter before the Senate.

That was used in the early history of our country rarely but it has become more frequent in recent times. Certainly, there have been some, depending on how individuals look at the matter that is before the Senate, justifiable reasons for that procedure to be followed.

Today, we are in rather an extraordinary situation because there is no real desire to hold up the measure that is before the U.S. Senate. We are going to have a cloture vote at 5 o'clock, and then have a certain number of hours to debate. There has to be a germaneness issue for each of the amendments, and then there will be a certain amount of time to debate those measures. And depending on the outcome of the rollcall, they will either be attached to the measure or not attached to the measure, and they will have to follow some additional rules of the Senate. They will have to be germane.

The amendment of the Senator from Arizona, for example, that is related to the whole issue of immigration, which I find has some merit, is not going to be able to be considered on the floor of the U.S. Senate because it does not meet the strict requirements of germaneness.

But now we are back, Mr. President, in a situation where we have to ask ourselves, why are we here? Why are we here? I think there are some very important measures that ought to be debated and voted on. We will hear more about those from the Senator

from Florida, the Senator from Illinois, myself with regard to the fact, in many instances, under this legislation we are treating illegal immigrants better than legal immigrants. There will be some other amendments with regard to how we are going to treat expectant mothers of American citizens and how we are going to treat veterans, because you can be a permanent resident alien and serve in the Armed Forces. We have 20,000 of them, but under this bill, they will be shortchanged because of the hammer-like punitive provisions which have been included in the legislation.

So those we can debate. On those we should enter into a time agreement. I am certainly glad to enter into a time agreement so we can dispose of this measure. This legislation could have been disposed of in 2 days. We are in the fifth day now. We are going to conclude this phase of the debate on it at 5 o'clock, in the late afternoon on the fifth day. There is probably every probability it will go for 2 more days. That will be 7 days on a bill that should have lasted no longer than 2 days with relevant, germane amendments considered and those that I consider to be germane, perhaps not the Parliamentarian, but measures like Senator KYL's amendment should have been debated and discussed. It is worthwhile. We talked about those measures in the Judiciary Committee during that period of time. That is virtually foreclosed.

So we are voting this afternoon on a cloture motion to end debate on the immigration issue. Right? Wrong. Wrong. There is no filibuster on that. What there is a filibuster on is bringing up the minimum wage. That is what the filibuster is on. That is what the issue is. It is not about closing debate on illegal immigration, even though the measure that will be called up at that particular time and the proposal will be let us cut off the debate on the illegal immigration. No one is filibustering that.

What they are filibustering, by using the illegal immigration bill, is consideration of increasing the minimum wage for working families in this country. That is what the issue is. It is not illegal immigration. It is the issue about whether the Senate of the United States is going to be given an opportunity to vote on increasing the minimum wage 90 cents—45 cents a year over a period of the next 2 years—to give working families a livable wage so that they can move out of poverty.

Respect work. We hear a great deal about how important it is we are going to honor work. We are attempting to honor work by saying men and women in our country who work 40 hours a week 52 weeks out of the year ought to be able to have a livable wage. That has not been a partisan issue. We have had Republican Presidents who voted for it. George Bush voted for an increase in the minimum wage. Richard Nixon voted for an increase in the minimum wage. Dwight Eisenhower voted for an increase in the minimum wage. President Clinton will vote for it, but we are denied an opportunity to even vote on it. We are denied, even when we have demonstrated on other occasions that a majority of the Members, Republicans and Democrats alike, want it.

The American people are overwhelmingly for it. They cannot understand why the Congress of the United States cannot allocate 30 hours of its time. Here we are at 3:15 on a Monday afternoon. We could take 30 minutes on a side and debate this and vote at 5 o'clock on the minimum wage issue. It is not complicated. Everyone understands what this provides. It is 45 cents an hour for this year and 45 cents an hour for the next year. More important, it is 8 or 9 months of groceries for a working family that depends upon it. It is the utilities for 8 months for a family that is working at a minimum wage level. It is the premiums on a health care program for a family. That is what it is. That is what 45 cents an hour is. And it is the tuition for a son or daughter who wants to go to a fine State university for 1 year. That is what an increase in the minimum wage is.

Why are we not prepared to call the roll on that issue? Why are we not prepared to do it? We are not prepared to do it because we hear those on the other side say, ''Well, it's going to mean a loss of a number of jobs out there.'' The interesting fact is, of those individuals who are on the bottom rung of the economic ladder, 90 percent of them are for it. Why? Because they see a 20-percent increase in their wages and possibly a 5-percent reduction in the total number of hours they might have to work. It is a good deal for them. But our Republican friends will not let us have the opportunity to make a judgment and a decision on that.

That is why, Mr. President, many of us are frustrated. We know we are caught in the gymnastics of the parliamentary workings of the U.S. Senate. We know we are caught in that. We have a difficulty trying to explain to people back home, in my State or in other States, even though my State has raised the minimum wage now and has seen a reduction in unemployment—a reduction in unemployment.

It is difficult to say to the 7 million recipients of the minimum wage who are women, that we are not going to give the opportunity to debate that or to make a judgment on that. Of the 7 million who are women, 5 million of them are adult women, 2 million of them are the heads of households trying to make it on the minimum wage.

We cannot say to the 100,000 children who would be lifted out of poverty with an increase in the minimum wage, ''We cannot schedule it in the U.S. Senate. We have just been in a quorum call for 45 minutes, but we haven't got time to schedule that question about whether you get an increase in the minimum wage. We haven't got time. We haven't got time all this afternoon.''

Of course we have time this afternoon. We have time tonight to do it. We have time tomorrow to do it. It would not take very long because we understand the issue. It is difficult to tell those 100,000 children that would move out of poverty with an increase in the minimum wage or the 300,000 families that would move out of poverty, ''We haven't the time to schedule this, we haven't the time. We have to spend 7 or 8 days on the issues of illegal immigration in order to deny you the opportunity. We have to go to that extent to ensure you don't get a vote. Why? Because a majority of the Members of the U.S. Senate feel that you should get an increase.''

So we take advantage of the Senate rules, their use. I do think it is taking advantage of them. You are advancing interests of the companies and industries and corporations that refuse to pay the minimum wage. That is who you are advancing and helping. People just do not understand it. They see the 30-percent increase in the salaries of CEO's in this country last year. They see the Senate salary increasing by $30,000 over the period of the last 6 years—$30,000—and yet we have not had an increase in the minimum wage.

None of our people in here would deny themselves that kind of increase. Maybe we have some Members who are not accepting the full increase. We heard a great deal about that previously. Maybe they are not. I apologize to them if I am mistaken. But we have not seen much evidence of it, of anyone not willing to take those five increases that Congress has had. But we are not just going to say to hard-working Americans that work is that important. So we are denying it.

We are denying that to working people. We are denying it to children. We are denying it to women. It is a women's issue. It is a children's issue. It is a family issue. Yet look at what we have had to go through here in the U.S. Senate.

Let me just take a moment of time to tell you about what we had to go through here in the U.S. Senate in order to avoid—avoid—any kind of consideration. Effectively, the unique situation where, unless you had your amendment cleared, so to speak, by the majority and effectively the majority leader, you never had a chance to get recognized around here, even during the previous debate. That was an extraordinary situation where the U.S. Senate, allegedly—and it is—the most important, deliberative body for public policy issues and questions, there is no mistake about it, effectively it has been handcuffed, been handcuffed from considering measures that these Members felt were important to have debate and discussion on and to be disposed of, as we have for 200 years on the floor of the U.S. Senate.

But what did we find out last week? We found that we went through this incredible kind of a trapeze act. As a result of going through these parliamentary procedures, we have delayed the illegal immigration bill.

Last week we were dealing with the spectacle of a rarely used motion to recommit, but only to recommit to the committee of jurisdiction for an instant, a nanosecond, an instant, and then to report back to the floor. In other words, it was a sham motion to recommit.

This was to avoid some Member of the Senate rising and saying, ''Let's have 30 minutes on the increase in the minimum wage, divide the time up between those who are for it and those who are opposed to it, and let the Senate go.'' This is the procedure that was used effectively by the leadership.

On top of the motion to recommit, there had to be two separate amendments to fill what they call the ''amendment tree'' on one side of the bill. Then back on the bill itself, Senator DOLE had to maintain two amendments, a first-degree amendment and a second-degree amendment. Therefore, we were in the absurd position last week where Senator SIMPSON had to offer a Simpson second-degree amendment to the Simpson first-degree amendment to the Simpson motion to recommit to the underlying illegal immigration bill.

Look at what they had to go through from a parliamentary point of view. So you are not going to get a chance. These are the uses and abuses, I would say, of Senate rules to deny what is a clear majority position on an issue that has been understood, debated, discussed, and which over 80 percent of the American people support.

We also ended up with a Dole second-degree on illegal immigration, a Dole second-degree to the first degree, a Dole first-degree amendment to the illegal immigration bill. Then after each of these amendments had been adopted, we had to go through a half dozen unnecessary votes to adopt amendments to fill each of these slots.

Senator DOLE had to then undo each of the amendments that had been adopted. So we were then in the position of Senator SIMPSON moving to table the Simpson second-degree amendment. This is effectively the person who offered the amendment trying to table or effectively remove his second-degree amendment to the Simpson first-degree amendment to the Simpson motion to recommit the underlying bill. After that was tabled, Senator SIMPSON was in the position of offering the Simpson motion to table the Simpson first degree to the Simpson motion to recommit the underlying illegal immigration bill.

Then when that charade had been completed, we had to readopt all of the underlying first- and second-degree amendments, and then Senator DOLE had to go back and fill the tree again by adding five new amendments.

Then Senator DOLE has to get cloture, which some Democrats will support, some will oppose. Then, finally, there may be the chance, after the cloture vote, to offer amendments on the immigration bill. However, only germane amendments will be allowed after the cloture vote when the amendment is adopted sometime tomorrow perhaps.

Senator DOLE will then have to go through this whole process all over again on the underlying bill. We will then have a Dole motion to recommit, again a sham because it is only a motion to recommit for a nanosecond and then report back to the floor. We will have the Dole or Simpson first-degree amendment to the motion to the Dole motion to recommit. Then we will have the Simpson or Dole second-degree amendment to the Simpson or Dole first-degree amendment. This is truly an extraordinary parliamentary procedure. Its only purpose is to avoid a vote on the minimum wage. The result is to delay the passage of the illegal immigration bill.

This is a matter of great importance to many of those who have spoken eloquently and passionately about trying to deal with the problems of illegal immigration.

I have supported the essential aspects of the bill, the enhancements of our Border Patrol and putting in place the tamper-free cards that have been the subject of so much abuse. I worked with Senator SIMPSON on that issue. I know we will have a chance to revisit that because there will be those who will try to strike those provisions later on.

But all of Senator DOLE's parliamentary machinations on this bill, as I stated, are for the express purpose of denying Democrats their right to offer an amendment to increase the minimum wage.

So, Mr. President, we will be shut out on this particular vote prior to this afternoon. At 5 o'clock, we will be shut out from the opportunity of any debate. We are being denied an opportunity to say, ''All right, we will not offer that measure on this particular legislation, but at least give us a time in these next couple of weeks where we can get a clear vote up or down on a clean bill on the increase in the minimum wage.''

We are denied that opportunity. There cannot be an agreement on that, although 80 percent of the American people are for that. We are left in this situation where, when these other measures come up in the U.S. Senate, we have to, as we have for the better part of the previous year, tried to offer this measure on those measures so at least we have the chance of giving the Senate an opportunity to vote up or down and get some accountability, get some accountability in here about who is going to stand for those working families and who is against them.

I can understand why you would not want to be for that position against working families, even though Senator DOLE and Congressman GINGRICH supported the last increase that we had on the minimum wage.

I can understand why they do not want to face the music on this, but at some time in a democracy and some time in this body, and at some place here, this measure cries out for action. We are committed to try to get that action. That is why we, under the leadership of Senator DASCHLE, my friend and colleague, Senator KERRY, Senator WELLSTONE, and others, have stated that we will be forced into a situation where, at each and every legislative opportunity, we are going to offer this measure. We do not do it, in a sense, to try and obstruct the current legislative process. As we mentioned, we are at day 5 and counting on a measure, following Senate procedures. But we do not have all that amount of time to deal with the country's business, Mr. President.

We have important measures. We have the budget coming up. We still have important measures in the budget about determining where we are going on education. We have important measures on health care, and to try and get conferees, to go to conference, to get a decent health care bill, which passed 100 to 0. That is important. Senator KASSEBAUM and myself ought to be over there this afternoon trying to work out a good, clean measure that can go to the President's desk and be enacted, like the one we passed here by 100 to 0—Republicans and Democrats. We should get that passed and get it down to the President so he can sign it, and do something for 25 million Americans this afternoon.

Instead, we are over here on an amendment to an amendment to the motion to recommit to proceed, denying the opportunity to do that. That is not the way to do the Nation's business. We ought to be about health care, about increasing the minimum wage. We ought to be out here trying to give consideration to what we are going to do about pension reform, trying get stability and protection for pension funds for working families so they are not going to be plundered by the corporate raiders. We had a vote, 94–5, I think, to provide that protection. That legislation had not even gotten into the doors over there in conference, and it was dropped so quickly, exposing those pension funds for working families.

We ought to deal with those measures and provide additional opportunities for education, which is the backbone to everything this country is about, and demonstrate our priorities. We ought to be about those measures and trying to close down some of the tax loopholes that give preferences to moving jobs overseas, and bring good jobs back to the United States. Those are the things people are talking about. Instead, we had a pause even in the immigration bill to go on to the question of term limits. Then, once

again, they filled up that tree so it was not making anything retroactive, moving the procedures of the Senate, jamming the various procedural parts of Senate rules, so that we were going to be denied an opportunity to address those measures.

So, Mr. President, it is important that even though we will come back at 5 o'clock to address the questions of illegal immigration, let us understand what this filibuster is about. It is a filibuster against the increase in the minimum wage. That is what the issue is. That is what is wrong. That is what the Republican leadership insisted on in order to deprive working families that are out there working. Instead of respecting their work and giving them a livable wage so they can move out of poverty, we are running through these gymnastics here in the U.S. Senate, and we are going to continue in the next couple of days dealing with legislation that should have been long since addressed, finalized, and on its way to conference.

So that is the point we have to keep repeating. There are those who do not like us to keep repeating it. They wish we would not keep repeating it. Those are the facts, and that is what the American people ought to understand, because those families that are hard pressed out there today and hardly able to make ends meet, we are their best hope, we are their last hope. We are still being denied the opportunity to help them.

I look forward to the debate on a number of these issues, about whether this dislocates workers. We will have a good opportunity to review what happened. We spent a few moments of the Senate's time going back, historically, where we provided an increase in the minimum wage and what happened in terms of the work force.

One of the best illustrations is in my own State of Massachusetts, which saw an increase in the minimum wage in January opposed by our Republican Governor up in Massachusetts. Unemployment is still going down, and the debate will show that a number of other States out there are affected by it. We will have an opportunity to talk about the impact on jobs. We will talk about what effect, if any, it has on inflation. Hopefully, we will have a chance to work out some process for those Americans, because I find that every day that goes by that we deny this institution the opportunity to express itself up or down, people wonder what we are all about.

Why are we not addressing the real concerns of working families, which is income security, job security, pension security, education for their kids, and take an opportunity to do something about the incentives that exist in the Internal Revenue Code that drive good American jobs out? That is what they want. They want us to do something about our borders as well. But to take it up when we could have used several days and made progress on all those other issues, certainly we should be about those measures.

Mr. President, I want to go into, for just a moment this afternoon, the principal areas that are germane and that I think we will have to address. I know Senator GRAHAM identified some of these measures, and I think they are very important, and we are going to have an opportunity to vote on them. We have not yet had the opportunity. We were not able to get these measures that were even germane and where we wanted to get a serious vote on these measures previously because of the way that the floor action proceeded. Now under the measure, when we get eventually toward cloture, we will address them.

Let me just mention a few of these measures here this afternoon.

Mr. President, the first of these measures will be on looking at the overall legislation, what we are doing about the illegal immigration. First, if we are to make headway in the controlling of illegal immigration, we need to find new and better ways to help employers determine who is authorized to work in the United States and who is not. We must shut off the job magnet by denying jobs to illegal immigrants.

As the late Barbara Jordan reminded us, we are a country of laws, and for immigration policy to make sense, it is necessary to make distinctions between those who obey the law and those who violate it. Illegal immigration takes away the jobs and lowers the wages of working American families on the lowest rung of the economic ladder.

Make no mistake about it: That is happening today in many of our communities, our major cities, in a number of different geographical areas around the country today. The illegal immigrants that come in, unskilled and untrained, are exploited on the one hand and are used by unethical employers in so many different instances. This has the effect of driving wages down for real working Americans and also displacing the jobs for real Americans who want to work and provide for their families.

These are the working families in America that survive from paycheck to paycheck and can least afford to lose their jobs to illegal aliens. Senator SIMPSON and I agree on this issue. We urge our colleagues to support provisions in the bill to require pilot programs to improve verification of employment eligibility. These are contained in sections 111, 112 and 113, and require the President to conduct several pilot programs over the next 3 years. After that, the President must submit a plan to Congress for improving the current system based on the results of the pilot programs. This plan cannot go into effect until Congress approves it by a separate vote in the future.

The current confusing system of employment verification is not working. It is too easy for people to come in legally as tourists and students and stay on and work illegally after their visas expire. It is too easy for illegal immigrants who impersonate local or even American citizens by using counterfeit documents.

Far too often employers seek to avoid this confusion by turning away job applicants who look or sound foreign. This employment discrimination especially hurts American workers of Hispanic and Asian origin. But it harms many other Americans in the job market as well. Some in the Senate will seek to eliminate the provisions that Senator SIMPSON and I have placed in the bill to authorize the pilot programs to find new and better ways of verifying job status. Our ability to deal with illegal immigration should not be derailed by misinformed and misguided notions that this bill would result in Big Brother abuses, or a national ID card. Nothing could be further from the truth.

The pilot programs are the core reforms in this bill. Without them this bill will accomplish very little in controlling illegal immigration.

We have to deal with the job magnet. That is the key. Every study—the Hesburgh studies of over 10 years ago, the Barbara Jordan studies—every comprehensive review of the problems with illegal immigrants; you have to deal with the job magnet. You deal with the job magnet and you are going to have a dramatic impact on illegal immigrants coming to this country. And, if you do not, then you can put up the fence all the way across the southern border and fences around this country. You are still not going to be able to adequately deal with this issue.

I support the increase in the Nation's border patrols contained in the bill. I support stepped-up efforts to combat smugglers and modern-day slave traders who risk the lives of desperate illegal immigrants, and who place them in sweatshop conditions. I support increased penalties against those who use counterfeit documents to enable illegal immigrants to pose as legal workers and take away American jobs by fraud. But without the pilot programs our ability to stem the tide of illegal immigration would be hamstrung.

The Immigration and Naturalization Service has limited authority to conduct pilot programs under current law. Under the few pilots that can be conducted there will be no assurances that they would have significant impact on business. There would be no privacy protection. In fact, there would be no standards at all other than those the Immigration Service would impose on itself.

This debate seems to have forgotten that since 1986 employers are required to check the documents of everyone they hire to make sure they are eligible to work in the United States. That means everyone—whether they are citizens or not. Those who think we do not need change should look at the ineffectiveness of the current system.

Job applicants can produce any of the 289 different documents to prove their identification and eligibility to work in the United States. Most of these documents are easily counterfeited, such as Social Security, or school records. Even though this bill would reduce the number of documents from 29 to 6—6 that are the most secure—there is no assurance that this will be sufficient.

So the choice is clear. We will either keep the current system with its flaws and limit deterrence to illegal immigration, or require the President to find a new and better way of controlling illegal immigration and also avoid discrimination.

Second, we must retain a safety net for legal immigrant families. This bill is supposed to be about illegal immigration. Title I provides many needed reforms, employment verification, pilot projects, increased money for border patrols, all of which aim to control the flow of illegal immigrants into the country. But the welfare provisions in title II do just the opposite. They provide illegal immigrants with benefits that legal immigrants cannot get.

Let me repeat that. Under this legislation, title II provides illegal immigrants with benefits that legal immigrants cannot get, and they erode the safety net for legal immigrant families.

In the current law, as well as under this bill, illegal immigrants are ineligible for public assistance except where it is in the national interest to provide the assistance to everyone such as preventable communicable diseases. This bill says that illegal immigrants are ineligible for all public assistance programs except emergency Medicaid, school lunches, disaster relief, immunization, communicable disease treatment, and child nutrition. This is the way that it should be.

We want to make sure that, if the children are going to be here, they are going to at least get immunization so that they can effectively protect other children that might be exposed when these children have social contact with each other. That makes a good deal of sense. That is in the public health interest. I think we ought to be doing it with children, and I support the fact we will be doing it with these children in any event. But you have to get down to the hard line of dollars and cents of it, which is so often the final criteria here, what makes sense from a dollars and cents point of view. But this bill makes it much harder for legal immigrants to participate in these same programs. The same ones that illegal immigrants qualify for automatically, no questions asked, and this result is preposterous.

Legal immigrants play by the rules and come in under the law. They work, raise their families, pay taxes, and serve in the Armed Forces. They are here legally. Legal immigrants do not seek to cross the border, or overstay their visas. They come here the right way. They waited in line until a visa in the United States was available. And, by and large, they are here as the result of reunifying families—families.

Legal immigrants should not have to jump through a series of hoops which do not apply to illegal immigrants. This bill discriminates against those who play by the rules. Under the current law, legal immigrants have restricted access to the need-based programs—the AFDC, Social Security, SSI, and food stamps.

Their sponsor's income is deemed under these programs. Deeming means that the welfare offices consider both the sponsor's and the immigrant's income in determining whether the immigrant meets the income guidelines for the particular assistance for which the immigrant may apply. For example, if an immigrant sponsor earns $30,000 per year and the immigrant earns $10,000 per year, the immigrant is deemed to make $40,000 per year which pushes the immigrant above the income guidelines to qualify for particular assistance programs.

For legal immigrants, the deeming provisions in this bill affect not only the AFDC, SSI, and food stamps, but every other need-based program—everything from lead paint screening for immigrant children to migrant health centers, veterans' pensions, and nutrition programs for the elderly. The effect of these provisions is to bar legal immigrants from receiving virtually any means-tested Government assistance. This bar lasts at least 5 years. The practical effect of these deeming rules is almost the same as banning the benefit.

We have seen what happens in deeming. The deeming effectively causes crashing reductions in all of these programs for those that might have otherwise been eligible.

For future immigrants, deeming applies for the last 40 quarters of work. For immigrants who are already here, deeming applies until they have been here for 5 years. This means that every program must now set up a bureaucracy to carry out immigration checks on every citizen and noncitizen to see who is entitled to assistance. They have to find out if there is a sponsor.

Listen to this. I know that Senator GRAHAM will speak eloquently about this. But this means effectively that every city and town—whether in Texas, in Florida, or in Massachusetts—is going to have to find out who the sponsor is. If someone comes into a local hospital and needs emergency assistance, and they say that this person is legal, they are going to have to find out who that sponsor is and be able to get the resources from that sponsor. You and I know what is going to happen. Those hospitals are going to be left holding the bag. They are going to be the major inner city hospitals. They are going to be the Public Health Service clinics. They are going to be the health delivery systems that deliver the health services to the neediest and the poor in this country. And to expect that they are going to set up a whole system to find out who is deemed and who is not deemed, and then to expect that they are going to be able to collect the funds from those families on it is absolutely beyond thinking.

Not only are the local communities and the local hospitals going to do it, but the counties are going to have to do it and the States are going to have to do it. That is going to cost hundreds of millions of dollars. It will not be participated in by the Federal government. We are not sharing in that responsibility. We are not matching that 40 or 50 or 60 percent as we do for welfare problems. Oh, no. That is going to be the States and the local communities. They are the ones that are going to have to set up that process to be able to judge about deeming; not the Federal Government. The local communities and the schools are going to have to do it. The hospitals are going to have to do it. The counties and the States are going to have to do it. They will have to find out if there is a sponsor. They will have to get copies of the tax returns. They will have to determine the sponsors' income, and this is an immense burden.

For example, the National Conference of State Legislatures, which strongly opposes the welfare provisions, estimates that the States will have to hire at least 24,000 new staff just to implement four of the vast number of programs that this bill would cover—24,000. Those four programs are school lunch, child and adult care, social service block grants under SSI, and vocational rehabilitation.

Simply hiring the additional staff needed to run these programs will result in unfunded mandates to the States of $722 million. This is not the only cost for the poor programs. Imagine the cost of States hiring staff to run all of the means-tested programs.

We were asked earlier during the whole debate about where the Congressional Budget Office was. They said, ''We do not have the figures on it.'' You have them now. You have the figures now. Just in these four programs you are going to find it is going to be costly—hundreds and hundreds of millions of dollars.

This bill also upsets the basic values of our social service system after years of community assistance. Outreach clinics, day care centers, schools, and other institutions will now become the menacing presence because they will be seen as a branch of the INS to determine who is here illegally. This is going to have a chilling effect on those immigrants again that are legally here. They are going to be members of families. They are not going to want to go out and risk getting involved in terms of the INS and put their principal sponsors at any kind of disadvantage.

We are talking primarily about the public—in this instance public health kinds of issues that have a common interest with all of us in making sure

that their health care needs are going to be satisfactorily addressed.

Mr. President, there are many misconceptions about immigrants' use of public assistance. Here are just a few facts.

The Urban Institute says that legal immigrants contribute $25 to $30 billion more in taxes each year than they receive in services. That is almost $2,500 per immigrant, and this figure is confirmed by almost every other study. The majority of legal immigrants—over 93 percent—do not use welfare as it is conventionally defined; that is, AFDC, SSI, and food stamps. The poor immigrants are less likely to use welfare than poor native Americans. Only 16 percent of immigrants use welfare compared to 25 percent of native born Americans. Working age legal immigrants use welfare at about the same rate as citizens—about 5 percent. The only immigrant populations where welfare use is higher than by citizens is by elderly immigrants and refugees on SSI. We all understand why indigent refugees need help, so the only real issue is elderly immigrants on SSI. We ought to address those issues.

We have seen deeming go into effect and that has a positive impact. That ought to be the focus, that ought be the area where we are looking at various alternatives that are going to be responsive to protecting the interests of the taxpayers and are humanitarian, to make sure that people who are parents are going to be treated decently in our society.

Instead of addressing the specific problem of elderly immigrants, this bill broadly restricts the eligibility of all legal immigrants for any governmental help.

When it comes to public assistance, the consequences of this bill are threefold. First, it provides an inadequate safety net for legal immigrants. We ask legal immigrants to work and pay taxes just like American citizens. Immigrants must also serve in the military if they are called. We have more than 20,000 of them in the Armed Forces today, a number of them in Bosnia. In fact, we expect legal immigrants to put their lives on the line for the safety of our country, but the safety net we provide for them and their families in return is all but gone under this bill. We expect immigrants to make the ultimate sacrifice on the battlefield but under this bill America will not be there for them if they need medical care, school lunches for their children, or even their veterans' pensions.

Second, this bill passes the buck to the State and the local governments.

Mr. President, I have gone through that in some detail.

Third, this bill will be an administrative and bureaucratic nightmare for Federal, State, local and private service providers. They will be burdened with determining which immigrants have sponsors, what the sponsor's income is, what the immigrant's income is, and who is entitled to benefits. These providers will have to do this for every needs-based program from school lunches to Medicaid. That makes no sense.

Let me give you an example or two. On school lunches, teachers and school officials have their hands full as they work for the education of children but under this bill, when school starts next September, every school in America must document—listen to this—every school in America must document whether their pupils are American citizens or immigrants. Teachers must figure out whether the immigrant has a sponsor. The income of the sponsor must be determined before legal immigrant children can get school lunches, but illegal immigrant children do not have sponsors so they get the school lunches on the same basis as American citizen children.

Under medical care, suppose an immigrant child has a chronic medical condition. The parents are legal and working but have been unable to get insurance. Their sponsor's income is just high enough that it disqualifies the child for Medicaid under the bill so the child goes without care until her condition becomes an emergency. She runs up an expensive medical bill under the emergency Medicaid for a condition that could have been treated at a low cost earlier, and this result does not make any sense.

Child care. Like many American families, some immigrant families struggle to make ends meet. They rely on child care in order to stay on their jobs. These children receiving child care are American citizens. But by deeming child care programs as this bill does, it removes American citizen children from child care programs and jeopardizes the employment of their immigrant parents. That is true with regard to Head Start as well.

Finally, the United States must continue to provide the safe haven for refugees fleeing persecution, yet so-called expedited exclusion procedures in the legislation will cause us to turn away many true refugees. Under this procedure, persons arriving in the United States with false documents but who request political asylum would be turned away at our airports with little consideration of their claims, no access to counsel, and no right to an interpreter. It is often impossible for them to obtain valid passports or travel documents before they flee their homelands. Many times, even trying to get a passport from their governments, the very governments that are persecuting them, could bring them further harm. They have no choice but to obtain false documents to escape.

This reality has long been recognized under international law. In fact, the U.N. Refugee Convention, to which the United States is a party, says governments should not penalize refugees fleeing persecution who present fraudulent documents or have no documents. If it were not for the courageous efforts of Raoul Wallenberg providing false documents to Jews fleeing Nazi Germany during World War II, many thousands of fleeing refugees would have had no means of escape.

Mr. President, we spent time on this issue. We reviewed those organizations, church-based, human rights-based organizations. Most of them pointed out the trauma that is affecting individuals who have been persecuted, the distrust they have for governments even coming to the United States, their estimate that it takes anywhere from 19 to 22 months generally to get those individuals who have been persecuted, who have been tortured, who have been subject to the greatest kinds of abuses to be willing to try and follow a process of moving toward asylum here in this country.

The idea that this is going to be able to be decided at an airport makes no sense, particularly with the extraordinary progress that has been made on the issue of asylum over the period of the last 18 months—just an extraordinary reduction in the total number of cases and the percentage of cases because of the new initiatives that have been provided by the Justice Department and Doris Meissner.

Finally, there are provisions in here that can work toward discrimination against Americans whose skin is of different color and who speak with different accents and languages. We have seen too often in the past in the great immigration debates where we have enshrined discrimination. We had the national origins quota system that discriminated against persons being born in various regions of the country, the Asian-Pacific triangle provisions that said only 125 individuals from the Asian-Pacific region would come to the United States prior to the 1965 act. We eliminated some of those provisions. But we have always seen that if it is possible to discriminate and use these laws to discriminate against American citizens as well as others, that has been the case.

I am hopeful we can work some of those provisions out during the final hours of consideration.

In conclusion, I commend my colleague, Senator SIMPSON, for his continuing leadership on this issue. He has approached this difficult issue with extraordinary diligence and patience. As I have mentioned, during the markup, even though we have areas of strong difference, he has been willing to consider the views of each member of the committee, the differing viewpoints that have been advanced in committee. He has given ample time for the committee to work its will. We had good debate and discussions during the markup, and in the great tradition of the Senate legislative process. We have areas, as I mentioned, of difference but every Member of this body knows, as I certainly do, as the ranking minority member, that he has addressed this with a seriousness and a knowledge and a belief that the positions that he has proposed represent his best judgment at the time.

The comments I made in the earlier part of my statement about our parliamentary situation have nothing to do with his willingness to get a strong bill through and his desire to engage in full debate and discussion on these issues and I believe any other issue that Members of the Senate would want to address as well.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to my colleague from Pennsylvania, Senator SPECTER.

The PRESIDING OFFICER. Is there objection? The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1715 and S. 1716 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to talk about an amendment that Senator KYL and I will introduce on the bill that is pending before us.

I appreciate the argument of the distinguished Senator from Massachusetts earlier on the minimum wage, and, in fact, I look forward to debating the minimum wage with the Senator from Massachusetts, because I have great concerns about the impact that this could have on our small business people of this country. But this is not the time to bring up the minimum wage issue.

We have been trying for years to make a better law on illegal immigration. This is of great concern to my State and all of the States that are absorbing so many illegal immigrants in our country, because our laws do not do enough to stop illegal immigration. The States that have the illegal immigrant problems are absorbing so much of the costs of these illegal immigrants that it is time for the Federal Government to step up to the line and take its responsibility for closing our borders to illegal immigrants. That is separate from the legal immigrants who have done so much to build our country, and I am very pleased we separated those two in the bill before us today, so that today we are talking about the problem of illegal immigration.

The way we treat illegal immigrants reminds me of the distracted mother who says, ''I said maybe, and that's final,'' because when someone does violate our illegal immigration laws, in fact, there is hardly any penalty. They can be deported on Monday, and on Tuesday apply for legal status. That is hardly a clear message from America about our illegal immigrant laws and status.

So, what we are trying to do with our amendment is to say very clearly, if you violate the laws of America, if you come into our country without taking the proper legal steps, or if you are in our country legally and overstay a visa by as much as a year, you will be barred from legal entry into our country for 10 years.

We have had laws that have penalized employers on the books for several years now. If we are going to say to employers we will penalize you if you hire an illegal immigrant, I think we should also try something else. We should make it a penalty for the person who is violating the law and coming into our country as well. Let us try a new approach. Let us make there be a penalty if you break this country's laws. If you are a citizen of our country and you break the laws, there is a penalty. If you are not a citizen of our country and you break our laws, there should be a penalty.

A 10-year ban on legal entry into our country is a penalty. It says to the illegal immigrant: Our laws are serious. We care about the legal status of aliens in our country. If they are legal, we welcome them. If they are illegal, they are breaking our laws. They may be taking jobs from our own people.

We need to control our borders. We must have control of our borders. That way, of course, we can make sure that we are using the assets of our taxpayers to help the people who are legal in our country.

This addresses a serious problem for border States. In 1994, the Immigration and Naturalization Service returned 1.1 million illegal aliens from the United States—1.1 million illegal aliens from the United States. Of those, 350,000 were from Texas. In California, in San Diego alone, 490,000 illegals were returned.

Many of those illegal aliens are caught within 45 days more than once. In fact, in San Diego, one in five apprehended in a 45-day period had been apprehended once before.

Mr. President, that just shows you that there is not a penalty that people recognize for coming into our country illegally. So now we want to change the accountability to the person who is breaking our laws. If a person comes into our country and consciously violates our laws, there must be a penalty for that.

The amendment that Senator KYL and I are offering will say there is an accountability. If you decide that you are going to break the laws of this country, there will be a penalty and you will have to acknowledge that. Mr. President, this is only fair. If we do not do something to say that the borders of our country are inviolate, we are going to continue to have problems, especially on the border States where we have infrastructure costs that are sapping our taxpayers of their strength.

This is a Federal issue, and the Federal Government must step up to the line. The amendment that we have before us today will add one more option for us to have to make sure that people know it is a serious violation of our laws to come into our country illegally. If we are going to penalize employers, we should penalize the person who is perpetrating the crime.

So, Mr. President, I hope that we can clear up the signal that we are sending. We welcome legal immigrants into our country; they have made a huge contribution to our country. But we do not welcome illegal immigrants into our country, and we must stop it. That is what this bill will do.

I want to commend Senator SIMPSON for the work he has done through the years on this issue and Senator KENNEDY, working with him, and Senator KYL, one of our new Members who is from a border State who uniquely understands, as I do, what this costs the taxpayers of a border State.

They are providing great leadership on this issue. We have a chance to do something that puts teeth into the laws of this country. I do not want us to get sidetracked on issues that are not relevant to the issue of illegal immigration. It is too important to the economy of our country and the taxpayers of our country and to the law-abiding citizens of our country.

I thank you, Mr. President, and I yield the floor.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I thought I would use a few moments to outline one of the amendments that I intend to offer once we, again, get to the substance of the illegal immigration bill. I will outline it, not knowing whether we will have a chance to offer it later this evening or tomorrow.

This amendment will be relevant to the Medicaid deeming to title II of the bill. My amendment exempts children, mothers, and veterans from the Medicaid restrictions in the bill as long as they are legal immigrants.

I am deeply concerned that for the first time in the history of the program, we will begin sponsor deeming for Medicaid for legal immigrants. I recognize that this is a high-cost program, some $2 billion, for helping legal immigrants over the next 7 years, but the public's health is at stake, not just the immigrants' health.

The restrictions on Medicaid place our communities at risk. It will be a serious problem for Americans and immigrants who live in high-immigrant areas. If the sponsor's income is deemed and the sponsor is held liable for the cost of Medicaid, legal immigrants will be turned away from the program or avoided altogether. These legal immigrants are not going to go away and can get sick like everyone else, and many will need help. But restricting Medicaid means conditions will go untreated and diseases will spread.

If the Federal Government drops the ball on Medicaid, our communities and States and local governments will have

no choice but to provide this medical care and pick up the cost.

In addition to veterans, my amendment exempts children and prenatal and post partum services from the Medicaid deeming requirements for legal immigrants. The bottom line is, we are talking about children, legal immigrant children who will likely become future citizens.

The early years of a person's life are the most vulnerable years for health. All of us are familiar with the various Carnegie studies that have been out in the last 3 years which reinforce that, if there was ever any question about it.

If children develop complications early in life, complications which could have been prevented with access to health care, society will pay the costs of a lifetime of treatment when that child becomes a citizen. Children are not abusing Medicaid. When immigrant children get sick, they infect American citizen children.

The bill we are discussing today effectively ensures that children in school would not be able to get school-based care under the early and periodic screening, detection, and treatment program. This program provides basic school-based health care.

Under this bill, every time a legal immigrant goes to the school nurse, the nurse will have to determine if the child is eligible for Medicaid. This bill turns school nurses into welfare officers. The end result is that millions of children will not receive needed treatment in early detection of diseases.

Consider the following example: A legal immigrant child goes to her school nurse complaining of a bad cough. The nurse cannot treat the child until it has been determined that she is eligible for Medicaid. Meanwhile, the child's illness grows worse and the parents take her to a local emergency room, where it is discovered that the little girl has tuberculosis. That child has now exposed all of her classmates, American citizen classmates, to TB, all because the school nurse was not authorized to treat the child until her Medicaid eligibility was determined.

Or consider a mother who keeps her child out of a school-based program because she knows her child will not qualify for the program. This child develops an ear infection, and his teacher notices a change in his hearing ability. Normally, the teacher would send the little boy to the school nurse, but she cannot in this case because he is ineligible for Medicaid. The untreated infection causes the child to go deaf for the rest of his life.

In addition to the basic school-based health care programs, it also provides for the early detection of childhood diseases or problems such as hearing difficulties, even lice checks.

Prenatal and post partum services to legal immigrants must also be exempt from the Medicaid deeming requirements. Legal immigrant mothers who deliver in the United States are giving birth to children who are American citizens. These children deserve the same healthy start in life as any other American citizen.

In addition to providing prenatal care, it has been proven to prevent poor birth outcomes. Problem births, low-birth-weight babies, and other problems associated with the lack of prenatal care can increase the cost of delivery up to 70 times the normal cost. According to a Baylor University Hospital report in 1994, the cost for the delivery of babies where there has been prenatal care averages $1,000; those without prenatal care over $2,000. That is double the cost.

In California, the common cost of caring for a premature baby in a neonatal unit is $75,000 to $100,000. The lack of prenatal care can result in developmental disabilities, chronic problems for American citizen children. Many children in such circumstances end up costing the taxpayer $40,000 to $100,000 annually to cover medical and special education needs.

Many things can go wrong during pregnancy and in the delivery room. Many more things will go wrong if the mother has not had adequate prenatal care. Without prenatal care, we will allow more American citizen children to come into this world with complications that could have been prevented.

This is not an expensive amendment. According to CBO, the cost of care for children and the prenatal care services is less than the cost for elderly persons, whose Medicaid eligibility would continue to be restricted under this amendment. Furthermore, the cost of providing a healthy childhood to both unborn American citizens and legal immigrant children is far less than the cost to society of treating health complications at delivery and throughout the lives of these children.

Finally, many legal immigrants serve in the Armed Forces. Many have fought and even evidenced their willingness to sacrifice their lives for the Nation. How would we reward this sacrifice under this bill? By making it harder for them and their families to receive benefits. We should hold these people as heroes. Instead, we will not ensure their families receive basic medical services upon their return to the States from duty. Most veterans benefits are means tested.

If the sponsor-deeming provisions in the bill are applied to the veterans benefits, some veterans will find themselves ineligible for VA benefits because their sponsor makes too much money, and they are too poor to purchase health insurance. My amendment allows these veterans to receive the health care they need under Medicaid.

Mr. President, the fact of the matter is, we should, in this particular proposal, support the care for expectant mothers because it is the right thing to do. We ought to be supporting the care for the children because it is the right thing to do. These children did not cause the problem with illegal immigration. It may be their father and their mother, their parents. Why did their parents come here? To get jobs. We ought to be able to deal with that aspect of the problem without taking it out on the children.

It seems to me it is that simple. I mean, why are we taking it out on the children? Why are we being bullies to children when we know what the real facts are? We have to deal with the issues of jobs and the magnet of jobs, deal with those issues.

This measure that is before us has programs to try to do that by enhancing the Border Patrol and by the other pilot programs and the other aspects which Senator SIMPSON outlined in terms of tamper-proof work cards. But the fact of the matter is, Mr. President, when we come on down on legal—legal—American children and put all kinds of blocks in their way in order to be able to obtain essential kinds of services that will protect their health and their fellow children's health, who are American citizens, it just makes no sense at all. It is hardhearted and cruel.

Mr. President, at the appropriate time I will offer that amendment. I hope the Senate will support it.

Mr. President, I will just take a few moments now, as we are coming down to 4:20, where we are reminded once again that the real filibuster is not on the issue of the illegal immigration bill—we are on day 5 and counting on that issue. There are many of us who would like to move toward being able to offer amendments. I have outlined one. Senator GRAHAM, others, Senator FEINGOLD, and Senator ABRAHAM have other amendments.

We will have an opportunity to do that in the very near future. But we are on day 5, with perhaps 2 more days on this bill, when actually the real reason that we are spending 5 to 7 days on it is so we will avoid the consideration of the increase in the minimum wage.

It is as plain as that. I outlined earlier during the course of the day the various gymnastics that we have gone through to try to get a vote on the minimum wage or at least to get a time certain to consider the minimum wage.

Mr. President, I will just take a few moments of the Senate's time now to mention and include in the RECORD some of the religious leaders' support for the minimum wage reflecting the broad religious community that recognizes this as a moral issue, out of respect for individuals and their willingness to work, and also for their necessity to provide for children and the essential aspects of life. They believe this is a moral issue, to make sure that working families are going to have sufficient resources to be able to provide for themselves with a sense of dignity as children of God.

So, Mr. President, we have discussed some of the economic issues earlier and also some of the other reasons for increasing the minimum wage. I find it so difficult to explain to people in my

State and around this country why we should not raise it for families that are working, playing by the rules, trying to provide for their families and escape poverty.

I find it, particularly when we have a majority of the Members of the Senate that support that measure, difficult to comprehend why we continue to go through these gymnastics here on the floor of the Senate to pretend that there is a filibuster on illegal immigration, when the real filibuster is on the minimum wage. That is what the real filibuster is. If we were able to get a vote on that, I do not know why there would not be an early disposal of the underlying measure. That was true last week. But nonetheless, Mr. President, let me just speak briefly to this issue.

Assuring that hard-pressed minimum wage workers get the 90-cent increase they deserve is not a mere tussle for political advantage or an abstract debate over economics. The right to earn a living wage and support a family lies at the heart of this Nation's commitment to building and maintaining a moral society.

At its core, the struggle for a higher minimum wage is a battle over morality—a struggle over family values.

There are some who would have us believe that there are two types of families in America—the responsible and the ripoff artists. One kind of family works hard and plays by the rules. The other kind runs wild and lives off the dole. But the facts are quite different. Almost all families work. Single mothers with small children are working. Fathers are working, often at two jobs or even three jobs. Most poor families work. Most immigrant families work. Most families on food stamps work. And millions of Americans working today at the minimum wage—a minimum wage that has reached its lowest buying power in 40 years—are working and living in poverty.

These Americans are our neighbors and friends. They sit at the kitchen table at night, figuring out how to pay this month's bills. They pray their kids do not get sick, because the doctor bills are getting more expensive each year. They are not on welfare, although some come perilously close. Some may even have depended on it for a time in a crisis, but now they wake up early in the morning, bundle their children off to day care or a relative, and spend their days tending for our parents in nursing homes, caring for our children in day care centers, sweeping floors and cleaning carpets in our offices, and making clothes that they often cannot afford themselves.

These families are doing what we have asked them to do. They are working. They are contributing to our society. They are not asking for a handout. They are asking for what any decent society should provide: A living wage that will adequately support a family.

A moral society cannot ask its citizens to work 40 hours a week and still relegate them to live in poverty. A moral society cannot ask its citizens to work 40 hours a week and then leave them to watch their children go hungry. A moral society cannot ask its citizens to work 40 hours a week and then deny them the ability to support a family without relying on the charity of others. Surely, that is not family values.

To those who claim to support family values but oppose this 90-cent increase in the minimum wage, I urge you to listen to a sampling of letters I have received from the religious leaders of our Nation who have spoken out in support of a higher minimum wage.

This letter comes from the Most Reverend William Skylstad, the Bishop of Spokane, chair of the domestic policy committee of the U.S. Catholic Conference:

DEAR SENATOR: The United States Catholic Conference, the public policy agency of the Catholic bishops, supports the efforts to raise the minimum wage. I urge you to support legislation that helps restore the minimum wage to a living wage that respects the dignity of workers and recognizes the economic realities facing low-income families.

Work has a special place in Catholic social thought it is more than just a job, it is a reflection of human dignity and way to contribute to the common good. Most importantly, it is the ordinary way people meet their material needs and community obligations. In Catholic teaching, the principle of a just wage—a living wage—is integral to our understanding of human work. Wages must be adequate for workers to provide for themselves and their families in dignity. Our bishops' Conference has supported the minimum wage since its inception.

Recently, the bishops pointed out in their statement, ''Putting Children and Families First,'' that ''decent jobs at decent wages—what used to be called a 'family wage'—are the most important economic assets for families.'' As pastors, the bishops see the tragic human and social consequences on individuals, their families, and society when workers cannot support dignified lives by their own labor. The minimum wage needs to be raised to help restore its purchasing power, not just for the goods and services one can buy but for the self-esteem and self-worth it affords.

People of goodwill can and will differ over specific economic arguments. The U.S. Catholic Conference believes, however, that the technical economic debate should not overshadow the pressing human concern and moral question of whether or not our society will move toward a minimum wage that reflects principles of human dignity and economic justice. We renew our support for an increase in the minimum wage.

Another letter comes from Kay Dowhower of the Evangelical Lutheran Church in America:

DEAR SENATOR: On behalf of the Evangelical Lutheran Church in America, I urge you to support legislation that raises the minimum wage.

The church is committed to adequate income and believes that vast disparities of income and wealth are both divisive of the human community and demeaning to its members. Unfortunately, the United States has the largest wage gap of any industrialized country. The fact that the minimum wage has dropped to its lowest level in 40 years only exacerbates the problem.

This church also believes that making it possible for people to move from welfare to work is important. Work is important because employment is a means by which people become contributing participants in society. However, moving welfare recipients into employment is hindered in a labor market increasingly dominated by low-wage, part-time or temporary jobs that cannot support a family. A single mother with two children who works full time at $4.25 per hour will find that her family remains nearly 30 percent below the federal poverty level.

We urge an immediate supportive vote on an increase in the minimum wage.

This is a letter from Dr. Thom White Wolf Fassett of the Methodist Church:

DEAR SENATOR: On behalf of the General Board of Church and Society, the social justice advocacy agency of the Methodist Church, I strongly urge you to support S.413. This legislation . . . will aide the minimum wage to $5.15 over two years. By increasing the minimum wage, Congress will send a message to the American people that it is addressing the growing wage gap between the rich and the poor as well as the increasing economic anxiety.

The Book of Resolutions of The United Methodist Church represents the social justice position of our approximately 9 million [member] denomination. Our policy clearly states, ''. . . we have the obligation of work with others to develop the moral foundation for public policies which will provide every family with minimum income needed to participate as responsible and productive members of society.'' Raising the minimum wage would help those at the bottom of our society meet their family needs.

It has been nearly seven years since the federal minimum wage has increased. The buying power of the minimum wage will soon reach it lowest level since 1955, when the minimum wage was 75 cents an hour. Nearly 60 percent of the workers who would benefit from an increase are women. Nearly two-thirds are adults struggling to support families, as opposed to the stereotype of a teenager flipping hamburgers.

Again, I urge you to vote for the passage of S. 413. It tells people working at the minimum wage that their work is important and appropriately rewarded.

Mr. DASCHLE. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. DASCHLE. I commend the Senator from Massachusetts for bringing to the attention of the Senate the thousands of pieces of correspondence that have been coming into our offices over the last several weeks as a result of the leadership by the able Senator from Massachusetts. It is clear that this has resonated. The letters that the Senator from Massachusetts is reading are indicative, I think, of the correspondence that comes in on the e-mail, that comes in on fax machines, that comes in through the regular mail routes.

I think that the Senator does a real service to the Senate in sharing those with us. I know he has a number of others, and I do not want to preclude him from finishing what has been a very informative and helpful session, but I do believe, and I ask the Senator from Massachusetts whether he shares the view, as this issue becomes better understood and as it becomes clear to the American people just what this is all

about, there appears to be a momentum that has been brought to this debate that I did not witness before, given the increase in the number of letters and pieces of correspondence we have received.

Has it been the experience of the Senator from Massachusetts that the number of letters that have come in on this in recent days has actually increased?

Mr. KENNEDY. Very much so, Senator, not only in the volume but also in the support that is out there from virtually the unanimous Judeo-Christian community. As the Senator knows, the principal debate that we have around here on the increase in the minimum wage is what its impacts will be on the economy and what will be the impact in terms of jobs and job losses.

As the Senator is a strong supporter of the increase, he knows we have addressed those and will welcome the opportunity to address them in the debate. I find so moving the fact that here are the representatives of the great Judeo-Christian ethic—really, of most of the great religious groups in our country that are talking about this as a moral issue.

I think none of us, perhaps, want to be out here putting forward that we have the moral position on a particular issue, and we can all understand that all of us have differing views about it. We respect each other's differing views. What I found very, very powerful is the underlying, continuing, strong, strong, overwhelming support, overwhelming support of the religious groups across the spectrum, what might be considered some of the most conservative of the various religious groups—others, as well—that are uniformly, universally and strenuously urging, on the basis of the dignity of the individual, the dignity of the family, the dignity of work, the dignity of service in the human condition, that this is a moral issue of importance and virtually every one of the various churches, through their own means and mechanisms, have virtually gone on record in terms of the support for this measure.

I appreciate the Senator's comments. I ask the Senator a question myself. As we move now 20 minutes away from the cloture vote, would he not agree with me that the Senate is not in a filibuster about illegal immigration, but basically we are in a filibuster on the minimum wage. I tried to point out that we are in day No. 5 now on the questions of illegal immigration. Most of us have supported the increase in the Border Patrol, although there has been some difference on the various pilot programs being developed to try and deal with the issues of jobs and the job-pull issue and amending the various numbers of cards to make them tamperproof and other factors.

Would the Senator not agree with me, as he is the Democratic leader, I do not detect that there is a desire of any Member on our side to have a filibuster. We are prepared to address those issues in a timely way and move forward. That we are here this evening on a procedural vote to close down the debate is really about the unwillingness of the majority to permit a simple vote on the increase in the minimum wage, an issue which more than half of the Senate has indicated they wanted to address and that they did support.

Does the Senator, as a leader and as someone who knows the Senate well, find it a rather extraordinary circumstance where most Americans say, ''They are voting on a filibuster on illegal immigration; why are they doing that when that really has nothing to do with it at all''?

Mr. DASCHLE. I am pleased to be able to respond to the Senator from Massachusetts, that was really the reason I wanted to come out, to address that very point. Obviously, there are some of our Republican friends who would like to make this current debate out to be a choice between having a vote on minimum wage or having a debate on minimum wage and having an opportunity to vote on immigration. That is a false choice, as the Senator knows.

There is absolutely no desire on the part of our Democratic colleagues to hold up the vote on the very legitimate question of how we address more effectively illegal immigration in this country. That is the purpose of the bill. I have heard the Senator from Massachusetts say on several occasions we could complete work on that bill in a day and a half. There was not any need to extend out this debate. There was not any need to fill parliamentary trees in an elaborate fashion to deny the opportunity to raise these questions.

We were prepared to vote on minimum wage with a half hour of debate. We could have done it last week. That was not done. So it is a false choice.

The false choice is that we are being told it is either one or the other. Well, they can delay a vote on minimum wage, but they cannot deny it. Sooner or later, this Senate will have the opportunity, as we know we must, to vote on this moral issue of minimum wage, to vote on this very important, critical opportunity to provide people with a working wage, a realization that it is those economic pressures that drive families apart and give them the kind of extraordinarily difficult challenges that they have to face on a daily basis, because they do not have the economic wherewithal to pay their bills on rent, groceries, heat, and all of the things that every one of us face.

So this is a moral issue. The Senator is absolutely right to point this out so ably and eloquently as he has. So it is not a choice we are willing to accept. It is a false choice. We will vote on immigration. We will vote for cloture this afternoon on the amendment. We will ensure that we get to the key issues relating to how we resolve the differences we have with regard to illegal immigration. We will vote on that, and, ultimately, we will have our vote on one of the most important moral and family issues of the day—minimum wage.

So I only answer the distinguished Senator from Massachusetts that we recognize the importance of this bill. We recognize the importance of getting on with a debate about the amendments pending, and we will do that. And one day we will have our vote on minimum wage as well. If it is not today, it will be tomorrow, this week, or next week. But we will have our vote.

Mr. KENNEDY. I thank the leader for that reassurance, because it has been under his leadership that this issue has come forward, and his strength and resolution has to be a reassurance to working families. We will be in the situation now, Mr. President, as the leader knows, where we will have cloture and we will have the time to dispose of amendments that will be related. We have some important ones. Then what happens is we will have a vote on cloture sometime in the next day or day and a half. And then that does not even end the bill. Then the bill will be open to further amendment. So we will have an opportunity to offer the minimum wage. But I will bet that the majority leader, or the spokesman, would try effectively to fill up the tree again, and then they will put cloture on that, and we will have to deal with that particular issue.

All that time—would the Senator not agree with me—we could have disposed of this issue and moved forward with it, and still we are being effectively denied. Does the Senator not agree with me, as the minority leader, he at least would do the best he could to find time that would not interfere with other kinds of scheduled legislative matters, so that we could have a fair debate in representing our side, to ensure that there would be a fair, but limited, debate on this, so that at least we could move this issue, which has been supported by a majority of Republicans and Democrats alike, through the Senate and move that process forward so there could be focus and attention on the House? I note that the House failed to realize that, but not by all that number of votes, in recent time.

Mr. DASCHLE. I respond to the Senator that, yes, indeed, we would be prepared to enter into any short time agreement. We would not have to have amendments. We have had the opportunity to debate this issue, to talk about it. In 1990, when this issue came to the Senate floor, the overwhelming majority of Democrats and Republicans voted for an increase in the minimum wage, overwhelmingly. It was, ironically, the same amount of money we are talking about now.

Now, unfortunately, we have lost more purchasing power than at any time in the last 40 years. We are forced, again, to face the issue. How do we address it if we cannot put it on a calendar in a way that will accommodate a bill in normal parliamentary circumstances? We have no recourse but

to offer it as amendments. That is what we will do. We will keep doing it, whether it is on immigration or any one of a number of other bills.

Certainly, we would be prepared to enter into any time agreement that will accommodate the schedule of our Republican colleagues, as well as the legislation pending.

Mr. KENNEDY. I thank the Senator for those assurances. We have all heard them expressed at different forums, but stating it here on the floor of the U.S. Senate so all Americans and our colleagues can understand it is about as clear and fair a position on what he is prepared to do as it can be. The assurance that we are going to keep coming back to this issue is, I think, very reassuring for working families.

I just ask, finally, of the Senator—and I will make some brief comments, because I see my friend and colleague on the floor here. It has been interesting to me—I know the Senator has been following this issue—that we have not had, since 2 o'clock or so, or even before that during the morning—one Senator that has come out to the floor and said, ''No, we should not vote for cloture.'' There has not been one that said, ''No, do not go ahead on that.'' The silence is deafening on this matter.

We are back into this sort of sham process and procedure, which effectively denies working families the kind of increase that they need. I thank the Senator for his comments.

I just mentioned to the Senator that I will include in the RECORD an excellent statement from Jane Motz at the American Friends Service Committee, a letter from Timothy McElwee, and a letter from Michael Newmark.

I ask unanimous consent that these letters be printed in the RECORD.

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

DEAR SENATOR: We are writing to urge you to vote in support of raising the minimum wage. . . . This is crucial to the livelihood of millions of people who, through changes in global economic processes over which they have no control, are finding it increasingly difficult to support their families.

The American Friends Service Committee is a Quaker organization committed to social justice, peace, and humanitarian service. Our experience has shown us the incredible hardships and suffering caused by poverty, as well as the disproportionate numbers of women, people of color, and children living in poverty. The decline in the real value of the minimum wage is a major factor in the ever-widening gap between the rich and poor in this country. The value of the current minimum wage is at its lowest in 40 years, and the United States now has the largest gap in wage levels of any industrialized country.

Raising the minimum wage to $5.15 per hour is a much-needed step toward addressing these inequities. It would provide relief for 4 million families trying to survive on the current minimum wage, as well as for 8 million more who work now for less than $5.15 per hour. . . . Such an increase can only help those who are struggling to feed their families. It is all the more crucial in light of current budget cuts that will reduce access to social services in times of need.

We urge you, therefore, to adopt an increase in the minimum wage to $5.15.

JANE MOTZ,
American Friends Service Committee.

DEAR SENATOR: The Church of the Brethren is very concerned about the growing gap between the rich and the poor in this country, the largest wage gap of any industrialized country. Sixty-nine percent of minimum wage workers are adults, not teenagers, and women comprise sixty percent of minimum wage workers. At a time when Congress seeks to limit the time during which a person may receive welfare, it is counterproductive and dangerous to force people into jobs that pay $4.25 an hour. A single mother of two children who earns this wage finds that her family is trapped nearly thirty percent below the federal poverty level. The minimum wage must be raised to ensure that families can support themselves with adequate food, shelter, clothing, and health care.

The Church of the Brethren 1988 General Board Resolution states that we must ''work for public policies at the federal, state, and local levels that would provide wages that enable persons to live in dignity and in freedom from want.''

Please vote in favor of raising the minimum wage and support those who work hard to sustain their families.

TIMOTHY A. MCELWEE,
Church of the Brethren.

DEAR SENATOR: On behalf of the National Jewish Community Relations Advisory Council, we urge you to support upcoming legislation to increase the minimum wage. The NJCRAC is the national coordinating and advisory body for the 13 national and 117 community agencies comprising the field of Jewish community relations. . . . Consistent with long-standing NJCRAC policies regarding poverty and welfare reform, we have supported legislative proposals which enable individuals to move from dependency to economic self-sufficiency, including an increase in the minimum wage.

Erosion in wages, especially for low-paying jobs, is a major factor underlying persistent poverty and a steadily widening income gap. Adjusted for inflation, the value of the minimum wage has fallen nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979. As a result, the income of a worker in a full-time, year-round minimum wage job is not sufficient, at the present time, to sustain a family of three above the Federal poverty level.

For these reasons, the NJCRAC urges you to support legislative action to increase the minimum wage.

MICHAEL NEWMARK, *Chair,*
National Jewish Community Relations Advisory Council.

Mr. KENNEDY. Mr. President, that has been the ongoing and enduring theme of each one of these measures, which are typical, and it is expressed so well in those simple words that all of the great religions have stated clearly—that they believe this increase in the minimum wage is a moral issue. The basic reason for it is that we must ''work for public policies at the Federal, State, and local levels that would provide wages that enable persons to live in dignity and in freedom from want.''

That says it all, Mr. President.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I would like to take a minute or two because I have heard the arguments about minimum wage for 20 years now. As a matter of fact, when I was chairman of the Labor Committee, or ranking member to the distinguished former chairman, Senator KENNEDY, we got into a lot of battles over minimum wage.

I come at it maybe from a different perspective. I understand that Senator KENNEDY believes he is fighting hard for poor people. I commend him for the efforts he has made through the years to do that. I have a lot of respect for some of the things he has done. On the other hand, I feel that many things he has argued for have been detrimental to poor people.

I was raised in an environment where I knew what it was really like to be hungry, to not have quite enough food. We did not have indoor facilities in our home when I was raised in the early years. Gradually, my dad was able to, by fighting and scratching, get us indoor facilities. But I can remember that, as a high school kid, I had to work my way through high school. I did not have a chance. If I could not have earned money going to high school, I do not know that I could have finished. I had to work my way through college and law school. In college, I was a janitor. I earned 65 cents an hour. I was so grateful for that job, I cannot begin to tell you. I was grateful in high school to work in a gas station where I worked very hard. I was captain of the basketball team. I would go to basketball practice, and afterward I would go work in the gas station so that I could buy some of the shoes and clothes that I had to have to be able to just go to school. But I never had the clothes most of the kids in that school district had.

As a matter of fact, we lived in the poor end of the borough. There was a very wealthy end of the borough. So I really saw the contrast between those who were wealthy and those who were poor.

I have to tell you. Speaking for those who maybe do not have the skills and do not have the opportunities that others had, every time the minimum wage goes up those people are left in the cold. And there are hundreds of thousands of them that are left in the cold because people just simply will not pay the higher minimum wage. They will do without the people, or they will quit their businesses. That happens all over America. You cannot ignore it.

It would be far better for us to find other mechanisms than a phony mechanism that raises the floor so that those in the union movement can make higher demands at the top. This has been a fiction for years. If the minimum wage goes up 10 percent or 15 percent, then the unions come in and say, ''We deserve 10 or 15 percent.'' We wonder why we have these intermittent but very sustaining cycles of inflation.

It would be far better to do other things for the poor and for those who

are at that lower end of the ladder. As we all know, not many total supporters of their households are on minimum wage. For a lot of these kids that take these minimum-wage jobs, it is only a matter of time until with the incentives and with their own desires to get ahead that they can move on, having acquired some skills for jobs that pay more than the minimum wage. That is what really has happened.

I do not want to continue this debate because I know that the distinguished Senator from Massachusetts is very sincere, and I commend him for that. But all the sincerity in the world does not make it necessarily right.

I would like to put it in the RECORD, but at this particular point let me just make a few comments from the Wall Street Journal editorial today.

It said:

It is true that it's now possible to get a few economists, including a couple of Nobel laureates such as Robert Solow, to stand up in public and advocate a higher minimum wage. This is supposed to reflect a study or two that fetched up no job losses from higher minimums; our own suspicion is that it has much more to do with the intellectual bankruptcy of the Democratic Party such economists largely support. As the symposium on this page last week demonstrated, the general consensus of the profession remains firm.

James Buchanan, the 1986 laureate for his work on public choice, said it best: ''The inverse relationship between quantity demanded and price is the core proposition in economic science.'' To assert that raising the minimum wage would actually increase employment, he continued, ''becomes equivalent to a denial that there is even minimal scientific content in economics.'' Merton Miller, a 1990 laureate for work on capital markets, asks of the notion that a minimum wage boost is costless, ''Is all this too good to be true? Damn right. But it sure plays well in the opinion polls. I tremble for my profession.''

The fact of the matter is that the article goes on to point out that:

The minimum wage, however, points all of the incentives in the wrong direction. Yes, some Republicans have themselves defected for their own personal reasons, and it's conceivable that if the GPO resists, the increase will pass. But so what? It is more important that the Republicans start to assert principles, as they did when they dominated the Congress and the national discussion. That is, they need to get the ball and go back on the offensive.

What the public above all wants is for politicians to stand for something, to give voters a clear choice. Our own view is that voters are pretty smart, and can understand the doleful effect of minimum wages if someone starts to explain it to them. If Republicans do this, we predict, they will come back next year with plenty of votes not only to roll back any increase but end the minimum wage charade once and for all.

Those are harsh words, but I think they are true and accurate.

Frankly, I think we have to get back to the real bill at hand, and that is the illegal immigration bill and get over these side political shows and do what really ought to be done on immigration. And then let us face this problem on the minimum wage up and down with full-fledged debate. And, if that is what it takes, I think we should make the points that I think I personally can make as somebody who did not have much of a chance when I was younger, who had to work at the minimum wage, and who worked for peanuts to be able to go through but gradually was able to work out of it because of the chance I had to have a job to begin with.

Frankly, that is what we ought to be more concerned about—the chance to have jobs to begin with, because once these kids start working and learn the value of working and the importance of working and the benefits from working, it is not long until they do not earn whatever the minimum wage is. They make far beyond that.

Mr. President, I ask unanimous consent that the full Wall Street Journal article be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 29, 1996]

REPEAL THE MINIMUM WAGE

The past two years confirm Bill Bennett's observation that politics is a ball control game; if you're not on offensive you're on defense. The House Republicans dominated Washington until they'd passed most of their Contract, but the Clinton Administration managed to grab the ball, and now dominates the game even with a crackpot idea like the minimum wage.

The Republicans many be learning. With their decision to block a House vote of the minimum wage increase, they have already staunched the talk of a GOP rout. They should now throw down the gauntlet to House Democrats and the few Republican turncoats: We are not going to schedule a vote now or ever. Two years ago, we won a big battle with the Inhofe resolution, revitalizing the discharge petition, in which Members can force release of legislation the leadership has stalled. If you democrats are serious about wanting vote, get up your discharge petition.

We Republicans are going to fight you every inch of the way because we believe the minimum wage hurts poor people, killing jobs on the first rung of the career ladder for the most vulnerable members of society. Since we believe this we are not going to compromise; no matter what other goodies may be attached, we will never vote for an increase. Especially, we will not buy the argument that since this increase is a modest one, it won't destroy *many* jobs. Indeed, when we take firmer control of the Congress next year, we are going to vote for a big change, repealing the minimum wage kit, kat and caboodle.

It is true that it's now possible to get a few economists, including a couple of Nobel laureates such as Robert Solow, to stand up in public and advocate a higher minimum wage. This is supposed to reflect a study or two that fetched up no job losses from higher minimums; our own suspicion is that it has much more to do with the intellectual bankruptcy of the Democratic Party such economists largely support. As the symposium on this page last week demonstrated, the general consensus of the profession remains firm.

James Buchanan, the 1986 laureate for his work on public choice, said it best: ''The inverse relationship between quantity demanded and price is the core proposition in economic science.'' To assert that raising the minimum wage would actually increase employment, he continued, ''becomes equivalent to a denial that there is even minimal scientific content in economics.'' Merton Miller, a 1990 laureate for work on capital markets, asks of the notion that a minimum wage boost is costless, ''Is all this too good to be true? Damn right. But it sure plays well in the opinion polls. I tremble for my profession.''

With intellectual firepower such as that on their side, why are Republicans so cowed by the minimum wage debate? Too much attention to the polls and the Beltway press corps, neither of them good barometers of the real mood of the country or especially eventual election returns, in which campaigns and debates typically change the first-blush poll numbers. And most especially, decades-long moral intimidation by Democrats waving bloody shirts about ''the poor.'' The minimum wage *hurts* the poor, and the more so the higher it's raised.

Now, that is not to say there aren't problems to be dealt with. Republicans are right to think about ways to put more money in the pockets of beginning workers, particularly by taxing them less heavily. Under the incentives now in place, employers are shifting more beginning workers to ''independent contractor'' status, where these workers bear both sides of the payroll tax. Then they are trying to help their lowest paid with daycare and other in-kind benefits not subject to the payroll tax. For older workers, Republicans should be repealing earnings limitations on Social Security recipients. It is indeed important to look to incentives for work, efficiency and production.

The minimum wage, however, points all of the incentives in the wrong direction. Yes, some Republicans have themselves defected for their own personal reasons, and it's conceivable that if the GOP resists, the increase will pass. But so what? It is more important that the Republicans start to assert principles, as they did when they dominated the Congress and the national discussion. That is, they need to get the ball and go back on the offensive.

What the public above all wants is for politicians to stand for something, to give voters a clear choice. Our own view is that voters are pretty smart, and can understand the doleful effect of minimum wages if someone starts to explain it to them. If Republicans do this, we predict, they will come back next year with plenty of votes not only to roll back any increase but end the minimum wage charade once and for all.

TEMPORARY AGRICULTURAL WORKERS

Mr. CRAIG. Mr. President, I have filed, and have been prepared to offer, an amendment on behalf of myself and Senator GORTON.

Mr. President, there is an old joke about the tombstone engraved with the words, ''I told you I was sick.''

There are many of us in this body who do not want to come down to the floor of the Senate in October and say: We told you so. We told you the H–2A temporary agricultural worker program was broken. And now there are crops rotting in the fields and supermarket bins are empty or produce prices are going through the roof.

There is no satisfaction in being able to say ''I told you so,'' when we have an opportunity to fix a problem before it becomes a crisis.

This is the first Congress in my memory that has made some real attempts to do just that—practice preventive legislating—most notably in our attempts to enact the first balanced budget in a generation.

We have an opportunity to prevent a crisis this year by reforming the H–2A temporary agricultural worker program in our immigration law.

The H–2A program was created because agriculture has a need, in many cases, for workers on a seasonal basis. This creates a unique combination of opportunities and problems for employer and employee.

Most growers are able to employ employees who are citizens or otherwise in this country legally.

And many growers earnestly believe they are doing exactly that. But, when a job applicant shows up with apparently valid documents showing the applicant is a citizen or is here legally, the employer has no choice but to accept those documents. This usually means he or she has no choice but to hire that applicant, for at least two reasons: First, to avoid costly and lengthy litigation or prosecution over an alleged civil rights violation. And, second, because there is no other qualified applicant for that job.

This Senate should and will, under the leadership of the chairman, Mr. SIMPSON, pass legislation that tightens up our borders and stems the tide of illegal immigration.

When that happens, many innocent employers are going to be surprised when their labor pool contracts or disappears.

When that happens, as early at this fall, American agriculture—that sector of the economy that puts the food on all our tables—will face a crisis.

Therefore, we are offering today a compromise amendment that would help prevent that crisis.

I note that our amendment is a compromise. The House considered and rejected a broader, new program. Our amendment merely reforms the current H–2A program. It would—

Streamline and simplify administrative procedures; expedite processing; and provide basic worker protections that both ensure that temporary immigrant workers do not displace American workers and protect those workers from exploitation.

I want to emphasize: The original H–2A program was needed, and these reforms are needed, because there simply are not enough American workers who are available to take these seasonal, temporary jobs. We propose to allow the legal employment of a legal, temporary immigrant, only when there is not an American worker available for that job.

Mr. SIMPSON. I appreciate and recognize the concerns of the Senator from Idaho [Mr. CRAIG] and our other colleagues in this area.

I commend my colleagues for coming here with a concrete, compromise proposal and respectfully suggest the most appropriate next step would be to fully consider this proposal in the Immigration Subcommittee.

The H–2A program was intended to fulfill all the purposes my friend mentions and I do want to work with my colleagues to make certain this program is workable and meets the needs it is intended to meet.

Mr. CRAIG. I thank the chairman for his willingness to look into and address this problem. I look forward to working on this issue with the chairman and our other colleagues in the coming weeks and months.

Senators WYDEN, KYL, LEAHY, and others, including this Senator, also have filed an amendment, which I understand will be included in the managers' amendment. That amendment:

Expresses the sense of the Congress that—

The potential impact revising our immigration laws will have on the availability of an adequate agricultural work force should be assessed; and any needs in this area should be met through a workable H–2A program; and provides for the GAO to promptly conduct a study and report back to Congress.

I commend that amendment to my colleagues' attention and strongly urge adoption. If that amendment is adopted, then I do not intend to pursue the Craig-Gorton amendment at this time, and will continue to work further with the chairman and the committee on this issue.

Mr. HATCH. Mr. President, I understand this has been cleared on both sides.

I ask unanimous consent that the pending motion and amendments thereto on amendment No. 3744 be temporarily set aside for the consideration of a manager's amendment that I understand has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3866 TO AMENDMENT NO. 3743

(Purpose: To make manager's amendments to the bill)

Mr. HATCH. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. SIMPSON, proposes an amendment numbered 3866 to amendment numbered 3743.

Mr. HATCH. 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.'')

Mr. WYDEN. Mr. President, I would like to thank Senator SIMPSON and Senator KENNEDY for working with me and my cosponsors to craft a bipartisan amendment to commission a GAO study on the effectiveness of the H–2A Guest Worker Program.

It seems to me that the H–2A Program works for no one. From what I have heard from growers and from farmworker advocates on this program: First, it does not effectively match up American workers with employers who need labor; second, it is administratively unwieldy for growers, potentially leaving them at the date of harvest without sufficient labor; and third, there are cases where the labor protections under the program have been poorly enforced and some growers have driven out domestic laborers in favor of foreign labor through unfair employment practices.

It seems to me that this program can use a good, hard look on a number of fronts, and this is why I am proposing a GAO report so that an outside agency can take a balanced look at the effectiveness of this program.

I am concerned about this issue because agriculture is one of Oregon's largest industries. It generates more than $5 billion in direct economic output and another $3 to 5 billion in related industries.

According to the Oregon Department of Agriculture, roughly 53,000 jobs in Oregon are tied to the agricultural industry. Let me clarify: these are not seasonal or temporary jobs, these are good, permanent, American jobs. If we add on seasonal workers, we are talking about 76,000 to 98,000 jobs in Oregon.

When we are talking about this many jobs in my State of Oregon, I don't want to be flip or careless about any changes to any statute that might adversely affect these jobs or this industry. At the same time, I certainly don't want to see the creation of a new Bracero Program.

In my mind I set some simple goals for looking at the H–2A Program: First, we have to make sure that the U.S. agriculture industry is internationally competitive, and second, we have to make sure that American farmworkers are not displaced by foreign workers and that they have access to good jobs, where they can earn a fair day's wage for a fair day's work.

With these goals in mind, I think that we can design a reasonable system to meet labor shortages, if and when they occur.

It is an understatement to say that the issue of the H–2A Program for bringing in temporary guest workers is polarized. Labor unions and advocates for farmworkers feel that the H–2A Program is barely a notch above the old, abusive Bracero Program. Growers feel that far from giving them access to cheap labor, the H–2A Program is extraordinarily costly and almost totally unusable and that the Department of Labor is openly hostile to their interests.

Given the passions surrounding this issue, I think that it's important that we begin any process of redesigning this program by bringing in an independent, outside agency to take a look at H–2A to try to sift out what is actually happening, and what can be done to make this program an effective safety valve, if indeed, after immigration reform legislation passes, there ends up being a shortage of American workers who are able and willing to take temporary, agricultural jobs.

I and my cosponsors, along with Senator KENNEDY and Senator SIMPSON, have agreed that it is important for the GAO to look at four issues:

First, that able and willing American workers are efficiently matched up with employers seeking labor.

I have heard criticism of the H–2A Program from both the growers and from farmworker advocates. According to the testimony by John R. Hancock, a former Department of Labor employee, before the House Committee on Agriculture December 14, 1995,

> Only about 10–15 percent of the job openings available with H–2A employers have been referred by the Employment Service in recent years, and the number of such workers who stay on the job to complete the total contract period has been minimal.

Similarly, a briefing book sent to me from the Farmworker's Justice Fund cited the Commission on Agricultural Workers' finding that ''the supply of workers is not yet coordinated well enough with the demand for workers.''

So, it seems that we all can agree that we seriously need to evaluate how we match up workers with employers who are experiencing labor shortages.

Second, if and when there is a shortage of American workers willing to do the necessary temporary, agricultural labor, there will be a straightforward program to address this shortage with temporary foreign workers.

I have been assured that across the country there are hundreds of thousands of migrant farmworkers, ready, willing and able to work. If there is no such shortage, then clearly there is no need for growers to use the H–2A Program.

However, growers in Oregon and across the country are afraid that if this legislation is effective in cracking down on false documents and cracking down on people who come across the border, then they will see their work force decline sharply.

Now as far as I can tell, no one can say for certain how many illegal immigrants there are in this country and how many are part of the migrant labor work force. But I know from visiting with folks in Oregon, that there is nothing that makes a farmer lose more sleep at night than worrying about his or her fruit, or berries, or vegetables, rotting in the field because there is no one there to pick it.

I know that many say that a farmer could get as much labor as he wanted if the wage was high enough. I want to make clear that I strongly support making sure that seasonal, agricultural workers get a good, living wage. I strongly support ensuring that they have good housing, and workers compensation, and safe working conditions.

But I do think we have to be realistic that if we want to keep a competitive agricultural industry, these temporary, seasonal jobs are never going to make a person a millionaire; these jobs are always going to involve tough, physical labor, and they most likely aren't going to be filled by out-of-work engineers.

So it seems to make sense to me that because we want our agricultural industry to be the most competitive in the world, that if and when there is a labor shortage of people who are willing and able to do temporary, seasonal work, there should be an effective way for the farmer to get help to harvest the crop.

I don't want to have to scramble while the food rots in the field to fix the H–2A Program. Let's straighten it out now. Hopefully, we'll never have to use it—but if we do, let's have something that is usable.

Third, if and when a farmer uses the H–2A Program, the program should not directly or indirectly be misused to displace U.S. agricultural workers, or to make U.S. workers worse off.

There are a lot of stories about misuse of the H–2A Program —I find these appalling. I do not think that the H–2A Program should be used as a conduit for cheap foreign labor, as a substitute for already available American workers.

It seems to me that everyone admits that there are some abusive employers. There are employers who have manipulated the piece rates to pay people lower wages. There are employers who, once they get into the H–2A Program, never again look for American labor. I think that this program needs careful scrutiny to ensure that workers are treated fairly—that they get a fair wage for a fair day's work, that they have places to live and reasonable benefits, and that we don't bring in foreign workers to the detriment of American workers here.

Many of the problems I hear about with the H–2A Program from farmworker advocates seem to stem from a lack of enforcement in the program. Perhaps this is something that we also need to look at—what mechanism can make sure that this program is enforceable.

Fourth, finally, I believe that it is important that we do not undermine the intent of this bill to ensure that we stop the flood of illegal immigrants coming across the border. We would ask GAO to look at the extent to which this program might cause an increase in illegal immigrants in this country.

I know that a number of concerns have been expressed about overstays among temporary workers. Obviously, our primary concern with this entire legislation is that we get some control over the illegal immigrants coming into this country, and it is important that we don't close the door in one place, only to open a backdoor elsewhere.

I know that the tensions over the guest worker issue run deep. I hope that with this GAO report we can start to take an objective, balanced look at what this guest worker program will mean both for farm workers and for employers, and how it can operate so it is fair to both.

Mr. LEAHY. Mr. President, I commend Senator RON WYDEN for offering an amendment to require the General Accounting Office [GAO] to review and report on the effectiveness of the H–2A Nonimmigrant Worker Program after passage of immigration reform legislation.

I have heard from many agriculture and labor groups about the importance of H–2A Nonimmigrant Worker Program. In my home State of Vermont, for example, apple growers depend on this program for some of their labor needs during the peak harvest season. Many of these farmers have concerns with the current operation and responsiveness of the H–2A program. Both farmers and laborers are concerned that passage of legislation to reform the Nation's immigration laws may further hamper the effectiveness of the H–2A Nonimmigrant Worker Program. I believe this amendment goes a long way in addressing their concerns.

I am proud to cosponsor this amendment because I believe it will result in the collection of public, nonpartisan information on the effectiveness of this essential program. It directs the GAO to 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. And it requires the GAO to issue a timely report to the public on its findings. I am hopeful that the GAO study will provide a foundation for improving the program for the sake of agricultural employers and workers.

I also believe that this amendment crafts a careful balance between the needs of agricultural growers and the protection of domestic and foreign farm workers. The amendment calls on the GAO to review the H–2A Program to determine if it provides an adequate supply of qualified U.S. workers, timely approval for the applications for temporary foreign workers, protection against the displacement or diminishing of the terms and conditions of the employment of U.S. agricultural workers.

I am hopeful that this GAO report will help the H–2A admissions process meet the needs of agricultural employers while protecting the jobs, wages, and working conditions of domestic workers and the rights and dignity of those admitted to work on a temporary and seasonal basis.

I urge my colleagues to support the Wyden amendment.

INS AMENDMENT

Mr. HARKIN. Mr. President, much of the debate on this floor is focused on how to strengthen our immigration laws. But whatever we pass will not mean much if we do not make sure that our States have the tools and support they need to enforce those laws in the first place.

My amendment, which is cosponsored by Senator BYRD and Senator DASCHLE that would require the Attorney General to provide at least 10 full-time active duty agents of the Immigration and Naturalization Service in each

State. These can be either new agents or existing agents shifted from other States.

In America today, immigration is not simply a California issue or a New York issue or a Texas or Florida issue. I can tell you that it is a real issue—and a real challenge—in my own State.

But today there are three States—including Iowa—that have no permanent INS presence to combat illegal immigration or to assist legal immigrants. In fact, in Iowa every other Federal law enforcement agency is represented except the Immigration and Naturalization Service.

This is a commonsense amendment. Ten agents is a modest level compared to agents in other States. According to INS current staffing levels, Missouri has 92 agents, Minnesota has 281 agents and the State of Washington has 440. And Iowa, West Virginia, and South Dakota have zero. This just does not make any sense.

Clearly every State needs a minimum INS presence to meet basic needs. My amendment would ensure that need is met. It would affect 10 States and only require 61 agents which is less than 0.3 percent of the current 19,780 INS agents nationwide.

Let me speak briefly about the situation in my own State. Currently, Iowa shares an INS office located in Omaha, NE. In its February report, the Omaha INS office reported that they apprehend a total of 704 illegal aliens last year for the two State area. This number is up by 52 percent from 1994.

The irony here is that in 1995, the INS office in Omaha was operating at a 33 percent reduction in manpower from 1994 staff levels. Yet the number of illegal aliens apprehended increased by 52 percent that year.

This same report states that there are about 550 criminal aliens being detained or serving sentences in Iowa and Nebraska city-county jails. Many of these aliens were arrested for controlled substance violations and drug trafficking crimes.

A little law enforcement relief is on its way to Iowa. The Justice Department announced that it will establish an INS office in Cedar Rapids with four law enforcement agents. That is a good step. And it is four more agents then we had before. But we need additional INS enforcement to assist Iowa's law enforcement in the central and western parts of our State.

In fact, the Omaha district office assesed in their initial report to the Justice Department that at least 8 INS enforcement agents are needed simply to handle the issue of illegal immigration in Iowa.

Mr. President, in the immigration reform legislation before the Senate this week, the Attorney General will be mandated to increase the number of Border Patrol agents by 1,000 every year for the next 4 years. Yet for Iowa, the Justice Department can only spare 4 law enforcement agents and no agents to perform examinations or inspections functions.

By providing each State with its own INS office, the Justice Department will save taxpayer dollars by reducing not only travel time but also jail time per alien, since a permanent INS presence would substantially speedup deportation proceedings.

There is also a growing need to assist legal immigrants and to speed up document processing. The Omaha INS office reported that based on its first quarter totals for this year the examinations process for legal immigrants applying for citizenship or adjusting their status went up 45 percent from last year. Even though, once again, the manpower for the Omaha INS office is down by one-third.

I have recommended that permanent INS office in Des Moines be located in free office space that would be provided by the Des Moines International Airport. Placing the office in the Des Moines International Airport would benefit Iowa in three ways. First, it would cut costs and save taxpayers money. Second, it would generate economic benefits for Iowa because the airport could then process international arrivals and advance Iowa's goal of becoming increasingly more competitive in the global market. Third, the office would be able to process legal immigrants living in Iowa.

I urge my collegues to join in support of my amendment. It is common sense, it is modest, and it sends a clear message to our States that we are committee to enforcing our immigration laws and giving them the tools they need to do it.

Mr. DASCHLE. Mr. President, I fully support Senator HARKIN's amendment to require the INS to have full-time staff in every State. Currently, South Dakota is one of only 3 States that do not have a permanent INS presence. Although South Dakota does not have the problems with immigration faced by States like California, there has been a dramatic growth in immigration, both legal and illegal, into the State and particularly into Sioux Falls. As immigration increases, it has become necessary to step up enforcement of the immigration laws nationwide, including in South Dakota.

In addition, citizens and legal residents who need help from the INS need to have an office in South Dakota to serve them. Now, they must journey to either Minnesota or Colorado. That is a huge burden on the residents of South Dakota.

Senator HARKIN is to be commended for addressing these problems and ensuring that South Dakota will have help from the INS to prevent illegal immigration and to facilitate the needs of legal residents and citizens.

Mr. CONRAD. Mr. President, my amendment is the same amendment that was added last week by unanimous consent to S. 1028, the health insurance reform bill. Although I am hopeful the House of Representatives will agree to retain the amendment during its conference with the Senate, that is not a certainty. The program this amendment extends is very important to my State and several others with large rural populations. But time is running out and this extension must be signed into law into the next few months. So I am offering the amendment today to S. 1664.

This amendment would extend what has become known by some as the Conrad State 20 Program. In 1994, I added a provision to the visa extension bill that allows state health departments or their equivalents to participate in the process of obtaining J–1 visa waivers. This process allows a foreign medical graduate [FMG} who has secured employment in the United States to waive the J–1 visa program's 2-year residency requirement.

As a condition of the J–1 visa, FMGs must return to their home countries for at least 2 years after their visas expire before being eligible to return. However, if the home countries do not object, FMGs can follow a waiver process that allows them to remain and work here in a designated health professional shortage area or medically underserved area. Before my legislation became law, that process exclusively involved finding an ''interested Federal agency'' to recommend to the United States Information Agency [USIA] that waiving the 2-year requirement was in the public interest. The law now allows each State health department or its equivalent to make this recommendation to the USIA for up to 20 waivers per year.

This law was necessary for several reasons. Despite an abundance of physicians in some areas of the country, other areas, especially rural and inner city areas, have had an exceedingly hard time recruiting American doctors. Many health facilities have had no other choice but turn to FMGs to fill their primary care needs. Unfortunately, obtaining J–1 visa waiver for qualified FMGs through the Federal program is a long and bureaucratic process that not only requires the participation of the interested Federal agency but also requires approval from both the USIA and the Immigration and Naturalization Service.

Finding a Federal agency to cooperate is difficult enough, considering that the Department of Health and Human Services does not participate. States who are not members of the Appalachian Regional Commission, which is eligible to approve its own waivers, have had to enlist any agency that is willing to take on these additional duties. These agencies, such as the Department of Agriculture or the Department of Housing and Urban Development, often have little or no expertise in health care issues. Once an agency does agree to participate, the word spreads quickly and soon that agency can be flooded with thousands of waiver applications from across the country.

Because States can clearly determine their own health needs far better than

an agency in Washington, DC, my legislation now allows States to go directly to the USIA to request a waiver. It also is relieving some of the burden that participating Federal agencies have incurred in processing waiver applications.

The Conrad State 20 Program is still very new, and not every State has yet elected to use it. But the program is beginning to work exactly as I had hoped. At least 21 States have reported using it to obtain waivers. More States are expected to participate in the coming months. Unfortunately, the Conrad State 20 Program is scheduled to sunset on June 1, 1996, unless Congress approves an extension. The amendment I am offering would extend the program for 6 more years. This is not a permanent extension. The amendment would sunset the program on June 1, 2002.

My amendment also puts new restrictions and conditions on FMGs who use the Federal program. As a condition of using the Conrad State 20 Program to acquire a waiver. FMGs must contract to work for their original employer for at least 3 years. Otherwise, their waiver will be revoked and they will be subject to deportation. My amendment would apply the same 3-year contractual obligation for those who obtain a waiver through the Federal program.

We all know that State empowerment has been a major issue of the 104th Congress. The Conrad State 20 Program is one way of giving States more control over their health care needs. States that are using the program want to keep it operating for a few more years. They understand that this program does not take away jobs from American doctors, but instead is one more valuable tool to help serve the health care needs of rural and inner city citizens. The Senate passed my original legislation with strong bipartisan support. I am hopeful the Senate will agree that creating the Conrad State 20 Program was very worthwhile, and will agree to accept this modest, 6-year extension.

Mr. HATCH. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 3866) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I want to thank the managers of the bill, the distinguished Senator from Wyoming [Senator SIMPSON] and the distinguished Senator from Massachusetts [Senator KENNEDY] for accepting a bloc of three amendments that I offered to the immigration reform bill and including them in the manager's amendment that was just accepted by voice vote.

I have been deeply concerned about provisions in the bill that could have the effect, perhaps unwittingly, of perpetuating violence against immigrant women and children. Two years ago, Congress made a commitment to fight the epidemic of violence against women—all women—when we passed the historic Violence Against Women Act. That commitment should not be forgotten as we debate immigration reform. There are provisions in this immigration bill before the Senate today that could trap many women in abusive relationships.

Mr. President, it would be unconscionable for our immigration laws to facilitate an abuser's control over his victim. It would be unconscionable for our immigration laws to abet criminal perpetrators of domestic violence. It would be unconscionable for our immigration laws to perpetuate violence against women and children.

Domestic abuse is one of the most serious issues our country faces—not only for the people who are in danger in their own homes, but for all of us—when that danger, that abusive behavior learned at home, spills out into our streets and schools. Domestic abuse knows no borders. Neither race, gender, geography, nor economic status shields someone from domestic violence.

Every 15 seconds a woman is beaten by a husband or boyfriend.

Over 4,000 women are killed every year by their abuser.

Every 6 minutes, a woman is forcibly raped.

Some 70 percent of men who batter women also batter their children.

A survey conducted in 1992 found that more than half of the battered women surveyed stayed with their batterer because they did not feel they could support themselves and their families.

The Violence Against Women Act was enacted to ensure that women in the United States, living under all different kinds of circumstances, have every chance to create safe lives for themselves and their children.

For a battered immigrant woman to be eligible for the protections of the Violence Against Women Act, she must show that she: First, is the spouse of a citizen or lawful permanent resident of the United States; second, is eligible for immigrant classification based on that relationship; third, is residing in the United States; fourth, has resided in the United States with the citizen or lawful permanent resident spouse; fifth, has been battered by, or subjected to extreme cruelty by that spouse; sixth, is a person of good moral character; seventh, entered into the marriage in good faith; and eighth, that her deportation would cause extreme hardship to her or her child.

Many undocumented women are undocumented because they have been victims of abuse, and in many cases their abusers have interfered with or deceived them about the immigration process.

These women, victims of domestic violence who are eligible for lawful permanent residency, but who have not yet attained residency due to the actions or inactions of their abusers, should not be penalized as undocumented immigrants. Their undocumented status is most often not willful, but results from the abusive relationship.

I want to explain this carefully. Many of these women come into the country legally, with the sponsorship of their spouse. Once they are here, the abusive partner will use her immigration status as a means of coercing her into submission—for example, ''If you don't do whatever I say, I will call the INS on you and withdraw my petition.'' Often these women will leave the country with their spouse and then the spouse will force them to re-enter illegally. The spouse will sometimes not file the proper paperwork to petition for status, all the while telling his battered wife that he is taking care of the situation, and that her fate in the United States rests in his hands.

For example, Dania's case, originating in New Jersey, was recently brought to my attention. Dania is 27 years old. She came to the United States from India. Her husband Mihi, a U.S. citizen, told her that he would file for her to get permanent residence in the United States. Soon after they were married, he did file a petition. The couple resided with Mihi's family, who were verbally abusive to Dania and Mihi himself battered her with his fists, leaving visible marks on her face and body. The police responded to complaints from neighbors about the violence on several occasions. Mihi told Dania that if she did not do whatever he said, he would withdraw the petition he filed and have her deported.

Dania left her husband once and fled to a shelter. Soon after, he convinced her to take a ''reconciliation trip'' with him to India. When they got to India, he destroyed all of her documents including her passport. She obtained a passport and returned to the United States to find that Mihi had withdrawn his petition sponsoring her for legal status.

Mr. President, to treat Dania and these other VAWA eligible women as undocumented is to punish them for being victims of a crime. Remember, domestic violence is a crime, whether or not the victim has a green card.

Under this bill, these undocumented immigrant women would be ineligible for any means tested government assistance programs.

The first amendment in this bloc, accepted by the managers of the bill, would allow women who are eligible to file independently for legal residence under the Violence Against Women Act, but have yet to do so, and thus are ineligible for assistance, to receive certain benefits including AFDC and Medicaid, provided that they file for legal, permanent residence within 45 days.

Let's say a battered immigrant woman flees her abusive household in the middle of the night and goes to a domestic violence shelter. Prior to

going to the shelter, she may not have even known that the Violence Against Women Act existed, and therefore, she has never self-petitioned for residency. The next morning, the first thing she needs to deal with is not her immigration status, but with the more pressing needs of finding a temporary source of food, diapers and medical care for her child.

This amendment makes her immediately available for some of the public benefits that lawful permanent residents are eligible for, and then she has 45 days to file her claim for lawful permanent residency. If she fails to file the claim or the claim is denied, the benefits would be terminated.

Women fleeing abusive relationships need the transitional assistance that is provided by government public benefits programs. This amendment would allow these women to be eligible for a narrow set of means-tested government assistance programs. This discrete group of programs has been selected because they would provide bare bones support: supplemental security income; aid to families with dependent children; social services block grants; Medicaid; food stamps; and housing assistance.

If women who have been battered do not have access to this assistance, they are thrust into the untenable position of acquiescing to abuse or facing deportation when they ask for help.

Mr. President, I want to tell another story, because I think the best way to understand about some of these problems—which seem unimaginable to so many of us—is to hear about real people who these amendments would help. Guadalupe is an undocumented woman living in Oregon, who was not a legal resident due to the inaction of her husband and sponsor, a battered woman who could have successfully fled her hideously abusive marriage if she had been able to get some kind of transitional assistance for herself and her children.

Guadalupe is from Mexico and is married to Jose. They have had two children together. Jose applied for, and received, his legal residency. Throughout the 11 years of their marriage, he promised on many occasions to file for legal residency on behalf of Guadalupe. He never did.

Guadalupe was made to stay in the house and have no contact with anyone. The only time she left the house was on weekly shopping trips to the grocery store. Soon, even the trips to the store were a thing of the past and Guadalupe and her children would go for days with nothing to eat.

Jose would belittle, humiliate, rape, and sodomize Guadalupe in front of the children, and he explained to his 3-year-old son that he would be expected to do this as well when he got older in order to ''keep his mother and sister in line.'' When Guadalupe would attempt to defend herself and her children, Jose would pull out his pistol and threaten to kill her.

During one particularly bad incident of abuse, a neighbor became aware of what was going on and gave Guadalupe a shelter number. She moved to the shelter. Since neither Guadalupe nor her children have INS documentation, they were ineligible for public assistance and Guadalupe could not work because she doesn't have a green card. They were totally economically dependent on Jose.

She moved back in with him out of economic necessity and the abuse continued to escalate. Jose earned $2,000 a month, and yet his children suffer from malnutrition since he doesn't give Guadalupe any money to buy food. Jose repeatedly threatens to have Guadalupe and the children deported.

If Guadalupe had been eligible to receive some assistance right away, it might have been possible for her to start a new, safe, and secure life for herself and her children. This amendment would give Guadalupe and other women in similar, desperate circumstances, a chance at breaking free from abusive relationships and starting a safer life.

The second amendment accepted by the managers would protect battered women, also in the circumstance of needing some assistance, from being deported for being a ''public charge,'' that is to say, for temporarily relying on public assistance to escape the violence.

In order to be granted suspension of deportation under the Violence Against Women Act, battered women must overcome two tests: First, she must prove that she is eligible for suspension of deportation under the Violence Against Women Act.

To do so she must prove:

That she has been battered or the subject of extreme cruelty in the United States by a U.S. citizen or lawful permanent resident spouse;

That she has a valid marriage;

That she is of good moral character; and

That her deportation would cause extreme hardship.

Second, once she has proven this, the judge could still exercise judicial discretion and deport her regardless of her VAWA eligibility because she relied on public benefits in an effort to escape her abuse.

Under this bill, any legal immigrant who receives any means-tested Federal or State assistance for an aggregate of 12 months during her first 5 years in the United States is deportable as a public charge. For these purposes, means-tested Federal or State assistance programs include things like, if she got a Pell grant, in order to further her education and make it possible to get a better job to provide for herself and her children. A battered woman could also be deported for being a ''public charge'' if she enrolled a child in Head Start or any similar means-tested program. This standard has the effect of punishing people who are availing themselves of programs that are there to help make them self-sufficient.

Realistically, battered women often need to rely on public assistance to escape their violent surroundings. My second amendment, like the House bill, would allow battered women to be eligible for the same discreet set of government assistance programs that require means testing, those that I listed in conjunction with my last amendment, for 4 years without being considered a public charge. A 4-year time period was selected because research has shown that half of women on public assistance are off of assistance within 4 years. This amendment would provide an exception to the provision in the Senate bill that would make such a woman deportable.

Keep in mind that the decision to leave an abusive relationship is not an easy one. When a woman leaves she knows that two things will happen immediately—she, and if she is a mother, her children, will become homeless and they will likey lose all of their economic resource. She will immediately enter poverty. For a mother, this would be an enormous step to take.

My amendment is necessary under many different circumstances. For example, some shelters, as a safety precaution, condition residence upon a battered woman not returning to her place of employment. Many battered women do no work outside the home because the abuser does not allow it. In other cases the abuser has forbidden the abused woman from getting educational or employment skills that would make her self-sufficient. These are some of the many reasons battered women may rely on transitional public assistance as they flee.

Giving battered women a longer time on assistance before they are considered a public charge, and therefore deportable, is another way of giving abused women and their children a better chance at improving their circumstances.

The third amendment accepted by the Managers relates to a practice known as deeming, whereby the income of an immigrant's sponsor is attributed to the immigrant for the purposes of determining the immigrant's eligibility for public assistance. For example, an immigrant woman is sponsored by her U.S. citizen husband who signs an affidavit that he will support her. He earns $30,000 a year. That woman is deemed to have access to $30,000 a year, even if he is not supporting her in reality.

Deeming amounts to essentially pretending that an abusive sponsor is supporting a victim of domestic abuse and it renders her ineligible for the transitional public assistance that she would need to become independent, and would imprison her and her children in a violent situation. She would be without a means of economic survival and hence forced to return to her abuser. Many times, we see affidavits of support used as a tool by the abuser to prevent the victim from leaving.

My third amendment, similar to the House bill language, would eliminate

the practice of ''deeming'' for victims of domestic abuse for the first 4 years, and beyond 4 years if there is an ongoing need for the benefits and that need has been caused by the domestic abuse.

These 4 years give the battered woman an opportunity to become self-sufficient. Often when a woman leaves an abusive relationship she is desperate and scared. She fears for her life because leaving can be the most dangerous time for her. She has probably lost all of her self-esteem and self-confidence because of the battering. The process of putting her life and the lives of her children back together can be slow.

As a community, we need to encourage women and children recovering from an abusive situation to become a strong, healthy, independent family. To set ''one size fits all'' provisions and arbitrary time limits for immigrant women is unfair, unreasonable and unconscionable. It shows no understanding of the trauma that a women go through.

Just think of Monica Seles, the tennis star who was stabbed while on the tennis court. It took her 2 years to return to tennis due to the post traumatic stress disorder caused by a single attack. Although this was indeed a terrible, terrible trauma, consider the effect of years of battering and abuse some women suffer in their own homes, and think what it must take to recover from that kind of abuse.

As we strive to reform our immigration policies in a thoughtful, and not punitive manner, we must be careful that proposed reforms don't eliminate protections that help women and children, particularly vulnerable women and children, escape dangerous, violent homes.

Mr. President, all of the amendments I have offered today relating to domestic violence have been offered for the purposes of keeping the landmark legislation, the Violence Against Women Act, the strong protection for abused women and their children that it was intended to be.

We have made a lot of progress in the past few years, but there is still a large gap in the public awareness and understanding of domestic violence. It takes community support and assistance for women and children to take the first step to become safe. My fellow Senators and I have a perfect opportunity to set an example to the community today.

Mr. HATCH. 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. 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.

Mr. SIMPSON. Mr. President, I believe now we should go to the regular order, and we are prepared to do that.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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, 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.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3743 to S. 1664, the Illegal Immigration Reform Act, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. SMITH], and the Senator from Tennessee [Mr. THOMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote ''yea.''

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] and the Senator from Connecticut [Mr. DODD] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote ''aye.''

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—91

Abraham	DeWine	Inouye
Akaka	Dole	Johnston
Ashcroft	Domenici	Kassebaum
Baucus	Dorgan	Kempthorne
Bennett	Exon	Kennedy
Biden	Faircloth	Kerrey
Bingaman	Feingold	Kerry
Bond	Feinstein	Kohl
Boxer	Ford	Kyl
Bradley	Frist	Lautenberg
Breaux	Glenn	Leahy
Brown	Gorton	Levin
Bryan	Graham	Lieberman
Bumpers	Gramm	Lott
Byrd	Grams	Lugar
Campbell	Grassley	Mack
Chafee	Gregg	McCain
Coats	Harkin	McConnell
Cochran	Hatch	Mikulski
Cohen	Hatfield	Moseley-Braun
Conrad	Heflin	Murray
Coverdell	Helms	Nickles
Craig	Hollings	Nunn
Daschle	Hutchison	Pell
Pressler	Sarbanes	Thomas
Pryor	Shelby	Thurmond
Reid	Simon	Warner
Robb	Simpson	Wellstone
Rockefeller	Snowe	Wyden
Roth	Specter	
Santorum	Stevens	

NOT VOTING—9

Burns	Inhofe	Murkowski
D'Amato	Jeffords	Smith
Dodd	Moynihan	Thompson

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 3744 AND MOTION TO RECOMMIT WITHDRAWN

Mr. SIMPSON. Mr. President, I withdraw the pending motion to recommit and amendment No. 3744.

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

The motion to recommit and the amendment (No. 3744) were withdrawn.

CLOTURE MOTION

Mr. SIMPSON. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

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:

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 calendar No. 361, S. 1664, the illegal immigration bill:

Bob Dole, Alan Simpson, Craig Thomas, Hank Brown, R. F. Bennett, Dirk Kempthorne, Judd Gregg, Bob Smith, Trent Lott, Jon Kyl, Rod Grams, Fred Thompson, John Ashcroft, Bill Frist, Orrin Hatch, Chuck Grassley.

Mr. KENNEDY. Mr. President, the floor manager and I have visited about what we might expect through the evening and into tomorrow. It is our best judgment that we will have an amendment dealing with the Cuban-Asian adjustment that Senator GRAHAM will speak to this evening, and then we will have the final debate as the first order of business tomorrow. Then Senator GRAHAM has indicated that he would follow up with a presentation on one of his amendments dealing with the welfare provisions on the underlying legislation with the opportunity to have, again, briefer debate on that measure tomorrow.

Then it is our hope that we will be able to, as I understand it, go from side to side in terms of the amendments themselves. We will obviously do the best we can to accommodate different Members and their time schedule. That has been certainly the agreement.

We want to express our appreciation to Senator SIMPSON for that measure. We will move through the course of the day. I have spoken to a number of our colleagues to urge the early consideration of their amendments in a timely way in the midmorning and later morning so we can make some real progress on this bill.

We can see that there is no desire on our part to delay this legislation. It was a unanimous vote, virtually, on the cloture. As I mentioned earlier, what is underlying this whole effort is really the question about whether we will get a debate or discussion on the issue of minimum wage. I made that presentation earlier.

We can see from all of our sides we are prepared to move ahead. We are going to work with the manager of the bill and try and give as much notice to our colleagues as is possible in terms of the amendments that are coming up. We urge all of them to give the focus and attention to this subject now because there is a series of very important amendments that will be coming up through the day and tomorrow, and then it will be up to the leaders about how late we meet tomorrow evening and into Wednesday.

Mr. SIMPSON. Mr. President, as always, over the years, in dealing with this issue of illegal immigration and legal immigration, I appreciated the courtesies and attention of the Senator from Massachusetts.

That is evident again. He has a very serious issue he wants to bring before the U.S. Senate. We understand that. I understand that. I would be doing the same were I in his role. I do regret that the procedural aspects of the last few days made it appear that we were doing the business all over here, and that was unfortunate.

We moved some amendments without, perhaps, doing the usual procedure of back and forth and back and forth. So we will now go to Senator GRAHAM, and that is the Cuban Adjustment Act rather than the Cuban-Haitian. It is not a Cuban-Haitian issue. It is a Cuban Adjustment Act issue.

I will define it as an anachronism, and in other terms, a little later. And then he may, if he desires, go forward with a second amendment to reduce my level of guilt.

Mr. GRAHAM. Mr. President, I want to assure my good friend from Wyoming that reducing his level of guilt, or, frankly, any other emotion that he might feel, is not the purpose of this, but it is rather to discuss the current relevance, the relevance in the spring of 1996, of legislation that this Congress passed 30 years ago.

It was on November 2, 1966, that Public Law 89–732, the Cuban Adjustment Act, became the law of the land.

Mr. President, I want to read, briefly, from that law that was passed almost 30 years ago, because an understanding of what this law does—and, frankly, what it does not do—is crucial to understanding the proposal which I will submit to the Senate.

I will read portions of the Cuban Adjustment Act. It states:

> Notwithstanding any other provision of the Immigration and Nationality law, the status of any alien who is a native or citizen of Cuba, and who has been inspected and admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present in the United States for at least 1 year, may be adjusted by the Attorney General in his—

Now her—

> discretion, and under such regulations as he or she may prescribe to that of an alien lawfully admitted for permanent residence.

Mr. President, that is the essence of the Cuban Adjustment Act. It only relates to people who are lawfully in the United States. It does not apply to people who are here illegally. You first had to have been admitted into the United States, or paroled into the United States, in order to commence the process of 1 year of presence in the United States prior to being eligible to request this discretionary act of the Attorney General.

Mr. President, last week, I made some preliminary remarks on this legislation, and I stated that one of my concerns is that, although this bill has as its title that this is the ''illegal'' aliens bill, as distinct from a separate ''legal'' alien bill, that in fact the illegal aliens bill has spotted throughout it provisions that relate primarily—or as in this case, exclusively—to legal aliens.

So I ask my colleagues to now part the veil of legal and illegal, because we are now talking about people who are in this country legally, and whose status is about to be affected by a change in a bill whose title would lead one to believe that it only relates to those persons who are in the country illegally.

What would the provision in the illegal immigration bill, S. 1664, do to those persons who are in the country legally and under current law would have the prerogative of asking the Attorney General to exercise her discretion to adjust their status? This provision, which begins on page 177, would first repeal Public Law 89–732, the Cuban Adjustment Act.

Second, it states a savings provision, which states that ''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.''

Let me make some comments on that provision. The savings provision states that it applies on a case-by-case basis. As I indicated, in current law it is also on a case-by-case basis.

Applications must be made on an individual basis for a person who is a native or a citizen of Cuba, who has been inspected, or admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present for 1 year.

If you meet all those requirements, then you may apply to the discretionary act of the Attorney General to adjust your status. This savings provision, however, would only apply with respect to individuals paroled into the United States. The current Cuban Adjustment Act refers to persons who are inspected and admitted, or paroled. So it would narrow the categories of persons who could come into the United States to those who are paroled.

What is the significance of that? As you know, there are a number of means by which a person can come into the United States. For those persons who have come from Cuba, they have primarily come in one of three categories: as parolees, as refugees, or as visa immigrants. This amendment, as written in current law, would restrict it to only one of those three categories—those who are parolees.

As an example, in 1995, under the United States-Cuban migration amendment—I might say, Mr. President, that was the agreement entered into in the spring of 1995 as a culmination of the series of events which began almost 9 months earlier with a mass migration of small boats from Cuba to the United States, which, in turn, led to the large number of persons who were detained at the United States Naval Station at Guantanamo Bay. Of those who came into the United States in 1995, 7,500 came in with the status of refugees. Of those, 7,500 would be excluded from the applicability of the Cuban Adjustment Act, under this provision, because it would only apply to parolees. Six-thousand came as visa immigrants. Those would be excluded from the application of the Cuban Adjustment Act. There were 14,000 who came as parolees through the migration agreement having applied to the United States-Cuban interest section in Havana. Another 10,000 came as parolees, as one of those persons who were being detained at Guantanamo. So, last year, there would have been 13,500 of those persons who came that would not have been eligible because they came in a status other than as a parolee, and 24,000 would have been eligible because they came as parolees.

The next major restriction is that you have to come in pursuant to the Cuban migration agreement of 1995. There are literally tens of thousands of persons who are otherwise eligible for adjustment of status under the Cuban Adjustment Act, who have come in by means other than the Cuban Migration Agreement of 1995. In fact, from 1990 to 1994, an average of almost 20,000 persons a year adjusted their status under the Cuban Adjustment Act. None of them came in under the Cuban Migration Act because the Migration Act did not go into effect until the spring of 1995.

Assumingly, although there are no precise records, there are still many thousands of persons who came prior to the spring of 1995, prior to the Cuban Migration Act, who are still eligible because they meet the other standards of having come here legally, having resided here for 1 year, and are now legally eligible to make a request to the Attorney General for a discretionary act of adjusting their status.

So one of the consequences of adopting the language which is in 1664 today is to exclude a substantial number of people from the benefits of this legislation, people who are just like persons

who for 30 years have utilized this legislation in order to adjust their status.

Second, this sends a signal that we believe, as the Senator from Wyoming alluded, that we think the situation in Cuba has changed so dramatically that now legislation passed 30 years ago is a dinosaur, is an anachronism, and no longer serves a legitimate purpose.

In fact, Mr. President, you can read as recently as this morning's Washington Post an article that states:

Cuba Slows Changes, Reemphasizes Ideology, Tighter U.S. Embargo Draws Vow From Castro ''to Resist Another 35 Years.''

Mr. President, I ask unanimous consent that the article from the Washington Post of April 29 be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I cite this as the most recent evidence of the fact that we are not dealing with an anachronism. Fidel Castro is an anachronism. But the Cuban Adjustment Act, which was designed to respond to the human rights abuses, to the circumstances that forced thousands of native citizens of Cuba to flee that country, unfortunately, the Cuban Adjustment Act still serves its humanitarian purpose in 1996 as it did when it was adopted by the Congress in 1966.

Third, the adoption of the language in 1664 would have the practical effect of turning a substantial amount of the U.S. immigration policy, substantial amount of our responsibilities to make decisions as to what is in the best interests of the United States of America, over to Fidel Castro.

Why is that? All Fidel Castro would have to do, if this language in Senate bill 1664 were to be adopted, would be to abrogate the Cuban Adjustment Act, the Cuban Migration Agreement of 1995, and no person would henceforth be eligible to utilize the Cuban Adjustment Act as a means of changing their status and securing the benefits of permanent residence in the United States.

We would be telling Fidel Castro, ''If you wish to amend United States immigration law, all you have to do is abrogate the only window which is now available by which a Cuban citizen who has flown the tyranny of your government to secure the benefits that have been available for 30 years to tens of thousands people to adjust their status.'' I do not think this Congress wants to accede to Fidel Castro the ability to influence our policy.

Mr. President, I do not think the Cuban Adjustment Act needs to be a permanent part of American law. Frankly, I wish it had never been necessary. I wish once it was determined necessary and enacted, it would have been in a position to have been repealed as quickly as possible because its existence is testimony to Fidel Castro's continued existence and tyrannical rule over the citizens of the island of Cuba.

So, Mr. President, what I propose, joined by a number of our colleagues, including Senators DOLE, MACK, ABRAHAM, BRADLEY, and HELMS, is an alternative approach. Our amendment would say that the Cuban Adjustment Act shall be repealed, but it shall be repealed only upon a determination by the President under the Cuban Liberty and Democratic Solidarity Act of 1996—what is frequently referred to as the Helms–Burton legislation—only when a determination has been made by the President pursuant to the standards in that legislation that in fact a democratically elected government is now in power in Cuba. Once there is a democratic government in Cuba, then the need for the Cuban Adjustment Act will have been fulfilled, and there would be a celebration of repeal of the Cuban Adjustment Act.

So, Mr. President, I believe this amendment has been filed as No. 3760 with the provision that I have just stated.

Mr. President, I urge this Senate not to precipitously adopt the language that is in 1664, not to close the opportunity for thousands of Cubans, Cubans who arrived prior to the Cuban Migration Agreement of 1995, and those Cubans who arrived under it in a status other than parolees.

Let us not inadvertently send a signal to Fidel Castro that, in spite of the overwhelming evidence to the contrary, we have found some reason to believe there has been a transformation, a reformation, from the tyranny of 35 years into a government in which we are prepared to give some respect and dignity. The fact is no such transformation has occurred, and we do not wish to give such evidence that there has been. We certainly do not wish to turn over to Fidel Castro the ability to affect our immigration laws.

Mr. President, I urge the adoption of the amendment which is at the desk, and look forward to its consideration at the earliest opportunity tomorrow.

EXHIBIT 1

[From the Washington Post, Apr. 29, 1996]

CUBA SLOWS CHANGES, REEMPHASIZES IDEOLOGY—TIGHTER U.S. EMBARGO DRAWS VOW FROM CASTRO ''TO RESIST ANOTHER 35 YEARS''

(By Douglas Farah)

HAVANA.—Facing a freeze in Cuban-U.S. relations and slipping state control of the economy, Cuba's ruling Communist Party has slowed moves toward free-market economics, raised pressure on dissidents and reemphasized its orthodox Marxist rhetoric.

Around the country, old propaganda signs are being refreshed, new billboards denouncing the U.S. economic embargo are going up, and buildings housing the Committees for the Defense of the Revolution are being repaired. Reaffirming the Marxist, socialist nature of the Cuban revolution is again the focal point of speeches.

While changes permitting some private enterprise and foreign investment will not be rolled back, according to senior government officials and diplomats, the pace of future moves toward a market economy—especially those related to increasing self-employment—are likely to slow down or be put on hold.

President Fidel Castro, in a ceremony on April 16 marking 35th anniversary of his declaration of the revolution as socialist, said that Cuba has resisted pressure to change and that ''we're prepared to resist another 35 years, and 35 times 35 years.''

In part, the call to return to ideological purity reflects increased concern that a growing sector of the economy in moving out from under state control, according to diplomats and Cubans analysts. Another factor often cited is increased government optimism that this year's crucial sugar harvest is on target to reach 4.5 million tons, up from last year's disastrous 3.3 million tons, the lowest in 40 years.

If the harvest reaches that goal, the government will be able to pay off the $300 million in commercial loans it took out last year, at 18 percent interest, to rebuild the industry, which is vital to returning the economy to sustained growth. Official figures show the economy shrank by 36 percent from 1989 to 1992, following the collapse of the Soviet Bloc, which heavily subsidized Cuba.

Since 1993, Cuba has legalized use of dollars, authorized limited self-employment, allowed farmers to sell surplus produce on the open market and offered cash incentives to workers in key sectors of the economy to produce more. The result has been not only an upturn in the economy, but also the creation of a class with access to goods and services not available to those who work for the state at fixed wages in Cuban pesos, usually about $16 a month.

''We need time to assimilate and consolidate the steps we have already taken, especially in self-employment,'' Alfredo Gonzalez, senior adviser in the Ministry of Economics and Planning, said in an interview. ''The moves have had contradictory effects. When some people start to get rich, it has a social impact. University professors and social workers, who earn only in pesos, are starting to ask, 'When will it be my turn?' ''

Some of the party faithful are not waiting. A professor of Marxism at the University of Havana can be found most nights harmonizing with a musical trio that strolls through a plush dollar restaurant, singing romantic ballads for tips. He said he made more in two nights there than at his academic job in a month.

University students, long praised as the vanguard of the revolution, are trying desperately to get into business administration and computer classes. According to academic sources, only seven students signed up last semester to study Marxism, once one of the most popular courses.

The opening salvo in the ideological rollback was fired by Raul Castro, brother of the president and head of the armed forces, in a March 23 speech to a meeting of the party's 212-member Central Committee. It was only the fifth full meeting of the committee since Fidel Castro took over in 1959, and the first since 1992.

Raul Castro called for renewed ideological vigor, especially in the watch committees. He sharply criticized some parts of the economic changes already implemented, including foreign influences spread through the growing tourism industry, and the relative wealth of some people who are now legally allowed to form their own small businesses.

''Fundamentally, it is understood that ideology is at the root of everything.'' Raul Castro said.

The meeting was held a month after Cuban-U.S. relations took their sharpest plunge in three decades, when Cuban air force shot down two small airplanes belonging to the Miami-based exile group Brothers to the Rescue. In response, President Clinton signed into law the Helms-Burton Act, which seeks to strengthen the 34-year-old U.S. economic embargo against Cuba.

Using the threat of covert U.S. operations, the Cuban government stepped up attacks on dissident groups, independent journalist and even reformist academic groups that were largely financed by the Communist-Party. Academic sources said that committees are reviewing the work of academic centers, their finances and their foreign contacts.

The tone was set by Raul Castro, who accused the United States of financing ''the proliferation and growth of small groups of traitors within the country.''

Ricardo Alarcon, president of the National Assembly, defended the crackdown on Communist Party-financed think tanks, which won international attention by pushing for faster, deeper economic change. ''The party has the right to question and analyze whether a center that depends on it for material and human resources is doing what it is supposed to do, and if not, to correct things,'' he said.

Rep. Robert Menendez (D-N.J.), representing the United States at the U.N. Human Rights Commission meeting in Geneva, accused Havana last week of carrying out ''the most repressive wave we have seen in the recent history of Cuba.'' On Tuesday, the commission passed a resolution condemning Cuba for not allowing freedom of assembly and expression.

Caught in the middle are the dissidents themselves.

Vladimiro Roca, a dissident whose father, Blas Roca, was a founder of the Cuban Communist Party, said he is awaiting a crackdown. ''Our meetings are being blocked, we can no longer get foreign newspapers, it is getting ever more hard,'' Roca said in an interview at his home. ''The shoot-down and the Helms-Burton act have made life more difficult.''

But just how tough mobilizing people has become was tacitly acknowledged by Raul Castro when he said people's ''number one daily concern is food.'' Still, he called for revitalizing the watch committees, powerful political structures set up in each block of every city and town to monitor ideology and instill revolutionary fervor.

Instead of going to meetings, people spend much of their time trying to put food on the table or seeking scarce transportation to work or markets. The committees gradually have lost influence, especially around Havana, and in some areas hold almost no meetings.

Officials and businesses people who travel here regularly said two reform programs already approved are still on track. One is to revive a commercial banking system abandoned in the 1960s, and the other is to break down large state companies into smaller, more efficient units.

Gonzalez and Alarcon said one of the pending changes most cherished by reformers and long rumored to be imminent—allowing the creation of small and mid-size companies under private overship—is being studied, but there are no plans to go ahead with it soon.

Mr. GRAHAM. Mr. President, under the rules under which we are currently operating, the amendment 3760 has been filed.

Would the appropriate motion be to call up the amendment at this time?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3760 TO AMENDMENT NO. 3743

(Purpose: To condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power)

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. DOLE, Mr. MACK, and Mr. ABRAHAM, proposes an amendment numbered 3760 to amendment No. 3743.

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

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON. Mr. President I thank the Senator from Florida.

This is an issue that continues, and I hope my colleagues can hear it and understand what it is that we have done here over the years.

This is the Cuban Adjustment Act. It has not anything to do with the Cuban-Haitian Adjustment Act. This is a measure that went on the books in the early 1960's when the freedom flotillas were bringing in hundreds of thousands of Cubans who were being given parole. People say, ''What is parole?'' It is a very distinctive remedy. It is just bringing them here, really outside the scope of immigration laws, in a sense. It is a temporary status, and the only way to change to permanent status is through adjustment. Hence, the Cuban Adjustment Act.

The Cuban Adjustment Act is a relic of the freedom flights of the 1960's and freedom flotillas in the late 1970's. The Senate repealed it first in 1982, if I recall, and then it went to the House, and it was left out of conference. The Senate has repealed it again—I do not recall that date—and it was replaced in conference.

At the time of the original Cuban Adjustment Act—it was a time of crisis, obviously a time of crisis has been continuing in that part of the world—Cubans were brought to the United States by the tens of thousands, even the hundreds of thousands. Most were given this parole status, which is this indefinite status which you cannot remain in, and it requires an ''adjustment'' in order to receive a permanent immigrant status in the United States.

So since we welcomed these Cubans, and we should have, and we intended that they remain here, the Cuban Adjustment Act provided—and here is the issue—that after 1 year in the United States of America all Cubans could claim a green card and become permanent residents here.

Since 1980, we have discouraged, thoroughly discouraged the illegal entry of Cubans, and there is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts—and I hope all hear this—those Cubans who come under the current agreement between the Castro Government and the Clinton administration. Those 20,000 Cubans per year who are chosen by lottery and otherwise to come here, under that agreement they will be able to have their status adjusted under the committee bill provisions. There is no change in the status of those people. However, other than that one exception, there is simply no need for the Cuban Adjustment Act, and it should be repealed.

It is very clear. No other group or nationality in the world, regardless of what is going on in their country, no other group or nationality in the world, in the entire world is able to get a green card merely by coming to the United States legally or illegally and remaining here for a year.

That is what you have here. It is an extraordinary thing. Millions of persons who have a legal right to immigrate, to join family here, are waiting in the backlog sometimes for 15 or 20 years. It makes no sense to allow a Cuban to come here illegally on a raft or an inner tube or to fly in with a visitor's visa to see friends in Miami and then simply stay on a year, violating our laws in doing so, and then be rewarded with the most precious thing we can give, and that is the green card. It strains all reason.

You have a situation where a person comes on a tourist visa, goes immediately to the home of a relative in Florida, stays there, to be sure to pick up a receipt or show something they did with a date on it, a rent receipt or something, and in a year you go into the INS and you show anything you have to show that you have been here a year and you get a green card.

We do not do that with people fleeing the most oppressive realms on the Earth. We do not do it with anybody. It is a total anachronism. It does not fit. I know that we are all trying to whack Cuba and whack Castro. I am ready to do that day and night. I admire what Senator HELMS has been up to on that. There are others—Senator GRAHAM, Senator CONNIE MACK—I understand that, and I have joined that. But if we are going to have a law on the books which does not have anything to do with oppression, it has to do with the most remarkable lapse that we can ever imagine in our immigration law, the Cuban Adjustment Act I think should be repealed.

Even though this is a different and quite unique amendment than previously, it still is a situation where it is the only country on the face of the Earth where you come, stick around a year under any circumstances—even if you violated the law—and walk in and get a green card, whereas if anybody else did that, if they had their adjustment lapse, they would be pitched.

So that is where we are. It is an interesting vote again. We will make the decision and move on. It has been thoroughly debated in years past, and I admire my friend from Florida. You cannot represent Florida and not do this. Senator CONNIE MACK is the same. And I understand that. For anyone who would miss the significance, this is

very critically important for them to be doing, and they do it with great directness and authenticity, and I commend them.

Mr. President, since there seems to be a lack of spirited debate on this issue, I wonder if the Senator from Florida would wish to go forward with the second amendment and perhaps debate that and then when Senator KENNEDY returns, I believe he is supporting the Senator's position, is that not correct? Is Senator KENNEDY supporting the Senator's position on this?

I am trying to determine if we have proponents and opponents, but we need not do that. If the Senator is ready to go forward with the second amendment, I would ask that we simply set aside this amendment for the moment.

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

Mr. GRAHAM. Mr. President, I appreciate the cordiality of our colleague from Wyoming. I would move on to the second amendment, which is really one of what I anticipate will be a cluster of amendments. Again, it goes to an issue raised in the previous amendment, which is that while we are dealing with the bill S. 1664 that has as its title: ''To Increase Control Over Immigration in the United States by Increasing Border Patrol and Investigative Personnel,'' et cetera, a bill designed to restrain illegal immigration, in fact there are provisions which apply substantially or totally to persons who are in the country legally.

Many of those provisions also go to a second major concern for the structure of this legislation, and that is the degree to which it represents a significant unfunded mandate, a transfer of financial obligations from the Federal Government to State and local communities.

Mr. President, for many years, as you well know, I have been seriously concerned with the fact that while the Federal Government has the total responsibility for determining what our immigration policy will be and has the total responsibility for enforcing that immigration policy, where the policy is either misguided or where the policy is breached, it is the local communities and the States in which the aliens reside that most of the impact is felt. That impact is particularly felt in the area of the delivery of critical public services, from health care to education to financial assistance in time of need. It has been my feeling that fundamentally the Federal Government ought to be responsible for all dimensions of the immigration issue. It sets the rules. It enforces the rules. It should be responsible when the rules are not adequately enforced and there are impacts, especially financial impacts on individual communities.

Thus, I am concerned with this legislation, which instead of moving in the direction I think represents fair and balanced policy, goes in the opposite direction and is now going to have the Federal Government withdrawing from its level of financial responsibility for legal as well as illegal aliens, and will be, by its default, imposing that responsibility on the communities and States in which the aliens live.

Compounding that is the uncertainty of just which of these programs that are intended to provide some assistance to the alien will be affected by this shift of responsibility. As currently written, S. 1664 would require that the income of the sponsor, that is the person who is sponsoring the legal alien to come into the United States, would require that the sponsor's income be deemed to be the income of the alien for ''any program of assistance provided or funded in whole or in part by the Federal Government, by any State or local government entity for which eligibility for benefits is based on need.'' That is the standard by which there will be this transfer of responsibility, assumedly, from the Federal Government to the sponsor of the legal alien. But in reality, if that sponsor is not able to meet his obligations, it is going to be a transfer to the local community, private philanthropy, or government services, when the legal alien becomes old, unemployed, injured, or otherwise in need of services that he or she is unable to pay for.

The amendment which I am offering, which has been filed as No. 3803, and in which I am joined by Senator SPECTER, says if we are going to do this, if we are going to require this deeming, that at least we ought to know precisely what it is we are talking about because no one can say, reading the language that I just quoted from the legislation, what programs, Federal, State or local, would be impacted by these very broad and sweeping words.

What are some of the programs? I would like to ask the sponsors and supporters of the bill whether or not the following programs are intended to be impacted by S. 1664.

Minnesota has a program called ''MinnesotaCare,'' would that be affected? Rhode Island's ''Rite Care,'' would that be affected? Hawaii has a program called ''Healthy Start,'' would that be affected? My own State of Florida has a program called ''Healthy Kids,'' would that be affected? Texas's ''Crippled Children's'' program, Chapter I programs in the public schools, Maryland's ''Minds Across Maryland,'' Florida's ''Children's Emergency Services,'' Texas's ''Indigent Health Care,'' local government public defenders, immunization programs in public health clinics, services in our Nation's public hospitals, State and local public health services, programs to take children out of abusive environments, gang prevention programs, children's lunches and nutrition programs, special education programs—which of these are intended to be covered?

Whatever you think about the underlying policy, there can certainly be no virtue in ambiguity. At least the people at the State and community level, citizens and those charged with the responsibility for providing services alike, we owe to them the obligation of clarity of what it is we intend, in terms of those programs that will be affected by the sweeping language, ''any program of assistance provided or funded in whole or in part, for which eligibility for benefits is based on need'', shall require deeming.

For example, Virginia uses Community Development Block Grant money to fund community centers and extension services that provide lunch programs, after-school tutoring, English classes, and recreational sports programs to residents of the community. Will Virginia have to deem participants in everything from children's soccer leagues to mobile meals to English classes? Do we intend that? If we do, let us say so.

Program providers, State and local governments and others, including the public, need to know the answers to these questions and more. They deserve nothing less. Moreover, Members of Congress should know the impact of the legislation before we are asked to decide as to whether it is appropriate public policy, policy to be enacted into laws of the United States of America. The majority leader said on the Senate floor during the debate of the unfunded mandates legislation on January 4 of 1995:

> Mr. President, the time has come for a little legislative truth in advertising. Before Members of Congress vote for a piece of legislation they need to know how it would impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

The underlying bill, S. 1664, fails to meet these tests as established by the majority leader. Members of Congress have no idea what programs will be impacted by this legislation. Are 60 programs impacted? Are 88 programs? Are 417 programs? Are 3,812 programs? We have no idea and we will not, until regulations are implemented or the courts have decided what the meaning is of the phrase, programs by which ''eligibility for benefits is based on need.'' Why should we turn over such a decision to regulators and the courts? We should decide. We should partake in a little ''legislative truth-in-advertisin'' ourselves.

Moreover, Members of Congress have not made the tough choices needed to pay for it. In fact, the National Conference of State Legislators has prepared a study to determine the imposed impact these deeming requirements will have, that is the requirement that the sponsor be financially responsible for the sponsored alien who is applying for a needs-based program. The National Conference of State Legislators has prepared a study on just 10 of those programs which they believe will probably be impacted. The programs that the NCSL studied were school lunch, school breakfast, child and adult care food programs, vocational rehabilitation, title 20 social service block

grants, foster care, title IV–A child care, title IV–D child support, and Medicaid qualified Medicare beneficiaries.

The administrative costs alone of deeming these programs, of determining who is and who is not eligible, would exceed $700 million, according to the National Conference of State Legislators study. As a result, the National Conference of State Legislators, the National Association of Counties, and the National League of Cities have endorsed the amendment which is before the Senate this evening, to substitute a clear and concrete list of programs to be deemed. As they write, ''This amendment assures that Congress and not the courts will decide which programs are deemed.''

Let me repeat. This amendment assures that Congress, and not the courts, will decide which programs are deemed.

If the Senate chooses to impose new administrative requirements on State and local governments, we should do so, as the majority leader said, and ''be willing to make the tough choices needed to pay for it.''

For these reasons, we take a different approach by eliminating the vague language which is in S. 1664 and replacing that vague language with a list of 16 specific programs that would be required to be implemented under the new deeming provisions.

These programs are: Aid to Families with Dependent Children, Supplemental Security Income, food stamps, section 8 low-income housing assistance, low rent public housing, section 236 interest reduction payments, homeowner assisted payments under the National Housing Act, HUD low-income rent supplements, rural housing loans, rural rental housing loans, rural rental assistance, rural housing repair loans and grants, farm labor housing loans and grants, rural housing preservation grants, rural self-help technical assistance grants, and site loans.

Those would be the 16 programs that would be subjected to deeming.

Mr. President, I do not submit that these 16 programs came from a mountain and were inscribed on tablets. These are 16 programs which we and responsible organizations have identified as what they think would be appropriate to apply the deeming standard. If someone wishes to subtract or add to or modify this list, that would be the subject of a reasonable debate. But we would be in a position to be telling States and local communities and their citizens exactly what we mean. We would be deciding to which programs we would apply this requirement that the income of the sponsor be added to the income of the alien in determining eligibility. We would not be leaving that judgment up to bureaucrats through regulation or to the courts through laborious litigation.

I will be happy to work with the sponsors of this bill to work out an agreement with the State and local units impacted by deeming so what programs should be included will be understood and, hopefully, will be the result of a consensus judgment. However, I firmly agree with the majority leader that we should at least have a little ''legislative truth-in-advertising.''

In addition to the strong support of the National Conference of State Legislators, the National Association of Counties, and the National League of Cities, this amendment is also supported by the National Association of Public Hospitals, the American Association of Community Colleges, Catholic Charities, United States Catholic Conference, and the Council of Jewish Federation among others.

Mr. President, this is the first of what I anticipate will be a series of amendments that relate to the issue of the eligibility of legal aliens to receive a variety of benefits and the circumstances under which the Federal Government should restrict its, as well as other governments's ability to provide those need-based services for legal immigrants.

This is not a matter which should pass quietly and without considered judgment, particularly in a bill which advertises itself as dealing with illegal aliens. We are here talking, Mr. President, about the financial rights of access to public programs of people who are in the country legally, who have played by the rules that we have established, who are paying taxes, who are subject to virtually all the requirements that apply to citizens, except the right to vote and the right to serve on juries. Yet, we are about to say in a retroactive way, including to those persons already in the country today under the standards that were applicable when they entered, that they are going to have their rights severely restricted and without clarity as to what those restricted rights will be.

I think that is bad policy. I think it violates the principles of the unfunded mandate legislation, the first legislation to be passed by this Congress. I think it undercuts the essential thrust of the legislation that is intended to be dealing with the impact of illegal immigrants.

AMENDMENT NO. 3803 TO AMENDMENT NO. 3743

(Purpose: To clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply)

Mr. GRAHAM. So, Mr. President, I call up amendment No. 3803.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. SPECTER, proposes an amendment numbered 3803 to amendment No. 3743.

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the sponsor's spouse.

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

(d) EXCEPTION FOR INDIGENCE.—

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

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

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

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

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I know there is an obligation for many of us at 6:45. I am going to be very brief, and I will cover this issue in more complete detail tomorrow so that we might meet those obligations.

This is a very fascinating amendment. It is, I gather, a list of only the issues or the programs that would be deemed to be income. I hope people can hear what we are trying to do here. There are two choices: Either the sponsor pays for a legal immigrant or the taxpayers do. That is about the simplest kind of discussion I can come to.

This issue of deeming is very simple. Deeming is this, and I hope we can try to keep toward this in the debate: The purpose of deeming is to make the sponsor of the immigrant responsible for the needs of the immigrant relative, that immigrant relative that the sponsor brought to this country.

Everything we have done here with regard to this immigration issue, including the new affidavit support requirements, says if you bring your relative to the United States, you are going to be sure that they do not become a public charge. That has been the law since 1884 in the United States of America.

The question is very simple. Either you deem the income of the sponsor, and every other thing that this person is going to get, or the taxpayer will pave to pick up the slack. That is where it is. Any other assistance will be required to be picked up by the citizens of the United States.

If you are going to be specific, as in this amendment—and remember that we are told that this is for clarity—these are the issues, these are the programs that are deemed to be judged as support. We have not even talked about Medicaid, PELL grants, State general assistance, legal services, low-income heating, as if they were not there.

This is one that needs the clear light of morning, the brilliant sun coming over the eastern hills so we can pierce this veil, because this is a concept that will assure that someone who sponsors a legal immigrant will be off the hook and that an agency will provide services and not be able to go back against the sponsor.

Ladies and gentlemen, the whole purpose of this exercise is to say, ''If you bring in a legal immigrant, you give an affidavit of support, you pledge that your assets are considered to be the assets of that person. And that will be so for 5 years or until naturalization. And if you do not choose to do that, then know that the sponsor is off the hook and the taxpayers are on the hook.'' I do not think that is what the public charge provision of the law ever would have provided.

With that, Mr. President, unless the Senator from Florida has something further, I will go to wrap up, if I may. I thank the Senator from Florida for his courtesy.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent 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.

SISTER LUCILLE BONVOULOIR

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to a woman who has dedicated her life to battling homelessness in Vermont. Sister Lucille Bonvouloir is the unofficial Patron Saint for the homeless in Burlington, the State's largest city and only Enterprise Community. The Committee on Temporary Shelter [COTS], an organization that she has directed since 1988, provides a range of social services as well as basic shelter to help people who have hit bottom get back on their feet again. As the problem of homelessness in Burlington has grown, so has COTS under Sister Lucille's innovative and capable direction.

In July, Sister Lucille will be taking on new responsibilities as the vice president of the Vermont Regional Sisters of Mercy. While she will be sorely missed and the shoes she leaves behind at COTS are large indeed, the homeless and the needy of Burlington have nothing to fear from the transition. They know as I do that their guardian angel will continue to watch over them and stand up for their needs as she has for so many years. I join them in wishing her the best in her new career.

I ask unanimous consent that an article from the February 7, 1996 Burlington Free Press on Sister Lucille Bonvouloir's life of service to Burlington be printed in the RECORD.

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

SISTER BONVOULOIR TO WORK WITH SISTERS OF MERCY

(By Mike Donoghue)

A Burlington nun known as a fighter for providing shelter and vocational training for homeless people said Tuesday that she would step down in June as head of the largest program for the Vermont homeless.

Sister Lucille Bonvouloir will leave her post as executive director of the Committee on Temporary Shelter to become vice president of the Vermont Regional Sisters of Mercy on July 1.

Sister Bonvouloir and the agency, better known as COTS, provided services to 1,100 individuals through seven programs operated in Burlington last year.

The Orwell native said she expects to face new battles when she becomes part of the team managing the affairs of the 93 Sisters of Mercy serving Vermont. Among the expected scuffles will be a proposed 93-unit affordable housing development the sisters hope to build on the north side of Mount St. Mary's Convent on Mansfield Avenue.

The project will be ideal for single mothers who are returning to school at nearby Trinity College, she said. It is opposed by residents who say it is too large for the neighborhood.

Sister Bonvouloir, 53, has worked for the committee since 1986 and has been its director since June 1988. She helped expand the programs to meet the needs in the community for family shelters and vocational training.

When the number of homeless families increased, the COTS Family Shelter opened on North Champlain Street in 1988. When there was chronic shortage of affordable housing, COTS developed St. John's Hall on Elmwood Avenue.

During 1993–94, Sister Lucille improved access to vocational programs and created a voice mail system in Burlington to increase employment prospects for those without phones. Last year, 70 percent of the participants in the vocational program were placed in full-time jobs.

UNITED STATES-JAPAN AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss the most recent in what seems to be a never ending list of crises we have had in the past year with the Government of Japan regarding international aviation relations.

The root of the current problem, and a number of those which have preceded it, is the Government of Japan's continued refusal to fully comply with the United States-Japan bilateral aviation agreement. The Government of Japan incorrectly believes selective compliance with our bilateral aviation agreement is acceptable. The Japanese are badly mistaken. Nothing short of full compliance with the United States-Japan bilateral aviation agreement is acceptable.

Let me explain. The United States-Japan bilateral aviation agreement guarantees three United States-carriers—United Airlines, Northwest Airlines, and Federal Express—''beyond rights'' which authorize them to fly to Japan, take on additional passengers and cargo, and then fly to another country. That agreement requires the Government of Japan to authorize new beyond routes no more than 45 days after one of these three carriers files notice of an intention to initiate new beyond service. If this sounds like a relatively straightforward procedure, it is.

Regrettably, the Government of Japan has made the procedure of initiating new beyond service anything but straightforward and predictable. Instead, contrary to the United States-Japan bilateral aviation agreement, they have turned a ''notice and fly'' provision into an approval process where the litmus test seems to be whether competition from a new route operated by a United States carrier threatens less competitive incumbent Japanese carriers. In fact, the overriding goal seems to be nothing less than imposing a de facto freeze on new air service by United States carriers beyond Japan. This violates the letter as well as the spirit of the United States-Japan bilateral aviation agreement and is intolerable.

Mr. President, I have spoken about the problem at hand numerous times in this body. Unfortunately, it remains unresolved. More than a year ago, United Airlines notified the Government of Japan of its intention to start new beyond service between Osaka and Seoul, Korea. Although United Airlines is clearly authorized to operate this new service, the Japanese continue to refuse to permit it to do so. Unquestionably, United Airlines and its employee-owners have, and are continuing to, pay a very steep financial price for Japan's decision to wrongly deny it this valuable economic opportunity.

The Japanese, unfortunately, have repeatedly rebuffed attempts by the administration to redress this violation. In fact, the most recent attempt was met by a threat from the Japanese that they may impose limits on new service by United States carriers between Los Angeles and Tokyo, even though the service in question is guaranteed by the United States-Japan bilateral aviation agreement without the threatened limitations. Make no mistake about it, whenever United States carriers are denied opportunities, the U.S. economy loses and tourism-related jobs in the United States are lost.

Consistent with an amendment I offered last year on United States-Japan aviation relations that is now part of Public Law 104–50, the administration has finally drawn a line in the sand to hopefully resolve this violation. Namely, the administration has put on hold Japan Airlines' request for service between Tokyo and Kona, Hawaii until the Japanese respect United Airlines' right to provide new service beyond Japan. Even though I regret temporarily depriving Hawaii of a new tourism opportunity, we simply should not agree to expand commercial opportunities for a Japanese carrier in the United States at the same time the Government of Japan is wrongly denying a United States carrier opportunities in the Asia-Pacific market.

Although the words of the Government of Japan suggest it wants to move forward in United States-Japan aviation relations, Japan's actions are preventing us from doing so. Moreover, the Government of Japan's continued failure to fully comply with the existing agreement is eroding the trust needed to secure a broader agreement that will create new air service opportunities for all United States and Japanese carriers between and beyond our two countries.

Mr. President, let me conclude by saying I hope the Government of Japan resolves the Tokyo-Kona problem it created by immediately complying with the United States-Japan bilateral aviation agreement. Also, I hope the Japanese will not compound the current problem by following through on its threat to impose countermeasures against United Airlines and Northwest Airlines if the Tokyo-Kona problem is not resolved to its satisfaction. Clearly, that would further undermine Japan's stated goal of moving forward in our aviation relationship.

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 Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A SUSPENSION UNDER THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 141

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate on April 26, 1996, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To the Congress of the United States:

I hereby report that I have exercised the authority provided to me under subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996, to suspend subsection 325(a) and 325(b) of such Act. A copy of the suspension is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 26, 1996.*

REPORT RELATIVE TO 1996 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 142

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit to the Congress the *1996 National Drug Control Strategy*. This Strategy carries forward the policies and principles of the 1994 and 1995 Strategies. It describes new directions and initiatives to confront the ever-changing challenges of drug abuse and trafficking.

This past March I convened the White House Leadership Conference on Youth, Drug Use, and Violence in order to focus the Nation's attention on two major health problems faced by young people today—drug use and violence. The conference brought together over 300 young people, parents, clergy, community and business leaders, judges, prosecutors, police, entertainers, media executives, researchers, and treatment and prevention specialists from across America to examine solutions and keep us moving forward with proven strategies. The Vice President, General Barry McCaffrey, and I met with the participants in a series of roundtable discussions, discussing how to strengthen the efforts of families, the media, communities, schools, businesses, and government to reduce drug use and violence. Participants left with new energy and new ideas, determined to return home and begin implementing the solutions and strategies discussed that day.

This conference took place at an important juncture in America's ongoing fight against drug abuse. In the last few years our nation has made significant progress against drug use and related crime. The number of Americans who use cocaine has been reduced by 30 percent since 1992. The amount of money Americans spend on illicit drugs has declined from an estimated $64 billion five years ago to about $49 billion in 1993—a 23 percent drop. We are finally gaining ground against overall crime: drug-related murders are down 12 percent since 1989; robberies are down 10 percent since 1991.

At the same time, we have dealt serious blows to the international criminal networks that import drugs into America. Many powerful drug lords, including leaders of Colombia's notorious Cali cartel, have been arrested. A multinational air interdiction program has disrupted the principal air route for smugglers between Peru and Colombia. The close cooperation between the United States, Peru, and other governments in the region has disrupted the cocaine economy in several areas. Our efforts have decreased overall cocaine production and have made coca planting less attractive to the farmers who initiate the cocaine production process. And I have taken the serious step of cutting off all non-humanitarian aid to certain drug producing and trafficking nations that have not cooperated with the United States in narcotics control. Further, I have ordered that we vote against their requests for loans from the World Bank and other multilateral development banks. This clearly underscores the unwavering commitment of the United States to stand against drug production and trafficking.

Here at home, we have achieved major successes in arresting, prosecuting, and dismantling criminal drug networks. In Miami, the High Intensity Drug Trafficking Program, through its operational task forces, successfully concluded a major operation that resulted in the indictments of 252 individuals for drug trafficking and other drug-related crimes. Operations conducted by the Drug Enforcement Administration's Mobile Enforcement Teams program (MET), a highly successful federal tool for assisting local

law enforcement, have resulted in more than 1,500 arrests of violent and predatory drug criminals in more than 50 communities across the nation.

But as the White House Leadership Conference on Youth, Drug Use, and Violence showed, now is the time to press forward. We must not let up for a moment in our efforts against drug abuse, and drug abuse by young people, particularly.

There are many reasons why young people do continue to use drugs. Chief among these are ignorance of the facts about addicition and the potency of drugs, and complacency about the danger of drugs. Unfortunately, all too often we see signs of complacency about the dangers of drug use: diminished attention to the drug problem by the national media; the glamorization and legitimization of drug use in the entertainment industry; the coddling of professional athletes who are habitual drug-users; avoidance of the issue by parents and other adults; calls for drug-legalization; and the marketing of products to young people that legitimize and elevate the use of alcohol, tobacco, and illicit drugs.

All Americans must accept responsibility to teach young people that drugs are illegal and they are deadly. They may land you in jail; they may cost you your life. We must renew our commitment to the drug prevention strategies that deter first-time drug use and stop the progression from alcohol and tobacco use to marijuana and harder drugs.

The National Drug Control Strategy is designed to prevent a new drug use epidemic through an aggressive and comprehensive full-court press that harnesses the energies of committed individuals from every sector of our society. As I said the State of the Union, we must step up our attack against criminal youth gangs that deal in illicit drugs. We will improve the effectiveness of our cooperative efforts among U.S. defense and law enforcement agencies, as well as with other nations, to disrupt the flow of drugs coming into the country. We will seek to expand the availability and improve the quality of drug treatment. And we will continue to oppose resolutely calls for the legalization of illicit drugs. We will increase efforts to prevent drug use by all Americans, particularly young people.

The tragedy of drug abuse and drug-related crime affects us all. The National Drug Control Strategy requires commitment and resources from many individuals and organizations, and from all levels of government. For the Strategy to succeed, each of us must do our part.

We ask the Congress to be a bipartisan partner and provide the resources we need at the federal level to get the job done. I challenge state and local governments to focus on drug abuse as a top priority. We ask the media and the advertising and entertainment industries to work with us to educate our youth, and all Americans, about the dangers of drug use. Finally, we invite every American—every parent, every teacher, every law enforcement officer, every faith leader, every young person, and every community leader—to join our national campaign to save our youth.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 29, 1996.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1708. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts.

The following joint resolution was ordered placed on the calendar:

S.J. Res. 53. Joint resolution making corrections to Public Law 104–134.

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–2346. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2347. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled, ''The California Indian Land Transfer Act''; to the Committee on Energy and Natural Resources.

EC–2348. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a fiscal year 1995 report relative to National Historic Landmarks which are damaged; to the Committee on Energy and Natural Resources.

EC–2349. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the Final Comprehensive Management Plan and Environmental Impact Statement and Record of Decision for the City of Rocks National Reserve; to the Committee on Energy and Natural Resources.

EC–2350. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-19; to the Committee on Appropriations.

EC–2351. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Federally Funded Research and Development Center for fiscal year 1997; to the Committee on Armed Services.

EC–2352. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend various environmental laws of the United States as they affect the operations of the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC–2353. A communication from the Chief Counsel of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report with respect to Revenue Ruling 96-24; to the Committee on Finance.

EC–2354. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for March 1996; to the Committee on Finance.

EC–2355. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2356. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Development Assistance Program Allocations for fiscal year 1996; to the Committee on Foreign Relations.

EC–2357. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend title 5, United States Code, to make various changes in the laws regarding the management of employees of the Federal Government especially as they affect the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC–2358. A communication from the Attorney General of the United States, transmitting, pursuant to law, the 1995 annual report on the Federal Prison Industries, Inc.; to the Committee on Governmental Affairs.

EC–2359. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2360. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of procedures for procurement; to the Committee on Governmental Affairs.

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. DOLE:

S. 1711. A bill to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1712. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. LEVIN, Mr. MURKOWSKI, Mr. DEWINE, Mr. WARNER, Mr. SIMON, Mr. MCCAIN, and Mr. DORGAN):

S. 1713. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for Mr. BURNS):

S. 1714. A bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. CAMPBELL, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. BOND):

S. 1715. A bill to amend the Internal Revenue Code of 1986 to provide a credit for adoption expenses, to allow penalty-free IRA withdrawals for adoption expenses, and to allow tax-free treatment for employer provided adoption assistance; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. INOUYE, Mr. LEAHY, Mr. SIMPSON, Mr. HATFIELD, Mr. COATS, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CONRAD, and Mr. DEWINE):

S. 1716. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself and Mr. BYRD):

S.J. Res. 53. A joint resolution making corrections to Public Law 104-134; read twice.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1711. A bill to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; to the Committee on Veterans' Affairs.

TRANSITION TO CIVILIAN LIFE LEGISLATION

Mr. DOLE. Mr. President, I am pleased today to introduce legislation establishing a commission to review the various programs administered by the Federal Government to assist service members transitioning from military to civilian life.

CURRENT SYSTEM LACKS COORDINATION

Currently, several Federal departments and agencies offer programs to assist military men and women, veterans and reserve component members in their transition back to civilian life. Offices in the Departments of Defense, Veterans Affairs, Labor, and others, sponsor programs offering such services as education assistance, job-training, job placement, and home loans. These are all useful and valuable services. However, changes in the labor market are challenging today's veteran readjustment programs. Unemployment rates for recently separated veterans may be as high as 17 percent, compared with a national average of about 5.7 percent. This is extremely troubling when one stops to think about the experience, discipline, and work ethic veterans bring to the workplace.

By better focusing these resources, we can make the existing programs more accessible to a greater number of veterans; we can streamline programs and make them more user-friendly; we can minimize overlap and improve cost-effectiveness. That would be a big improvement over the current situation, and would ultimately better serve our service men and women.

Let me emphasize, the purpose of this commission is not to create new programs and make a large bureaucracy. Rather it is to review the range of existing programs and determine how we can better coordinate our efforts on behalf of veterans. Both the House and Senate Veterans' Affairs Committees, as well as several veterans service organizations support this concept and agree that such a review is both appropriate and timely. There is real opportunity here to repeat the success of General Bradley's 1955 commission, which make significant improvements in transition programs with fresh concepts and approaches.

IMPROVED SERVICE TO VETERANS

In my view, establishing this commission is the first step toward providing more accessible and more practical assistance to service members who are facing fundamental changes in their personal and professional lives. These are brave men and women who committed precious years of their lives to defending their Nation. Now they are ready and willing to become productive members of their civilian communities. It is my hope that this legislation will help these very deserving individuals make better use of the opportunities and resources available to them.

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. 1711

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

SECTION 1. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Service Members and Veterans Transition Assistance (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse veterans, military, organizational, and management experiences and historical perspectives, of whom—

(A) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the Senate, in consultation with the Ranking Member of that committee;

(B) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the House of Representatives, in consultation with the Ranking Member of that committee;

(C) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Ranking Member of that committee; and

(D) two shall be appointed by the Chairman of the Committee on National Security of the House of Representatives, in consultation with the Ranking Member of that committee.

(2) VSO MEMBERS.—One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE-CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties under this Act. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this Act.

SEC. 2. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness of veterans transition and assistance programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life upon their separation from the Armed Forces and in providing assistance to veterans in adjusting to civilian life;

(2) evaluate proposals for improving such programs, including proposals to consolidate, streamline, and enhance the provision of such assistance and proposals for alternative means of providing such assistance; and

(3) make recommendations to Congress regarding means of ensuring the continuing utility of such programs and assistance and of otherwise improving such programs and the provision of such assistance.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—

(1) IN GENERAL.—While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 1(b)(1) shall review primarily programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members in preparing for the transition of such members from military life to civilian life and to facilitate that transition.

(2) SPECIFIC REQUIREMENTS.—In carrying out the review, such members of the Commission shall determine—

(A) the adequacy of the programs referred to in paragraph (1) for their purposes;

(B) the adequacy of the support of the Armed Forces for such programs;

(C) the effect, if any, of the existence of such programs on combat readiness;

(D) the extent to which such programs provide members of the Armed Forces with job-search skills;

(E) the extent to which such programs prepare such members for employment in the private sector and in the public sector;

(F) the effectiveness of such programs in assisting such members in finding employment in the public sector; and

(G) the means by which such programs could be improved in order to assist such members in securing meaningful employment in the private sector upon their separation from service.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—

(1) IN GENERAL.—While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 1(b)(1) shall review primarily the adequacy of programs intended to assist veterans (including disabled veterans, homeless veterans, and economically disadvantaged veterans), including the programs referred to in paragraph (2).

(2) COVERED PROGRAMS.—The programs referred to in paragraph (1) are the following:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector.

(G) Federal Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of veterans for their transition from military life to civilian life and facilitate that transition.

(d) REPORTS.—

(1) IMPLEMENTING PLAN.—Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government.

(2) FINAL REPORT.—

(A) REQUIREMENT.—Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the Secretary of Education, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) EXECUTIVE COMMENT.—Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the comments of such Secretaries with respect to the report.

SEC. 3. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 4. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) GIFTS.—The Commission may accept, use and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall, upon the request of the Chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL AND TRAVEL EXPENSES.—

(1) TRAVEL.—Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission except when the cost of commercial transportation is less expensive.

(2) EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the Chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 6. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 2(d)(2).

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) The term ''veterans transition and assistance program'' means any program of the Federal Government, including the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Department of Education, the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in civilian life.

(2) The term ''members of the Armed Forces'' includes individuals serving in the reserve components of the Armed Forces.

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term ''veterans service organization'' means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 8. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the Chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this Act. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1712. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

THE STOP ALLOWING FELONS EARLY RELEASE ACT

Mr. DORGAN. Mr. President, I am here today to join with the Senator from Idaho, Senator CRAIG, in introducing a piece of legislation that we call the SAFER Act, the Stop Allowing Felons Early Release Act. I am very pleased to work with Senator CRAIG from Idaho on this piece of legislation. I would like to describe briefly for my colleagues what we intend to do.

Mr. President, many Americans will remember the story that they have read and reread in recent weeks about a child molester in Texas who was convicted after confessing he had sexually abused a 6-year-old boy. This man, who describes himself as a demon, claims he has molested 240 other children and he says to prison authorities that he will continue to do so when he is on the street.

Despite his repeated statements that he will continue to assault children, this prisoner was released recently

after serving 6 years of an 8-year sentence under a mandatory good-time release program. Under Texas law, authorities had no discretion to refuse to grant good-time credits to reduce this particular person's prison sentence. In fact, he is 1 of 1,000 child molesters who will be released from prison early this year.

Some of my colleagues will remember the story of Jonathan Hall, a young boy who was murdered this winter. Jonathan was a 13-year-old boy from Fairfax County, VA, who was stabbed 58 times and thrown into a pond and, apparently, left for dead. When the police discovered him, they found dirt and grass between his fingers. He did not die immediately after having been stabbed 58 times, and he tried to crawl out of this pond. He did not make it, and he died.

The person who allegedly killed Jonathan Hall has a long criminal record. In 1970, he murdered a cab driver. He was put in prison and then released on a work-release program. He kidnaped a woman while on work release and received an additional sentence. He then was convicted of murdering another prisoner. Two murders and a kidnaping, and he was set free on early release to live on the street where a 13-year-old boy named Jonathan Hall was living. Jonathan is dead because a man twice convicted of murder and kidnaping was let out of prison early.

Bettina Pruckmayr, whom I have spoken about before, was a 26-year-old attorney who was beginning her career in Washington, DC. She was abducted in a carjacking, driven to an ATM machine, and fatally stabbed over 30 times by a man who had been convicted previously of rape, armed robbery, and murder. He was on the streets of the District of Columbia legally because he was let out of prison early.

It does not take Sherlock Holmes to know who is going to commit the next violent crime. It is all-too-often someone who has committed a previous violent crime and who has been put in prison and let out early. My colleague from Idaho and I believe that those who commit violent crimes in our country ought to understand one thing: If you commit a violent crime, you are going to finish your entire sentence in a place of incarceration. No more good time, no more early release, no more parole. If you commit a violent crime, this country is determined not to turn murderers, child molesters, rapists and armed robbers back on the streets of our country.

Despite all of the talk about getting tough on crime, we still have an epidemic of violent crime in our country. I would like to use a couple of charts to demonstrate this fact.

There is one violent crime every 17 seconds in our country; one murder every 23 minutes; one forcible rape every 5 minutes; one robbery every 51 seconds; one aggravated assault every 28 seconds. That is what the time clock shows for 1994.

One in three offenders is rearrested for a violent crime within 3 years of being let out of prison. The Justice Department estimates that almost all violent criminals in State prisons are now released early before their term is up, before their sentences are completed.

I have a list of what the States do. Some States say that, if you serve a day, you get a day and a half off. That is why we have a circumstance in our country today where the average time served for murder is just slightly less than 6 years. I am not talking about the sentence; the sentence is longer than that. But we say we cannot afford to keep people locked up, so we put them back on the streets, where they commit more murder, when, in fact, they should not have been in a position to commit another murder. They should still have been in prison.

In 1991, the Bureau of Justice Statistics did a study of State prisons, and they found that 156,000 people were in jail for offenses they had committed while they were on early release from prison for a prior conviction.

Let me say that again because it is important: 156,000 people were in prison for offenses they had committed while they were on parole from a previous conviction.

They should never have been in a position to commit these new offenses, and a good number of which were murders. But we decided as a country to let them out early because we somehow cannot afford to keep them locked up. That does not add up. We have half the people in prison who are nonviolent. We can incarcerate them much less expensively than we now do.

The Senator from Ohio, Senator GLENN, talks about Quonset huts. He said he lived in one for 6 to 8 years while in the Marine Corps. We can use abandoned military facilities to incarcerate, much less expensively, nonviolent offenders and open up tens of thousands of prison cells for violent prisoners. We can put violent prisoners in those cells and say to them, ''You are going to stay in those cells until the end of your term. You are not going to be out raping and murdering other Americans.''

This piece of legislation affects those States that are going to access money from the Federal Government to build new prisons. We say to those States that affirmatively decide as a matter of policy, ''We're going to keep violent criminals locked up for their entire term,'' we want you to be advantaged when it comes to grants. All States will be eligible for this program, but we are saying that we want more money to be available to those States that say, ''It is our policy that violent criminals will spend their entire time in prison.''

The real cost of early release of violent offenders is this: There are 4,820 people in prison who committed murders while they were out on early release.

In other words, we knew who they were. We knew what they did. But we let them out early. When we say ''we,'' I am talking about the State and local justice systems that let them out early because they said, ''We can't afford to keep you in.'' As a result, 4,820 people were murdered, and they should not have lost their lies. Bettina Pruckmayr is one, 13-year-old Jonathan Hall is one. We can read all their names. Every one of these cases is a tragedy because we knew who the perpetrators were. We let them out of prison early. There were 3,899 rapes, 6,238 assaults. That is the real cost of early release.

What is happening to murderers in this country? The average person sentenced for murder in the criminal justice system in this country now, in the State and local court systems, is 34 percent of the sentence and then early release—34 percent of a sentence for murder, and then early release. For kidnaping, offenders have served 40 percent of their time. For robbery, they have served 39 percent of their time. For assault, 37 percent of their time.

My point is, we can do better than that. We can say to people, clearly and deliberately, that if you commit a violent crime, understand this: Society is not going to put you back on the street to murder Jonathan Hall, to murder Bettina Pruckmayr or another person, another innocent person who relies on Governments to prosecute those who commit violent crimes, put them in jail, and keep them in jail.

The Federal system is somewhat different, I am pleased to say. I have been involved in some of that with respect to the crime bill. The Federal Government abolished parole for Federal prisoners in 1984. The 1994 crime bill included a provision that I authored that eliminated automatic good time credits for violent offenders.

But, as you know, 95 percent of the crimes are committed under the State and local jurisdictions. The State and local jurisdictions are involved in almost all of what I have been talking about. In order to do what the American people would expect us to do, we must encourage State and local governments to decide that when they find violent offenders who are committing murders and rapes, and violent assaults, and they sentence them to prison, they must be kept in prison.

We were told that the reason that you have to have good time —and some States give a day, some States nearly 2 days of good time for every day a prisoner serves; so you serve a year and get 2 years off of your sentence—the reason they say you must have good time off for good behavior is to be able to manage violent prisoners.

A Justice Department official told us at a meeting some while ago, he said, ''Well, these young gang-related offenders in prison are so violent that they can't be controlled without incentives.'' The incentive is, ''Look, either you behave and we will give you good time, or you misbehave and we'll take

good time away, and, therefore, you must stay here longer.'' They say these people are so violent they cannot be controlled without the incentive of giving them a reduced sentence.

I guess the question is this: If prisoners are so violent that prison guards and strict prison rules cannot control them—and that is what the Justice Department says—if that is the case, why on Earth would you construct a system that says to those people, ''Behave here, and we'll turn you back to the streets somewhere?'' Why on Earth would we think that advances the criminal justice system in this country?

Senator CRAIG and I are not saying that we ought to run the criminal justice system. It is not what this legislation is about. We are saying, as a Federal Government, we have made some money available for new prison construction and, as a matter of policy, we should use this money as an incentive so those States who will get the most will be those States who decide to construct a policy in which those who commit violent crimes will stay in prison for their entire sentence.

That is our hope. Our hope is that we will advance that kind of public policy. Our hope is that we will save lives. So we will introduce this piece of legislation today in the memory of so many people who have been the victims of violent crimes that should never ever have occurred.

We will introduce this bill in the memory of Bettina Pruckmayr, this young woman who should not have been murdered, because the person who allegedly murdered her was a person we knew was violent, and in the memory of Jonathan Hall, a 13-year-old who happened to live on the street of person who had committed two previous murders and a kidnaping and who was released early from prison.

I hope, Mr. President, that one day soon we will be able to decide that the sentence for murder is the time served for murder. I hope we will no longer tell criminals, ''You get good time off for good behavior. You get early parole if you behave. By the way, we will let you out early.'' I hope that is not the message we will continue to send to those who commit violent crimes in our country.

Again, I am delighted to join my colleague from Idaho, Senator CRAIG, in advancing what I think is a very important policy initiative in asking State and local governments to consider this as a method of achieving the access to Federal funds, and with the maximum capability they can, to build additional prisons and keep violent criminals in jail.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, let me say how blessed I am to be a cosponsor of the Stop Allowing Felons Early Release Act, known as the SAFER Act. Let me, in a very sincere way, congratulate my colleague from North Dakota for what is a very sensible approach to crimefighting and for his outspoken leadership on this issue.

This bill that he has just outlined for us all this morning would help stop one of the most significant causes of crime in America. It is amazing to me, but it is true by fact and statistic, that the way our criminal justice system is operated today, Mr. President, results in increased crime. We know that a relatively small percentage of our population is responsible for a relatively large percentage of violent crimes.

Study after study has shown that a vast number of violent crimes are State crimes committed by repeat offenders—repeat offenders.

Although there are many causes of violent crime and many factors contributing to our crime rate, it appears that the most immediate and significant is the career criminal. Since that is the cause, we clearly have an opportunity to save lives and prevent crime-related losses by getting the hard-core criminals off the streets and out of our communities.

Even though crime-fighting is primarily a State and local responsibility, as my colleague has referenced, Congress has had endless debates over the best way to protect our citizenry from these dangerous predators. We have explored how crime can be prevented or deterred and how it should be punished. We have looked at better tools to help law enforcement stop criminals. We have provided significant resources for State and local governments to attack crime at its roots.

Many of those efforts have produced success at some level, but what we are finding, however, is all this good work can be undermined by programs of early release and parole that send violent felons back out into our communities to prey again and again on our citizenry.

Senator DORGAN has spoken here in the Senate on the horrifying consequences, citing example after example of these policies. The impact reaches far beyond the victims of repeat criminals, their families and communities. Justice itself is imperiled when punishment is uncertain and unpredictable. We can argue about the value of imprisonment in terms of rehabilitating criminals.

Some even argue about the value of imprisonment in terms of deterring crime. But there can be no serious argument that any rehabilitation or deterrent value is reduced in prison—if prisoners are subject to the revolving door and, as a result of that, become the repeat offenders.

More important, there can be no serious argument that early release programs destroy the most effective outcome of imprisonment: incapacitating the violent criminal by separating him or her from society and the opportunity to commit additional crimes. All too often early release and parole programs are being driven by financial considerations at the State and the local level rather than solid evidence of rehabilitation.

I understand those concerns in my own State of Idaho. Our inmate population is estimated to be increasing at about 27 inmates per month. We will need to double prison space in the next 6 years in my State. It is not necessarily bad for Government to innovate or find cost-conscious alternatives in this area.

Again, my colleague from North Dakota cited some of those for the nonviolent-type criminal or the nonviolent offender. We can find alternative methods of incarceration for them in facilities that are oftentimes already built, that can simply be modified for a new purpose. Clearly, these programs cross the line when they send hard-core violent offenders back to the streets before serving their full sentences.

Congress has established programs at the Federal level that help State and local governments with financial and human resource needs in fighting crime. Among other initiatives, we have provided financial incentive grants to States, to enact truth-in-sentencing laws to ensure that the time actually served by convicted felons reflects the sentences they were given. It just does not make sense to me, and I know it does not make any sense to the taxpayer if we support policies and provide taxpayers dollars that actually increase crime.

The SAFER bill provides an important incentive for States to get rid of the early release program for violent offenders we know will only push the crime rate higher, and the statistics prove it. As long as those programs are on the books, States will only have access to 75 percent of the funds available to them under the truth-in-sentencing programs.

Again, my colleague from North Dakota has outlined how this bill would affect those States. It is important to let those States know that these kinds of policies are no longer acceptable when the Federal tax dollars are involved. Access to full grant amounts would be available to States that eliminate those programs, only dealing with it in the way that we have outlined. If approved by a Governor after a public hearing in which the victims and other members of the public have an opportunity to be heard, then you might look at some consequences for an early release program. There are ways to deal with it in the legislation as set forth. These States would also have access to a portion of the remaining undistributed grant funds.

The SAFER bill is a measured response, strategy, to reducing one of the most significant causes of crime in our society today. I hope my colleagues would join with me and the Senator from North Dakota in what we believe is a very important piece of legislation.

Mr. President, it is not complicated. It is straightforward. It is just a heck of a lot of common sense when you look at the facts and you look at the statistics—hardened criminals are oftentimes repeat offenders. They ought

to stay and do the time. That is what our legislation would require.

Mr. DORGAN. Will the Senator yield?

Mr. CRAIG. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, the Senator from Idaho has made a compelling statement on this issue. I wanted to make a couple of other observations.

Some have said to me, what about rehabilitation? Should not someone be able to be rehabilitated while in prison? I say that is fine. I am for rehabilitation. But I do not want a circumstance to continue to exist where we know that about 6 percent to 8 percent of the criminals in America commit two-thirds of all the violent criminal acts, and they go through that revolving door to commit new crimes.

We should rehabilitate them, but we should not be in a circumstance in this country where the amount of time served for murder is 5.9 years. What on Earth are we thinking of? We should decide that those people who are career criminals and who kill the people I have described today will go to prison and spend their time in prison until their sentence is complete. That is what this bill is about.

I know people say, ''You are talking tough.'' The fact is, if we do not get tough with that 8 percent of the criminal element who commit most of the violent crimes in this country, the American people are not safe. We make victims of the American people by turning murderers out of prison years and years before their sentences are complete. It is time for us to decide that does not make sense.

We are simply shifting the costs. We shift the costs from those who would be required to pay for a prison cell to those victims and their families who now suffer the consequences of murder, rape, assault, and more.

This is not a regional issue. This is an issue that is national. A woman named Donna Martz, bless her soul, used to bring a tour bus every year to the State capitol. They came to the front steps and we would take a picture. On a quiet Sunday morning, coming out of a hotel in Bismarck, ND, a man and a woman from Pennsylvania on the run from the law, having left jail in Pennsylvania, abducted poor Donna Martz and put her in a trunk. They eventually killed her some days later out in the desert of Nevada.

Violent crime does not respect State boundaries. Victims of violent crime—the violence that is committed by people who have been in prison who we know are violent and who are let out early—are strewn across this country. That is why I am delighted the Senator from Idaho has joined in this legislation. I hope we can make some progress in advancing this in this Congress. I yield the floor.

Mr. CRAIG. My colleague from North Dakota is right. We are not talking tough. We are not even beginning to talk tough on behalf of the victims. The families that have been destroyed, torn apart by acts of violence of the type that this legislation will be directed toward.

I think the American public expect us to talk tough. If Federal tax dollars are going to be used under the assumption that the communities of our Nation will be safer when those dollars are appropriately spent, then it is our responsibility as Senators that those dollars get well spent.

What we are saying to the States in this instance, if you have a revolving door in your criminal justice system where known hardened criminal repeat offenders are back on the streets, then you are not going to get as much of the Federal dollar as is now available. You have to examine the way you handle these criminals and keep them in and let them do their time. Only under special circumstances where it is clearly evident that rehabilitation has worked and this person can return to society and live a safe and law-abiding life, can they or should they be returned.

I hope that all Senators would take a look at this legislation as we introduce it today. We would certainly hope that all would become cosponsors of it. We think it is responsible and tough when it comes to dealing with the criminal element of our society.

It just does not make sense to use U.S. taxpayer dollars to support policies that might actually increase crime. The SAFER bill provides an important incentive for States to get rid of the early release programs for violent offenders we know will only push the crime rate higher. As long as those programs are on the books, States would only have access to 75 percent of the funds available to them under the Truth in Sentencing Grant Program. Access to full grant amounts would be available to States that eliminate those programs and only allow early release if approved by the Governor after a public hearing in which the victims and other members of the public have an opportunity to be heard. These States would also have access to a portion of the remaining undistributed grant funds.

The SAFER bill is a measured, responsible strategy for reducing one of the most significant causes of crime in our society today. I hope all of our colleagues will join in supporting this bill.

By Mr. FRIST (for himself, Mr. LEVIN, Mr. MURKOWSKI, Mr. DEWINE, Mr. WARNER, Mr. SIMON, Mr. MCCAIN, and Mr. DORGAN):

S. 1713. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1996

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1995. I am joined by my colleague Mr. LEVIN in introducing the Senate companion version to Representative STARK's bill. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to the 45,120 Americans who have end stage organ disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPOs] and managed by the entity administering the organ procurement and transplantation network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through incentive programs and public education.

As several recent experiences have proved, any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has doubled since 1990 and a new name is added to the list every 18 minutes. However, this official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end stage disease, the number of people potentially needing organs or bone marrow, very likely over 100,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are close to 15,000 and 20,000 potential donors each year, yet inexcusably, there are only some 5,100 actual donors. That is why we need you to help us educate others about the facts surrounding tissue and organ donation.

This year, Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a

group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

Mr. DOLE (for Mr. BURNS):

S. 1714. A bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UTILITY CONSUMER SERVICE IMPROVEMENT AND PROTECTION ACT OF 1996

● Mr. BURNS. Mr. President, today I am introducing the Utility Consumer Service Improvement and Protection Act of 1996. This legislation would modify a Federal regulation which is unnecessary, burdensome, and which costs millions of dollars each year in return for negligible benefits.

This regulation costs the Government itself hundreds of thousands of dollars annually for the personnel and overhead needed to implement, track, and enforce it. More importantly, it imposes unnecessary costs upon almost every family and business in the United States, due to higher rates imposed on consumers' utilities—electric, telephone, natural gas, water, sewer, garbage disposal, and even cable television. The regulation in question is the Department of Transportation's hours-of-service truck-driving rules as they are applied to the utility industry.

When we examine the hours-of-service truck-driving regulations as applied to public utility service vehicles, there is no evidence that these costly regulations improve public safety or provide any other tangible benefits whatsoever to the American public.

To the contrary, there is significant evidence that these regulations needlessly increase costs and threaten the reliability of basic utility services for average American consumers. By imposing higher costs and reducing the reliability of basic utility services, the DOT regulations themselves pose an increased risk to the health and safety of the public.

In regard to utility vehicles, this hours-of-service regulation is a classic example of a well-intended regulation which simply does far more harm than good—the costs greatly outweigh any potential benefits, and it should be immediately modified to the extent that it applies to the utility service vehicles which are vital to the installation and the maintenance of utility facilities across our country.

DOT over-reacted in issuing its regulations, which limit the number of hours drivers can be on duty at his or her job, and still operate a heavy vehicle. The DOT regulation makes no distinction in the manner in which a vehicle is operated, neither does it recognize and accommodate the purposes for which different kinds of vehicles are operated.

The hours-of-service regulations apply to virtually all drivers of all vehicles which exceed a certain weight, regardless of how the vehicle is actually used. Almost of utility service vehicle owners and drivers are subjected to the regulation, even though they are only driven an average of 50 miles per day.

Many thousands of trucks and motorized heavy equipment units owned by public utility providers exceed the DOT regulatory weight threshold, and are thus subject to the regulations. This directly increases the cost to consumers for basic utility services, and interferes with utility providers in their job of maintaining reliable service.

When the electricity goes out, persons who are dependent upon various kinds of mechanical equipment are suddenly faced with a life-threatening situation. When the phone lines are down, people with emergency situations cannot call for the ambulance, or the fire department, or the sheriff's office for help. A regulation which makes it more difficult and expensive to rapidly restore or maintain vital utility service becomes in and of itself a much greater threat to public health and safety than the very limited highway operation.

This same bill, H.R. 2144, was introduced in the House of Representatives last year. It would simply have exempted utility service vehicles and their owners and drivers from the DOT hour of service regulations.

While some portions of H.R. 2144 were incorporated into Public Law 104–59, the National Highway System Act, much of the costly and restrictive DOT hours of service truck driving regulation still applies to utility service vehicles, costing consumers unwarranted regulatory expense and still interfering with utilities' ability to ensure reliable service and repairs.

The legislation I am introducing today will complete the job started last year. My bill will exempt utility service vehicles and their drivers from the DOT hours of service regulations effective only for those vehicles and drivers while they are actively engaged in legitimate and necessary utility activities.

I want to point out that this exemption does not relieve owners from any established equipment mechanical safety standards or inspections, nor does it weaken in any way the licensing standards and testing required of drivers. It does not interfere with or pre-empt any state-imposed regulations which may affect driving-time hours.

Mr. President, I urge my colleagues to join me in this effort by cosponsoring this legislation and working for its passage. I also ask unanimous consent that a letter written by the Montana Electric Cooperatives' Association be printed in the RECORD.

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

MONTANA ELECTRIC COOPERATIVES' ASSOCIATION,
Great Falls, MT, March 6, 1996.

Hon. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: Montana's rural electric cooperatives are writing to ask for your help in obtaining a much needed reform of specific federal regulations which are unnecessary, unwieldy, and which cost far more to comply with than any possible benefits that might theoretically be derived. The current Department of Transportation ''Hours of Service'' (HOS) truck driving regulations, as they apply to public utility providers, impose an entirely unreasonable cost on consumers, and compound other difficulties faced by providers in reliably maintaining vital utility services.

The HOS regulations were originally intended to address public safety concerns arising from practices in the long-haul, transcontinental trucking industry where vehicles are utilized in an entirely different manner than those in the utility business.

Citizens and legislators alike became alarmed at the frequency and severity of highway accidents caused when long-haul truckers would operate their vehicles for days at a time without getting proper rest. Operators suffering from driving fatigue and ''white line fever'' often exceeded their physical and mental limits, resulting in some truly horrible accidents and the tragic deaths of many innocent motorists.

However, it is important to note that utility service vehicles simply are not operated in the same fashion as the long-haul equipment, and there is no evidence that our industry's vehicles were ever a part of the problem the regulations were designed to resolve. This is especially true for utilities serving rural Montana. Clearly, the HOS rules are but one more example of a ''one-size-fits-all'' federal mandate that is costly, unrealistic and unnecessary.

Disregarding these distinctions, DOT crafted regulations which apply as equally to utility vehicles as to long-haul vehicles. This has resulted in a situation whereby enforcement of existing rules will require consumers to pay significantly higher utility rates to help fix a problem that didn't exist in the first place.

We also believe public safety is actually placed in far greater imminent danger by imposition of the DOT's arbitrary and restrictive Hours of Service rules.

That is because these rules hamper the ability of our cooperatives to rapidly maintain and restore electric and telephone service to the approximately 300,000 Montanans we serve. The result is that customers' lives may be in far greater danger from lack of electric or telephone service than by the possibility of a utility service vehicle accident.

Cooperative managers have called us to emphasize that the HOS rules ignore reality: When the power is out, those on life support equipment, for example, are at great risk. When phone lines are shut down, people can't call for medical, fire, or law enforcement emergency assistance.

As one western Montana cooperative manager put it, ''It is our overall responsibility to ascertain the circumstances of each individual work period and draw the line between safe working/driving practices, balanced against the urgency of electric service restoration. Service restoration work can be

critical and/or lifesaving by nature—much more so than the negligible risk of driving—after even 15 hours or more of work. We have prescribed rest periods in relation to hours worked which also require common sense supervisor interpretation.''

An eastern Montana cooperative director described the situation this way: ''Because of the great distances involved in our service area, exceeding the restriction on service hours could be a high probability. Because of the dependency on the power we supply for heat, water heaters, and communication within our service area, it is imperative to the welfare of our consumers that the restoration of power occur as quickly as possible.''

As applied to utility service vehicles and drivers, the DOT regulations are totally unwarranted, extremely expensive (in the aggregate) to consumers, and pose a potentially dangerous obstacle to our ability to maintain electric and telephone lifelines.

MECA applauds your consideration of legislation which would exempt utility service vehicles from the HOS regulations. We also appreciate your well-crafted draft language because it is written in a manner which would exempt our vehicles only when they are being used for legitimate utility purposes (including emergencies arising from storms and other acts of nature).

We sincerely urge your speedy introduction of such legislation and we will work to help build the support needed for congressional passage of the measure.

Sincerely,

JAY T. DOWNEN,
Executive Vice President.●

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. CAMPBELL, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. BOND):

S. 1715. A bill to amend the Internal Revenue Code of 1986 to provide a credit for adoption expenses, to allow penalty-free IRA withdrawals for adoption expenses, and to allow tax-free treatment for employer provided adoption assistance; to the Committee on Finance.

THE ADOPTION PROMOTION ACT OF 1996

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. INOUYE, Mr. LEAHY, Mr. SIMPSON, Mr. HATFIELD, Mr. COATS, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CONRAD, and Mr. DEWINE):

S. 1716. A bill to amend the Public Health Service Act reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Mr. SPECTER. Mr. President, I have sought recognition to introduce, on behalf of 14 Senators, the Adolescent Family Life and Abstinence Education Act of 1996 and, on behalf of 12 Senators, the Adoption Promotion Act of 1996. I am pleased to be introducing these bills with many colleagues from both parties, which I shall describe shortly.

TOWARD A ''GOOD'' SOCIETY

Mr. President, I am introducing two bills designed to bring Americans together on one of the most controversial, if not the most controversial matter facing the United States domestically today, and that is the question of abortion, pro-choice, pro-life. While we cannot achieve agreement on all aspects of that underlying controversy, I believe it is possible to make enormous steps forward on the issue of abstinence; that is, to try to curtail premarital sex, especially among teenagers, which results in unintended pregnancies, and to promote adoption through tax credits, to try to encourage those who are in the situation of unintended pregnancy to carry through to term.

At the outset, let me provide my colleagues with a brief summary of the legislation. This legislation would support an authorization for $75 million annually to have abstinence education. While there is great concern about education dealing with matters of sex generally, there appears to be an exception when you talk about abstinence. Within the past several weeks, I have had the opportunity to visit the Carrick High School in Pittsburgh, where I met with students who are involved in an abstinence program and with officials of Mercy Hospital which has been the recipient of a $250,000 federal grant for abstinence education. The results there have been very profound. Later, I visited a program in Lancaster, PA, where young people are taking the abstinence pledge and are being counseled in how to respond to peer pressure with counter peer pressure. As I say, while we cannot agree on all aspects of the issue of abortion, pro-choice, pro-life, I believe when we talk about abstinence, that is an area of agreement.

Similarly, on adoption, there have been many efforts to give tax breaks. This legislation is another effort, with up to a $5,000 tax credit for adoption, and up to $7,500 for adopting children with special needs. These two bills will supplement legislation which I have already pushed on prenatal care for pregnancies, again involving many youngsters in their teens. I saw my first one-pound baby more than a decade ago. It is really a startling sight, a child no bigger than my hand, carrying medical problems for a lifetime and costing up to $200,000 in medical care per child for just the first year. I believe this abstinence legislation, in conjunction with adequate prenatal care and the Healthy Start program, will go a long way toward avoiding teenage pregnancies and the complications that can arise, such as low-birth-weight babies.

Mr. President, on March 28, 1996, I spoke on the Senate floor in support of the Commonwealth of Pennsylvania's Teen Pregnancy Prevention Week. During that week, communities throughout the Commonwealth of Pennsylvania conducted special activities to promote pre-marital abstinence as the best, healthiest way to prevent teen pregnancy and the many other physical, emotional, and relational consequences of early sexual activity. On Friday, March 15, 1996, I had the opportunity to kick-off this important week at Central High School in Philadelphia, and during my remarks, I stated that I would be introducing two legislative proposals that deal with the important issue of teen pregnancy, one on abstinence education and one on promoting adoption.

By way of background, nearly 200 years ago, the French writer Alexis de Tocqueville is said to have observed that ''America is great because she is good, and if America ever ceases to be good, America will cease to be great.'' Although de Tocqueville is long gone, his analysis is timeless. It is impossible to be a public official today, to travel throughout States such as Pennsylvania and elsewhere in the United States, without recognizing that America's problems are more moral than material. The news media offer us a monthly snapshot of leading economic indicators, but it may be that our leading moral indicators are more telling, such as the staggering number of teenage pregnancies, the national divorce rate, and the rapid rise in juvenile crime.

As we have tried to steer towards a growing economy and a balanced budget, there has been a growing consensus that all our goals—personal, economic, and national security—must rest on a restored ethic of personal responsibility. There has been an increased recognition that a crisis of values underlies the many public policy problems the Senate addresses on a daily basis. This has impressed upon me the need for people of strong moral commitments to enter public service and public debate, so that we may confront the underlying problems.

On the critical question of the health of America's families, the grim statistics are well known, but worth repeating. These leading moral indicators suggest that the erosion of the American family continues unabated. For example, more than 50 percent of American marriages now end in divorce, meaning that millions of American children face at least some instability in their home environment. Then, there is the alarming number of teenagers getting pregnant in the United States. According to statistics released by the Centers for Disease Control in 1995, there were an estimated 835,000 teenage pregnancies in 1990. Further, the National Center for Health Statistics reports that in 1993, 12,000 girls under 15 years of age gave birth to a child. To me, this necessitates a strong response from public officials, the clergy, and concerned citizens.

A leading moral indicator is the rapid increase in the number of unwed mothers. The percentage of teen births that occurred outside of marriage has risen from 48 percent in 1980 to 72 percent of all teenage births in 1993. According to my distinguished colleague,

Senator MOYNIHAN, within 10 years, unless we reverse current trends, more than half our children will be born to unmarried women. By comparison, the United States teenage birth rate—60 births per 1,000 females aged 15 to 19—is double the rate in other industrialized societies such as Australia and the United Kingdom. France and Japan report some of the lowest teenage birth rates, at nine and four births per 1,000 females, respectively.

It is worth pausing to reflect on the enormous significance of these statistics regarding out-of-wedlock births. Marriage is obviously important as it relates to the benefits for children to have a strong family structure based on a commitment of mutual support and respect.

On the subject of family values, I speak with considerable pride about the institution of marriage with my parents and my siblings. In addition to my parents' marriage of 45 years, my brother, Morton, and his wife, Joyce, were married for 51 years until his death in 1993. My sister, Hilda, and her husband, Arthur Morgenstern, celebrated their 53rd wedding anniversary in April. My sister, Shirley, was married to Edward Kety for 46 years until his death last summer. My son, Shanin, and his wife, Tracey, will celebrate their 10th wedding anniversary on June 29, 1996. So our family totals 248 years of marriage.

In considering the troubling statistics on out-of-wedlock births, I believe there is much we can do to reduce the likelihood that an unmarried teenager will become pregnant in the first place.

While I am personally opposed to abortion, I do not believe it can be controlled by the Government. I believe it is a matter for the woman and family, with appropriate guidance by ministers, priests, and rabbis. I do believe the government has a significant role in promoting alternatives to abortion. In my view, there is no reason why people on both sides of the abortion debate cannot work together to promote those alternatives. We can reduce teenage pregnancies by encouraging abstinence and personal responsibility. If a teen pregnancy does occur, we should promote adoption as a socially beneficial alternative.

We can, and we must, confront our leading moral indicators head-on. We must press harder in the fight to reduce the alarming number of teenage pregnancies. And, when a child comes into the world as the result of an unintended pregnancy, we must do all that we can to ensure that it is raised in a loving, stable family environment.

It is the American family, of course, to which these responsibilities chiefly belong. Nonetheless, I believe that the Government can play a role and that we in the Congress must seek out appropriate legislative means to advance this cause. Accordingly, I am today introducing these two bills which will strengthen the social fabric and family stability of our Nation.

Before I go into greater detail on these two bills, I want to point out that I have benefited from thoughtful review and comments by a number of individuals with expertise on the issues of teen pregnancy, abstinence, and adoption, including Bill Pierce of the National Council on Adoption; H. Woodruff Turner and Katrina Schulhof of the Pittsburgh Adoptive Family Rights Council; David Keene of the American Conservative Union; Ms. Molly Kelly of Philadelphia; Larry Breitenstein of the Westmoreland County Childrens Bureau; Dr. Carol Jean Vale, President of Chestnut Hill College; Sister Roseanne Bonfini of Immaculata College; James Stark of the Fayette County Community Action Agency; Danelle Stone and Melissa Mizner of Catholic Charities Counseling and Adoption Services—Erie Diocese; Washington County Commissioner Diana Irey; Reverend Horace Strand, Sr. of the Faith Temple Holy Church and Christian School; Rev. Msgr. Philip Cribben of the Archdiocese of Philadelphia; and Ted Meehan of the Mainstream Republicans.

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

My first legislative proposal provides for the continued funding of programs that are designed to reduce teenage pregnancy and to increase abstinence education. The existing Adolescent Family Life Program, known as the title XX program, is a worthwhile program which focuses directly on the issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting. If you want to reduce the number of abortions performed in the United States, teaching children to say no to negative peer pressure is a starting place.

In 1981, Congress established the Adolescent Family Life Program as the only Federal program of its kind. Through demonstration grants and contracts, Adolescent Family Life focuses on a comprehensive range of health, educational, and social services needed to improve the health of adolescents, including the complex issues of early adolescent sexuality, pregnancy, and parenting.

This legislation had bipartisan support when originally enacted in 1981 and when it was reauthorized in 1984. Authority for title XX expired in 1985 and since then, the program has been operating under funding provided in the annual Labor, HHS, and Education appropriations bill. For fiscal year 1996, the Labor, HHS, and Education Appropriations Subcommittee, which I chair, provided $7.7 million for the Adolescent Family Life program.

Now, more than 10 years after the authority for this valuable program expired, it is important that Congress reauthorize it to demonstrate our commitment to this important Adolescent Family Life Program. As I stated at the outset, my legislation, the Adolescent Family Life and Abstinence Education Act of 1996, would provide authority for $75 million annually between now and fiscal year 2000, substantially higher than the $30 million authorized in 1985. My legislation would also amend title XX to state expressly that the education services provided by the recipients of federal funds should include information about abstinence. I have also proposed amending the law to require the Secretary of Health and Human Services to ensure, to the maximum extent practicable, that approved grants have a geographic diversity that shows adequate representation of both urban and rural areas. Further, to address concerns raised by Pennsylvania constituents, my legislation would establish a simplified, expedited application process for groups seeking Title XX demonstration project funding of less than $15,000.

As I noted at the beginning of my remarks, teenage pregnancies exact a substantial emotional and financial toll on our society and deserve priority consideration by Congress. Adolescent pregnancy threatens the health of both the young mother and child. Teenage mothers are more likely to lack adequate prenatal care and to give birth to a low birthweight baby. When I refer to the problem of low birthweight babies, I am talking about babies weighing as little as 12 ounces who when born are no larger than my hand. It is tragic that these babies are not born more healthy, for low birthweight babies will carry scars for a lifetime and often do not live very long.

The Adolescent Family Life Program, in addressing early sexual relations among teenagers, can also protect their health with respect to sexually transmitted diseases. Early sexual activity, particularly with multiple partners, increases the chance that a teenager will contract such a disease. The Title XX program is designed to get teenagers to focus on the potential consequences of early sexual activity, and these health concerns certainly provide additional justification for Federal support of abstinence education.

In making the case for funding programs to address the teen pregnancy problem it is important to focus primarily on the physical, emotional, and spiritual costs associated with a young girl becoming pregnant. At a time when Federal, State, and local governments face difficult budgetary constraints, I should also note that in 1990, an estimated 51 percent of Aid to Families with Dependent Children payments went to recipients who were 19 or younger when they first became mothers. Billions of dollars could be saved by preventing unwanted teenage births to unwed mothers.

Reauthorizing the Adolescent Family Life Program at $75 million will demonstrate that Congress recognizes the serious emotional and financial impact of teenage pregnancy. Updating federal law to advocate abstinence education

expressly is also necessary to provide guidance to the Department of Health and Human Services. I urge my colleagues and others to making America a ''good'' society to support this legislation and join me in the effort to reduce teenage pregnancies.

THE ADOPTION PROMOTION ACT OF 1996

My second legislative proposal, the ''Adoption Promotion Act of 1996,'' is intended to provide appropriate tax incentives to encourage adoption, a policy which serves as a compassionate response to children whose own parents are unable or unwilling to care for them. This is particularly important in an era when so many teenagers are having babies and are unable to care for them.

Based upon my own strong sense of family, I firmly believe that the family is the primary building block of our society. To reinforce the important role families play in our society, the Senate and the House of Representatives recently passed balanced budget legislation which contained provisions to benefit families. For instance, the agreement provided a $500 per child tax credit to help cover the rising costs of raising children. That legislation also provided a $5,000 nonrefundable tax credit for families who follow the long and arduous, but rewarding, process of adopting a child. Although this legislation was vetoed by the President, I believe it made a very strong statement in support of the American family.

I have spent the past year advocating scrapping our current Tax Code and replacing it with a flat tax that would encourage saving, stimulate growth, and promote fundamental simplicity. In March 1995 I introduced S. 488, the Flat Tax Act of 1995, which would increase economic growth by $2 trillion and reduce interest rates by 2 full percentage points. Further, S. 488 would provide much more generous personal exemptions and deductions for children. However, as the Congress debates the merits and necessity of fundamental tax reform, and until such legislation is enacted, I believe we need to move forward with specialized tax legislation that promotes adoption.

As I stated earlier, today I am introducing the Adoption Promotion Act of 1996, which would encourage the adoption of children into healthy and stable existing families. Far too many children are left to grow up in foster care without ever experiencing the rewards of being a permanent family member. Many other couples, unable to conceive their own child, turn to infant adoption to start a family. Recognizing the cost hurdles that may discourage many American families from adopting a child, my legislation would provide a nonrefundable adoption tax credit for up to $5,000 in qualified adoption expenses for families earning up to $65,000 in annual adjusted gross income. The credit is available at a gradually reduced percentage to families with adjusted gross income between $65,000 and $95,000. The credit is available during the year of the legal, finalized adoption, but may cover expenses incurred in previous years toward the adoption.

As I will explain in greater detail later, my legislation also would allow all families to make penalty free withdrawals of up to $2,000 from Individual Retirement Accounts to pay adoption expenses. In addition, the bill allows employers to offer their employees tax-free benefits for adoption. To address the particular problem of placing children with special needs in adoptive families, my legislation would provide a $7,500 nonrefundable tax credit for such adoptions.

Mr. President, when couples realize that they are not able to conceive their own children or that it is not medically advisable, many consider adoption. Many other couples blessed with their own children consider adopting a child out of a sense of love and community, particularly where a child has been in foster care. These couples quickly learn that the costs associated with adoption can be prohibitive. It is not uncommon for the adopting family to pay thousands of dollars in legal expenses, prenatal care for the birth mother, and the cost of the adopted child's hospital delivery. In fact, according to information from congressional testimony by the National Council on Adoption, adoption costs range between zero and $30,000, averaging $15,000 for infants born in the United States.

My bill includes a provision to encourage in particular the placement of special needs children because there is good reason to provide a particular incentive for their adoption. This legislation adopts the definition contained in the balanced budget legislation and states that a child with a special need is one who has a mental, physical or emotional handicap or who may fall into a specific age, gender or minority group. However, this clinical explanation belies the frustrating condition of these children. According to the Ways and Means Committee, in fiscal year 1990, 71 percent of children with one or more special needs were waiting for adoptive placement. In cases where children have medical conditions, most through no fault of their own, costs of care can be prohibitive. It then becomes even more difficult to place such children in adoptive families because of these tragic circumstances. I am hopeful that the $7,500 tax credit will ease the financial burden on families considering adopting a special needs child. I would note that the credit is not tied solely to the actual costs of the adoption, because such adoptions are often less expensive than a typical infant adoption. Therefore, this credit is available to defray additional expenses of having a special needs child join one's family.

Under current law, if an employer helps to pay an employee's pregnancy expenses by funding an insurance policy or paying the fees for an employee to join an health maintenance organization, these expenses are treated as tax-free fringe benefits. But if an employer helps his or her employees with adoption expenses, it has to pay these expenses in after-tax dollars. That is why my legislation provides that employer-provided adoption assistance is tax free for up to $5,000 in benefits for each child (up to $7,500 for special needs children). This tax provision is also phased out based on income, but at a higher level than the tax credit, in order to allow more families to take full advantage of employee fringe benefits. I am proud to mention that several companies in Pennsylvania, including First Pennsylvania Bank, Rohm and Haas, and Wyeth-Ayerst already provide adoption assistance to their employees. Other companies offering such benefits include General Motors, DuPont and PepsiCo.

Finally, I have included provisions in my legislation to allow the penalty-free withdrawal from Individual Retirement Accounts [IRA] to help cover the costs of adoption expenses. I understand the fact that a tax credit is simply not enough to cover all the expenses associated with adoption. I believe the federal tax code must encourage savings and reward taxpayers not penalize them for the wise uses of their hard-earned money. I have supported other efforts in the past that would allow the use of IRA funds for personal capital expenses such as purchase of a family home, investment in college education, or payment of medical expenses. In my judgment, using IRA funds for adoption expenses is equally meritorious.

Given prior support in both the Senate and House for some type of tax incentives to promote adoption, I am hopeful that my colleagues will favorably consider the mix of incentives contained in the Adoption Promotion Act of 1996 and enact this legislation in the near future. By reducing the financial hurdles to adoption, I hope we will be able to give new hope to the thousands of children who live in foster care awaiting the chance to be brought into a loving family environment permanently. In conclusion, Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a ''Dear Colleague'' letter, dated March 25, together with a summary of the legislative provisions, together with the bills themselves, which identify the 14 sponsors of the abstinence bill and the 12 sponsors of the adoption bill, together with seven letters: one from David Keene of the American Conservative Union; the second from Danelle Stone and Melissa Mizner of the Catholic Charities (Erie Diocese); the third from Pastor Horace W. Strand of the Faith Temple Holy Church and Christian School; the fourth from Commissioner Colin A. Hanna of Chester County; the fifth from Commissioner Joseph A. Ford of Washington County; the sixth from Commissioner Jim Beckwith of Mifflin County; and the seventh from President Carol Jean Vale of Chestnut Hill College.

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

UNITED STATES SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 25, 1996.

DEAR COLLEAGUE: I am writing to urge you to cosponsor two bills I intend to introduce shortly: the Adolescent Family Life and Abstinence Education Act of 1966 and the Adoption Promotion Act of 1996.

While there are obviously great differences of opinion on the pro-life-pro-choice issue, there is a consensus that all efforts should be made to prevent unwanted teen pregnancies through abstinence. The first bill does just that.

Where tax breaks for adoption would encourage carrying to term, we should act on that as well. The second bill does just that.

The following describes the essence of the two bills:

Adolescent Family Life and Abstinence Education Act of 1966—Reauthorizes the Adolescent Family Life (Title XX) program, which funds demonstration projects focusing on abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting. This program had bipartisan support when originally enacted in 1981 and when it was reauthorized in 1984. Authority for Title XX expired in 1985 and since then, the program has been operating under funding provided in the annual Labor, HHS, and Education Appropriations bill. For FY 1996, the Labor, HHS, and Education Appropriations Subcommittee, which I chair, has provided $7.7 million for the Adolescent Family Life program. Congress should reauthorize Title XX to demonstrate our commitment to abstinence education and the physical and emotional health of adolescents.

The Adoption Promotion Act of 1996—Provides tax incentives to encourage adoption, a policy which serves as a compassionate response to children whose own parents are unable or unwilling to care for them. This is particularly important in an era when so many teenagers are having babies and are unable to care for them. This proposal is based substantially on the provisions contained in the balanced budget legislation which Congress passed in 1995 but was vetoed by the President.

I hope you will cosponsor one or both of these bills. If you are interested, please contact me or have your staff contact Dan Renberg at 224–4254.

Sincerely,

ARLEN SPECTER.

P.S. A more detailed statement of the bills is enclosed. My office and I would be glad to provide additional information upon request.

SPECTER PROPOSALS TO DEAL WITH TEENAGE PREGNANCY

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Reauthorizes Adolescent Family Life program (Title XX) for the first time since 1984, and at a higher ($75,000,000) level than before. It has been funded annually in Labor, HHS appropriations, but without authorization or reform.

This HHS program provides demonstration grants and contracts for initiatives focusing directly on issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting.

The bill adds ''abstinence'' expressly into the statutory definition of educational services that can be provided under the program. (Such education is already available, but the statute wasn't explicit in this regard.)

The bill requires the Secretary of HHS to establish an expedited, simplified process for consideration of grant applications for less than $15,000. (Some organizations that wish to implement small teen pregnancy programs are unable to cope with the current process.)

Requires the Secretary to ensure, to the maximum extent practicable, that approved grant applications adequately represent both urban and rural areas.

ADOPTION PROMOTION ACT OF 1996

Builds on adoption tax incentives contained in Section 11003 of Balanced Budget Act of 1995 (budget reconciliation) conference report.

For qualified adoption expenses, provides up to a $5,000 adoption tax credit ($7,500 for children with special needs—age, ethnic group, physical/mental/emotional handicap). Credit is phased out beginning at $65,000 adjusted gross income and is eliminated at $95,000.

Provides for penalty-free IRA withdrawals of up to $2,000 for qualified adoption expenses.

Tax-free treatment of employer-provided adoption assistance, to level the playing field with tax-free treatment of employer-provided pregnancy expenses. Exclusion from gross income of up to $5,000 in benefits ($7,500 for special needs children), phasing out from $75,000 to $115,000.

THE AMERICAN CONSERVATIVE UNION,
Alexandria, VA, March 27, 1996.

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

DEAR SENATOR SPECTER: Your recent introduction of legislation to provide tax incentives designed to promote adoption is to be commended.

On behalf of the more than one million members and supporters of the American Conservative Union, I can say without reservation that your approach to helping parents seeking adoptive children *and* those children who in our society are too often shunted aside deserves wide public support.

It is my hope that it will also enjoy widespread Congressional support.

Sincerely Yours,

DAVID A. KEENE,
Chairman, ACU.

CATHOLIC CHARITIES,
COUNSELING AND ADOPTION SERVICES,
Erie, PA, March 11, 1996.

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

DEAR SENATOR SPECTER, Thank you for sending a copy of the draft of the bills and a draft of the floor statement concerning the Adolescent Family Life and Abstinence Education Act and the Adoption Promotion Act.

A tax credit for adoption would be highly favored by prospective adoptive couples and would certainly benefit those children waiting for permanent families.

For the past four years, Melissa Mizner, therapist, and myself have presented a program to school students promoting sexual abstinence. We have conducted 95 presentations in over 25 schools both public and private for approximately 4,400 students in grades six to twelve. Catholic Charities Counseling and Adoption Services has assumed the financial burden of presenting this program despite our numerous attempts to secure outside funding. The agency recognizes the importance of this message and feels prevention services is money well spent.

We have not applied for money from Title XX because the process for application is so difficult for the small amount of $3,000 to $5,000 we would require each year to provide this program. I wish this process could be simplified for agencies requesting smaller grants from the Adolescent Family Life program. If it were, other agencies in Pennsylvania might consider providing a similar program such as ours.

We are in full favor of your two proposed bills. If we can be of any assistance in providing support for these proposals, please do not hesitate to contact the agency.

Thank you for taking the time to keep us informed and aware.

Sincerely,

DANELLE STONE, BSSW,
Adoption Coordinator.
MELISSA MIZNER, MS, NCC,
Marriage and Family Therapist.

FAITH TEMPLE HOLY CHURCH,
AND CHRISTIAN SCHOOL,
March 8, 1996.

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

DEAR MR. SPECTER, Thank you for giving; me the opportunity to review your statement to the Senate on the need to amend Title XX to include the teaching of Abstinence, and the promotion of the 1996 Adoption Act. First I want to say how much I appreciated hearing of the value your parents placed on the Institution of Marriage. The personal example of you and your siblings demonstrate that their value was not lost with them. I was also pleased to hear of your personal position on Abortion, and I can appreciate your position on Choice; even though I strongly believe in the protection of Life from the moment of conception. I think that more of your constituents should know you are not an advocate of Abortion; but a advocate of personal rights.

This amendment to Title XX can be the instrument to bring both sides together, and stop the need for most abortions by decreasing the growing rate of un-intended pregnancies. The additional funding, and the promotion of the Adoption Act of 1996 will help tremendously. Please be advised that as a Pastor, and school Administrator, I can see the need for resources being allocated for this purpose. If I can be of any help to you in promoting this worthy endeavor; please feel free to call on me.

Yours in His Service,

DR. HORACE W. STRAND,
Pastor.

THE COUNTY OF CHESTER,
OFFICE OF THE COMMISSIONERS,
West Chester, PA, March 14, 1996.

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

DEAR ARLEN: It was great to see you again at the Conservative Political Action Conference last month, and to learn from your letter of March 7 of your support of such a bedrock conservative cause as abstinence education. Please let me know if there is anything I can do to help advance that agenda here in Chester County.

With warmest regards, I am

COLIN A. HANNA,
Commissioner.

COUNTY OF WASHINGTON,
COMMONWEALTH OF PENNSYLVANIA,
Washington, PA, March 19, 1996.

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

DEAR SENATOR SPECTER: This is in response to your letter of March 7, 1996, regarding your proposed legislation under the titles of the Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996.

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

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

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

Sincerely yours,

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

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

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

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

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

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

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

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

May God bless you Joan, and your family.

Cordially,

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

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

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

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

ADOPTION PROMOTION ACT OF 1996

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

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

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

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

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

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

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

Sincerely,

JIM BECKWITH,
Mifflin County Commissioner.

ADDITIONAL COSPONSORS

S. 684

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

S. 1189

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

S. 1483

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

S. 1493

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

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

S. 1578

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

S. 1592

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

S. 1629

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

S. 1652

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

S. 1675

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

SENATE CONCURRENT RESOLUTION 41

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

SENATE RESOLUTION 226

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

SENATE RESOLUTION 250

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

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SNOWE AMENDMENTS NOS. 3747—3748

(Ordered to lie on the table.)

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

AMENDMENT NO. 3747

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

TITLE III—MISCELLANEOUS PROVISIONS

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

(a) STUDY AND REVIEW.—

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

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

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

AMENDMENT NO. 3748

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

TITLE III—MISCELLANEOUS PROVISIONS

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

(a) FINDINGS.—The Congress finds that—

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

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

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

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

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

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

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

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

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3749–3750

(Ordered to lie on the table.)

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

AMENDMENT NO. 3749

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

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

AMENDMENT NO. 3750

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

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

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3751–3752

(Ordered to lie on the table.)

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

AMENDMENT NO. 3751

Strike sections 111–115.

AMENDMENT NO. 3752

Strike sections 111–115 and 118.

GRAHAM AMENDMENTS NOS. 3753–3759

(Ordered to lie on the table.)

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

AMENDMENT NO. 3753

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

AMENDMENT NO. 3754

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

AMENDMENT NO. 3755

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

AMENDMENT NO. 3756

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

AMENDMENT NO. 3757

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

AMENDMENT NO. 3758

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

Subtitle C—Effective Dates

SEC. 197. EFFECTIVE DATES.

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

(b) OTHER EFFECTIVE DATES.—

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

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

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

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

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

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

(a) PUBLIC ASSISTANCE AND BENEFITS.—

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

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

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

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

(iii) short-term emergency disaster relief,

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

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

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

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

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

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

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

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

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

(3) NOTIFICATION OF ALIENS.—

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

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

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

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

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

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

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

(c) SOCIAL SECURITY BENEFITS.—

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

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

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

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

(A) a United States citizen or national; or

(B) an eligible alien.

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

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

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

(B) unemployment benefits payable out of Federal funds;

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

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

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

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

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

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

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) Whoever—

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

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

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

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

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

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

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

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

''(c) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3759

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

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

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

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

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

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

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

GRAHAM (AND OTHERS) AMENDMENT NO. 3760

(Ordered to lie on the table.)

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

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

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

GRAHAM (AND MACK) AMENDMENT NO. 3761

(Ordered to lie on the table.)

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

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

''(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

GRAHAM AMENDMENTS NOS. 3762–3775

(Ordered to lie on the table.)

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

AMENDMENT NO. 3762

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the sponsor's spouse.

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

(d) EXCEPTION FOR INDIGENCE.—

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

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

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

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

AMENDMENT NO. 3763

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

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

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

(iv) Any State general assistance program.

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

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

(c) REVIEW OF STATUS.—

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

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

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

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

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

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

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the sponsor's spouse.

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

(d) EXCEPTIONS.—

(1) INDIGENCE.—

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

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

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

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

(2) EDUCATION ASSISTANCE.—

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

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

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

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

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

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

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

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

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

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

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

AMENDMENT NO. 3764

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

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

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

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

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

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

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

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

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

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

AMENDMENT NO. 3765

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

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

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

(iv) Any State agency assistance program.

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

AMENDMENT NO. 3766

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

withheld under section 243(h) of such Act,

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

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

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

(A) a United States citizen or national; or

(B) an eligible alien.

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

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

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

(B) unemployment benefits payable out of Federal funds;

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

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

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

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

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

''(5) PUBLIC CHARGE.—

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

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

AMENDMENT NO. 3767

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

AMENDMENT NO. 3768

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

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

AMENDMENT NO. 3769

On page 201, line 5, insert the following:

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

AMENDMENT NO. 3770

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

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

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

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

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

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

AMENDMENT NO. 3771

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

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

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

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

AMENDMENT NO. 3772

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

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

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

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

AMENDMENT NO. 3773

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3774

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

AMENDMENT NO. 3775

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

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

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

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

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

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

FEINSTEIN (AND SIMON) AMENDMENT NO. 3776

(Ordered to lie on the table.)

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

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

FEINSTEIN (AND BOXER) AMENDMENT NO. 3777

(Ordered to lie on the table.)

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

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

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

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

FEINSTEIN AMENDMENTS NOS. 3778–3779

(Ordered to lie on the table.)

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

AMENDMENT NO. 3778

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

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

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

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

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

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

AMENDMENT NO. 3779

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

received public assistance while residing in the State; and

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

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

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

LEAHY AMENDMENTS NOS. 3780–3787

(Ordered to lie on the table.)

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

AMENDMENT NO. 3780

Strike sections 131 and 132.

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

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

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(D) systematic persecution; or

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

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

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

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

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

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

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

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

(i) by striking subsection (e); and

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

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

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

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

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

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

Strike section 193.

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

Strike section 198(b).

AMENDMENT NO. 3781

Strike section 198(b).

AMENDMENT NO. 3782

Strike section 193.

AMENDMENT NO. 3783

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

AMEMDMENT NO. 3784

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

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

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(D) systematic persecution; or

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3785

Strike sections 131 and 132.

AMENDMENT NO. 3786

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

Strike section 198(b).

AMENDMENT NO. 3787

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

(iv) assistance or benefits under—

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) NOTIFICATION OF ALIENS.—

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

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

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

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

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

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

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

(c) SOCIAL SECURITY BENEFITS.—

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

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

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

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

(A) a United States citizen or national; or

(B) an eligible alien.

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

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

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

(B) unemployment benefits payable out of Federal funds;

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

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

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

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

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

''(5) PUBLIC CHARGE.—

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

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

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

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

''(C) DEFINITIONS.—

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

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

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

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

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

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

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

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

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

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

''(v) Any State general assistance program.

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

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

(c) REVIEW OF STATUS.—

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

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

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

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

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

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

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

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

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

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

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

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

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

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

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

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

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

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

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

(e) JURISDICTION.—

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

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

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

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

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

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

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

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

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

(B) is at least 18 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

(2) the sponsor's spouse.

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

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

(d) EXCEPTIONS.—

(1) INDIGENCE.—

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

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

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

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

(2) EDUCATION ASSISTANCE.—

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

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

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

HUTCHISON (AND LEAHY) AMENDMENT NO. 3788

(Ordered to lie on the table.)

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

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

SEC. . APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

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

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

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

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

MURRAY AMENDMENT NO. 3789

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

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

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

BRADLEY AMENDMENTS NOS. 3790–3792

(Ordered to lie on the table.)

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

AMENDMENT NO. 3790

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

SEC. . ENFORCEMENT OF EMPLOYER SANCTIONS.

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

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

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

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

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

AMENDMENT NO. 3791

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

AMENDMENT NO. 3792

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

SEC. 120B. OFFICE FOR EMPLOYER SANCTIONS.

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

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

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

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

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

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

WELLSTONE AMENDMENTS NOS. 3793–3795

(Ordered to lie on the table.)

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

AMENDMENT NO. 3793

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

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

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

AMENDMENT NO. 3794

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

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

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

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

AMENDMENT NO. 3795

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

(F) an alien who—

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

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

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

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

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

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

(G) an alien whose child—

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

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

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

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

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

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

SHELBY (AND OTHERS) AMENDMENT NO. 3796

(Ordered to lie on the table.)

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

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

SEC. . LANGUAGE OF GOVERNMENT ACT OF 1996.

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

(b) FINDINGS AND CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

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

''§ 161. Declaration of official language of Government

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

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

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

''§ 163. Official Government activities in English

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

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

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

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

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

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

''§ 164. Standing

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

''§ 165. Definitions

''For purposes of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FAIRCLOTH AMENDMENT NO. 3797

(Ordered to lie on the bill.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by

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

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

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

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

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

CRAIG AMENDMENT NO. 3798

(Ordered to lie on the bill.)

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

At the appropriate place insert the following:

SEC. ___. H–2A WORKERS.

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

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

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

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

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

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

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

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

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

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

''(B) PROVISION OF HOUSING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(3) ISSUANCE OF CERTIFICATION.—

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

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

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

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

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

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

(e) Section 218 is amended—

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

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

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

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

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

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

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

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

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

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

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

HATFIELD AMENDMENT NO. 3799

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF FORMS AT INS OFFICES.

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

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

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

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

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

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

ROBB AMENDMENTS NOS. 3800–3802

(Ordered to lie on the table.)

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

AMENDMENT NO. 3800

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

AMENDMENT NO. 3801

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

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

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

AMENDMENT NO. 3802

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

GRAHAM (AND SPECTER) AMENDMENT NO. 3803

(Ordered to lie on the table.)

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

AMENDMENT NO. 3803

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

ABRAHAM (AND OTHERS) AMENDMENT NO. 3804

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. DEWINE, and Mr. ROTH) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment insert the following four new sections:

SEC. . ELIMINATION OF REPETITIVE REVIEW OF DEPORTATION ORDERS ENTERED AGAINST CRIMINAL ALIENS.

Section 242b (8 U.S.C. 1252b) is amended by—

(a) redesignating subsection (f) as subsection (g); and

(b) adding the following new subsection (f) to read as follows—

(f) CRIMINAL ALIENS.—No alien convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D), shall be granted more than one administrative hearing and one appeal to the Board of Immigration Appeals concerning or relating to such alien's deportation. Any claims for relief from deportation for which the criminal alien may be eligible must be raised at that time. Under no circumstances may such a criminal alien request or be granted a reopening of the order of deportation or any other form of relief under the law, including but not limited to claims of ineffective assistance of counsel, after the earlier of:

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

SEC. . ELIMINATION OF MOTIONS TO REOPEN ORDERS OF EXCLUSION ENTERED AGAINST CRIMINAL ALIENS.

Section 236, 8 U.S.C. 1226, is amended by adding the following sentence to the end of subsection (a): ''There shall be no judicial review of any order of exclusion, or any issue related to an order of exclusion, entered against an alien found by the Attorney General or the Attorney General's designee to be an alien described in Section 212(a)(2) (8 U.S.C. 1182(a)(2)) or of any administrative ruling related to such an order.''

SEC. . EXPANSION OF THE BOARD OF IMMIGRATION APPEALS; NUMBER OF SPECIAL INQUIRY OFFICERS; ATTORNEY SUPPORT STAFF.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective October 1, 1996, there are authorized to be employed within the Department of Justice a total of—

(1) 24 Board Members of the Board of Immigration Appeals;

(2) 334 special inquiry officers; and

(3) a number of attorneys to support the Board and the special inquiry officers which is twice the number so employed as of the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to pay the salaries of the personnel employed under subsection (a) who are additional to such personnel employed as of the end of fiscal year 1996.

SEC. . PROHIBITION UPON THE NATURALIZATION OF CERTAIN CRIMINAL ALIENS.

Section 40(a) (8 U.S.C. 1424) is amended by—

(a) inserting ''or who have been convicted of certain crimes'' after ''or who favor totalitarian forms of government'' and

(b) in subsection (a)—

(1) replacing ''of this subsection.'' with ''of this subsection; or'' in paragraph (6)

(2) adding new paragraph (7) to read as follows—

''(7) who has been convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D).''

BOXER AMENDMENTS NOS. 3805–3806

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3805

At the appropriate place in the bill, insert the following:

SEC. . SUPPORT OF DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

AMENDMENT NO. 3806

At the appropriate place in the bill, insert the following new section:

SEC. . CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM BORDER CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Border checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing border checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing border checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

''§ 758. High speed flight from border checkpoint

''(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service, or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.''.

Section 1251(a)(2)(A) of title 8, United States Code, is amended by inserting the following new subsection:

''(v) High speed flight

''Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35).''

Section 1182(a)(2)(A)(i) of title 8, United States Code, is amended by inserting the following new subsection:

''(III) A violation of section 758(a) of chapter 35.''

WYDEN (AND OTHERS) AMENDMENT NO. 3807

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAVY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, Mr. LUGAR, and Mr. HELMS) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

HARKIN AMENDMENT NO. 3808

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, following:

SEC. .DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the ''INA employment provisions''), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of the contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS OF DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor of an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor of an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that it is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term ''contractor'' means any individual or other legal entity that—

(A) directly or indirectly (through and affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

SIMON AMENDMENTS NOS. 3809—3810

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3809

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

''(v) Any State general cash assistance program.

''(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.''.

AMENDMENT NO. 3810

In Section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

SIMON (AND OTHERS) AMENDMENT NOS. 3811–3813

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. GRAHAM, Mrs. FEINSTEIN, and Mrs. MURRAY) submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3811

In Section 204(c), at page 199, line 4, strike '', or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer''.

AMENDMENT NO. 3812

In Section 204(e)(2), at page 202, line 2, strike '', or for a period of 5 years beginning

on the day such alien was first lawfully in the United States after the execution of such affidavit of support or agreement, whichever period is longer''.

AMENDMENT NO. 3813

Strike page 199, line 4, and all that follows through page 202, line 5, and insert the following:

''to provide support for such alien.

''(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(I) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under the title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which the Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien.

SIMON (AND DEWINE) AMENDMENT NO. 3814

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In Section 202(a), at page 188, line 19, after ''deportable'', insert ''for a period of five years after the immigrant becomes a public charge, as defined in subsection (c)(ii)''.

SIMON AMENDMENT NO. 3815

(Ordered to lie on the table.)

Mr. SIMON proposed an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 106, at line 15, strike ''(1) (A), (B), or (C)'' and insert ''(1) (B) or (C)''.

KENNEDY AMENDMENTS NOS. 3816–3832

(Ordered to lie on the table.)

Mr. KENNEDY submitted 17 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3816

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1) a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6)(A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine.

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a compliant under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6)(A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3817

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3818

On page 181, line 9, strike ''or'' and insert ''and

''(viii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or''.

AMENDMENT NO. 3819

On page 200, strike lines 12 through 25, and insert the following:

(2) EDUCATION ASSISTANCE.—The requirements of subsection (a) shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3820

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3821

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3822

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act.

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United State Code.

AMENDMENT NO. 3823

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''.

AMENDMENT NO. 3824

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).''.

AMENDMENT NO. 3825

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3826

At the appropriate place in the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

''(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.''.

AMENDMENT NO. 3827

At the appropriate place in the amendment, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3828

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: ''The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3829

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

AMENDMENT NO. 3830

On page 56 of the matter proposed to be inserted, strike line 17 through line 20, and insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT NO. 3831

On page 69 of the matter proposed to be inserted, strike line 12 through line 15, and insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT NO 3832

On page 81 of the matter proposed to be inserted, between lines 9 and 10, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

DEWINE (AND OTHERS) AMENDMENT NO. 3833

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

In section 104, strike ''300'' and insert ''600'';

In section 105(a), strike ''350'' and insert ''700''.

DEWINE (AND ABRAHAM) AMENDMENTS NOS. 3834–3835

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3834

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 155, section 172, is null, void, and of no effect.

AMENDMENT NO. 3835

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

The language on page 177, between lines 8 and 9, is deemed to have the following insertion:

''SEC. 197. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: 'For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo such a procedure, or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.'''

DEWINE (AND OTHERS) AMENDMENT NO. 3836

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3735 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 37, section 118, is null, void, and of no effect.

DEWINE (AND OTHERS) AMENDMENT NO. 3837

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 174 of the bill, at the end of line 4, is deemed to include the following insertion:

''(b) As used in this section, ''good cause'' includes, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.''

BRYAN AMENDMENT NO. 3838

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

''(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

''(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

''(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

''(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

''(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

''(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.''.

KYL AMENDMENT NO. 3839

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendments, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended in paragraph (1), by inserting ''pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who'' after ''who'' the first place it appears.

(b) AUTHORITY TO CHARGE FEE.—Notwithstanding any other provision of law, the Secretary of State is authorized to charge a supplemental fee to any immigrant visa applicant who previously entered the United States without inspection, or who was employed while living in the United States in violation of the terms and conditions of the applicant's visa status at that time. Such supplemental fee shall be no greater than the fee for an immigrant visa. No such fee shall be assessed if the applicant is under the age of seventeen, or is the spouse or child of an individual who obtained temporary or permanent status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986.

(c) USE OF FEES.—Funds collected under the authority of subsection (a) as a supplemental fee shall be deposited as an offsetting collection to any Department of State appropriation only to recover the costs of consular operations. Such funds shall remain available until expended.

(d) SUPPLEMENTAL NATURE OF FEES.—Any supplemental fee imposed in accord with (b) shall be in addition to other fees imposed by the Department of State relating to adjudication, processing and issuance of immigrant visas.

(e) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

WELLSTONE AMENDMENTS NOS. 3844–3847

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3844

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

AMENDMENT NO. 3845

On page 106, line 9, strike the period and insert the following: ''except that the Attorney General may extend the time period described in this subparagraph for aliens eligible for relief under paragraph (1)(C).''.

AMENDMENT NO. 3846

At the appropriate place, insert the following:

SEC. . EXCEPTION TO DEPORTABILITY.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

''(d) The provisions of subsection (d) of this section shall not apply to persons who are battered or subjected to extreme cruelty perpetrated by a United States citizen or lawful permanent resident spouse or parent who—

''(1) is eligible for status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act;

''(2) is eligible for classification pursuant to clauses (ii) or (iii) of section 204(a)(1)(B) of the Act;

''(3) is eligible for suspension of deportation and adjustment of status pursuant to 244(a)(3) of the Act; or

''(4) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act.''

(b) CANCELLATION OF DEPORTATION.—Section 244(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(3)), as added by

section 150 of this Act, is further amended by inserting after ''alien's parent or child'' the following: '', or who meets the criteria of this subsection and is excludable under section 212(a) except for paragraphs (2), (3), (9)(A) of section 212(a)''.

AMENDMENT NO. 3847

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

KOHL AMENDMENT NO. 3848

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 3743 by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 167, between lines 10 and 11, insert the following:

SEC. 304. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial ''mail-order bride'' business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides comes to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as up to five percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commission of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term ''international matchmaking organization'' means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term ''recruit'' means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

HELMS (AND OTHERS) AMENDMENT NO. 3849

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. CRAIG, and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment, add the following:

SEC. . (a) Notwithstanding any other provision of law, none of the funds made available, or to be made available, to the Legal Services Corporation may be used to provide financial assistance to any person or entity that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20); or

(2) an alien who—

(A) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(B) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq), which application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(4) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(5) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity.

HUTCHISON (AND KYL) AMENDMENTS NOS. 3850–3851

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KYL) submitted two amendments intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3850

At the end of the appropriate place, insert the following new section:

SEC. . REDEPLOYMENT OF BORDER PATROL PERSONNEL LOCATED AT INTERIOR STATIONS.

The Immigration and Naturalization Service shall, when redeploying Border Patrol personnel from interior stations, act in conjunction with and coordinate with state and local law enforcement agencies to ensure that such redeployment does not compromise or degrade the law enforcement functions and capabilities currently performed at interior Border Patrol stations.

AMENDMENT NO. 3851

At the appropriate place insert the following new section:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

''(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

''(G) Aliens previously apprehended.

''Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.''.

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period the following: ''or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.''.

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

SNOWE AMENDMENT NO. 3852

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CUSTOMS SERVICES AT CERTAIN AIRPORTS.

Section 13031(c)(2) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(c)(2)) is amended by inserting ''(or an airport that is expected to receive more than 50,000 international passengers annually)'' after ''port of entry.''

SIMPSON AMENDMENTS NO. 3853–3855

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clause (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 301(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

AMENDMENT NO. 3854

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

''(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term ''regional project'' means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.''.

AMENDMENT NO. 3855

In sec. 118(b), on page 42, delete lines 18 through 19 and insert the following:

''(5) EFFECTIVENESS DATES.—

''(A) Except as otherwise provided in subparagraph (B) or (C), this subsection shall take effect on October 1, 2000.

''(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

''(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, paragraphs (1) and (3) shall apply—

''(I) during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

''(II) beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

''(C) Paragraph (4) shall take effect on October 1, 2006.''

SIMPSON AMENDMENT NO. 3856

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1644, supra; as follows:

At an appropriate place, insert the following new section:

SEC. . IMPROVING AND PROTECTING THE INTEGRITY OF THE SOCIAL SECURITY ACCOUNT NUMBER CARD.

(a) IMPROVEMENTS TO CARD.—

(1) IN GENERAL.—For purposes of carrying out section 174A of the Immigration and Nationality Act, the Commissioner of Social Security (in this section referred to as the ''Commissioner'') shall make such improvements to the physical design, technical specifications, and materials of the Social Security account number card as are necessary to ensure that it is a genuine official document and that it offers the best possible security against counterfeiting, forgery, alteration, and misuse.

(2) PERFORMANCE STANDARDS.—In making such improvements required in paragraph (l), the Commissioner shall make the card as secure against counterfeiting as the 100 dollar Federal Reserve note, with a rate of counterfeit detection comparable to the 100 dollar Federal Reserve note.

(b) USE FOR EMPLOYMENT VERIFICATION.—Beginning on January 1, 2006, a document described in section 274A(b)(l)(C) of the Immigration and Nationality Act is a secured social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

(c) NOT A NATIONAL IDENTIFICATION CARD.—Cards issued pursuant to this section shall not be required to be carried upon one's person and nothing in this section shall be construed as authorizing establishment of a national identification card.

(c) NO NEW DATABASES.—Nothing in this section shall be construed as authorizing the establishment of any new databases.

(e) EDUCATION CAMPAIGN.—The Commissioner of Immigration and Naturalization, in consultation with the Commissioner of Social Security, shall conduct a comprehensive campaign to educate employers about the security features of the secured social security card and how to detect counterfeit and fraudulently used social security account number cards.

(f) ANNUAL REPORTS.—The Commissioner of Social Security, shall submit to Congress by July 1 of each year a report on—

(1) the progress and status of developing a secured social security account number card under this section,

(2) the incidence of counterfeit production and fraudulent use of social security account number cards, and

(3) the steps being taken to detect and prevent such counterfeiting and fraud.

(g) GAO ANNUAL AUDITS.—The Comptroller General shall perform an annual audit, the results of which are to be presented to the Congress by January 1 of each year, on the performance of the Social Security Administration in meeting the requirements in subsection (a).

(h) EXPENSES.—No costs incurred in developing and issuing cards under this section that are above the costs that would have been incurred for cards issued in the absence of this section shall be paid for out of any Trust Fund established under the Social Security Act. There are authorized to be appropriated such sums as may be necessary to carry out this section.

SIMPSON AMENDMENTS NOS. 3857–3858

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each States and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

AMENDMENT NO. 3858

In section 118(a) on page 41, strike lines 1 and 2, and insert the following:

''(6) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

''(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).''

SIMPSON AMENDMENT NO. 3859

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Section 118(b)(1) is amended to read as follows:

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appear on the card.

SIMPSON AMENDMENTS NOS. 3860–3862

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3860

In section 118(a), on page 40, line 24, after ''birth'' insert: ''of—

''(A) a person born in the United States, or

''(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is''.

AMENDMENT NO. 3861

Amend section 118(a)(4) to read as follows:

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) to read as follows:

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes.

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

ROTH AMENDMENT NO. 3863

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United

States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

''(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.''

REID AMENDMENTS NOS. 3864–3865

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3864

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection:

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3865

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—THE CONGRESS FINDS THAT—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(2)) is amended—

(A)—by inserting after ''political opinion'' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital multilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly, denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

''(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3866

Mr. HATCH (for Mr. SIMPSON) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In the table of contents, in the item relating to section 152, insert ''deter'' after ''other methods to''.

On page 56, between lines 16 and 17, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 56, line 17, strike ''(d)'' and insert ''(e)''.

On page 69, between lines 11 and 12, insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 69, line 12, strike ''(c)'' and insert ''(d)''.

On page 81, between lines 9 and 10, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

On page 164, line 12, after ''United States'', insert the following: ''(including the transportation of such aliens across State lines to detention centers)''.

On page 175, lines 1 and 2, strike ''subsections (b) and (c)'' and insert in lieu thereof ''subsection (b)''.

Beginning on page 175, strike line 13 and all that follows through line 8 on page 177.

On page 180, strike lines 6 through 9 and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

On page 180, line 10, strike ''(vi)'' and insert ''(v)''.

On page 180, line 16, strike ''(vii)'' and insert ''(vi)''.

On page 201, lines 3 and 4, strike ''section 201(a)(1)(A)(vii)'' and insert ''clause (iv) or (vi) of section 201(a)(1)(A)''.

On page 181, line 13, strike ''except'' and all that follows through line 18 and insert the following: ''except—

''(i) if the alien is a nonimmigrant alien authorized to work in the United States—

''(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

''(II) any contract provided or funded by such an agency or entity; or

''(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.''.

On page 187, line 19, strike ''except'' and all that follows through line 24 and insert the following: ''except—

''(i) if the alien is a nonimmigrant alien authorized to work in the United States—

''(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

''(II) any contract provided or funded by such an agency or entity; or

''(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.''.

On page 181, line 24, insert ''except elementary or secondary education'' after ''government service''.

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''Limitation on Payments to Aliens

''(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

''(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.''.

On page 186, line 24, strike ''or''.

On page 187, line 3, strike the period and insert '', or''.

On page 187, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification

On page 188, line 16, strike ''Any'' and insert ''Except as provided in subparagraphs (B) and (E), any''.

On page 188, line 19, after ''deportable'' insert ''for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D)''.

On page 190, line 25, strike the quotation marks and the period the second place it appears.

On page 190, after line 25, add the following:

''(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

''(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.

On page 190, line 25, insert after ''1996'' the following: ''or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education''.

On page 191, line 12, strike ''described in'' and insert ''deportable under''.

On page 191, line 15, strike ''described in'' and insert ''deportable under''.

On page 199, line 14, after ''law'', insert '', except as provided in section 204(c)(2)''.

On page 199, line 1, after ''(c) LENGTH OF DEEMING PERIOD.—'', insert ''(1)''.

On page 202, between lines 5 and 6, insert the following:

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

Beginning on page 203, strike line 22 and all that follows through line 3 on page 206.

On page 214, between lines 21 and 22, insert the following:

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Use of Assisted Housing by Aliens Act of 1996''.

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the eligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.''.

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''may, in its discretion,'' and inserting ''shall'';

(2) in subparagraph (A), by adding at the end the following: ''Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section.''; and

(3) in subparagraph (B)—

(A) by striking ''6-month period'' and all that follows through the end of the subparagraph and inserting ''single 3-month period.'';

(B) by inserting ''(i)'' after ''(B)'';

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than eighteen months following enactment of this Act, the Comptroller

General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(C) by striking ''Any deferral'' and inserting the following:

''(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral''; and

(D) by adding at the end the following new clauses:

''(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

''(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.''.

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or to be'' after ''being'';

(2) in paragraph (1)(A), by adding at the end the following: ''If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date''; and

(B) by adding at the end the following:

''In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).'';

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date'';

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting '', not to exceed 30 days,'' after ''reasonable opportunity''; and

(II) by striking ''and'' at the end; and

(ii) by striking clause (ii) and inserting the following:

''(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

''(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and''; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) pending such verification or appeal, the Secretary may not—

''(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

''(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and'';

(5) in paragraph (5), by striking ''status—'' and all that follows through the end of the paragraph and inserting the following: ''status, the Secretary shall—

''(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

''(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.''.

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding ''or'' at the end;

(2) in paragraph (3), by adding at the end the following: ''the response from the Immigration and Naturalization Service to the appeal of that individual.''; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

''(h) VERIFICATION OF ELIGIBILITY.—

''(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

''(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

''(A) may elect not to comply with this section; and

''(B) in complying with this section—

''(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

''(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

''(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

''(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.''.

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN–2501–AA63 (Docket No. R–95–1409; FR–2383–F–050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824–14861), shall not apply after that date.

On page 214, line 22, strike ''Subtitle C'' and insert ''Subtitle D''.

On page 215, line 3, strike ''section'' and insert ''sections''.

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after ''United States;'' through ''marital status;''; and

(2) by adding at the end thereof the following: ''At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.''.

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking ''required by this section'' and inserting ''for an immigrant visa''; and

(2) in the third sentence—

(A) by inserting ''or other document'' after ''stamp,''; and

(B) by striking ''by the consular officer''.

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking ''1996'' and inserting ''1998''.

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

''(g) DURATION AND TERMINATION OF DESIGNATION.—

''(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

''(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

''(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

''(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

''(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

''(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

''(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

''(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

''(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

''(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

''(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

''(A) the total number of nationals of the visa waiver program country—

''(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

''(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

''(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.''.

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a ''comma'' after ''(4) thereof)''.

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

''§ 758. High speed flight from immigration checkpoint

''(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.''.

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

''(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable.''

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended to read as follows:

''(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived.''

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 308. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the

Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 309. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 310. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the ''Timothy C. McCaghren Customs Administrative Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Timothy C. McCaghren Customs Administrative Building''.

SEC. 311. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''June 1, 1996'' and inserting ''June 1, 2002''.

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after ''except that in the case of a waiver requested by a State Department of Public Health or its equivalent'' the following: ''or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)''.

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

''(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

''(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

''(B)(i) in the case of a request by an interested State agency—

''(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest; or

''(ii) in the case of a request by an interested United States Government agency—

''(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest;

''(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

''(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

''(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

''(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

''(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

''(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.''.

SEC. 312. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

''(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.''.

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: ''A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.''.

SEC. 313. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial ''mail-order bride'' business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term ''international matchmaking organization'' means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term ''recruit'' means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. ___. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting ''and'' after ''1996;'', and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

''(2) $5,000,000 for each of fiscal years 1997 through 2001.''.

SEC. . BORDER PATROL MUSEUM.

(a) AUTHORITY.—

Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—

The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

SEC. . PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS District Offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the terms and conditions set forth in section 213 of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. . TO CLARIFY THE JURISDICTION TO HEAR DISPUTES RELATING TO AFFIDAVITS OF SUPPORT.

(a) IN GENERAL. Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SEC. . SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER.

On page 193, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. . MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection.

''(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

At the appropriate place in the bill, insert the following:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

''(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.''.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

''(G) Aliens previously apprehended:

''Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.''.

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period the following: ''or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.''.

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection.

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed * * *.

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

SECTION 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

''(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

''(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

''(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

''(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

''(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

''(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.''.

SEC. . TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) not later than 6 months following enactment of this Act, the United States sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) following such review, pursuant 40 section 994 (p) of Title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. . TO MODIFY "40 QUARTERS" FOR STAY-AT-HOME SPOUSES AND DEPENDENT CHILDREN.

Strike section 203(a) and insert the following:

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) and/or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety value in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management on S. 1662, the Omnibus Oregon Resources Conservation Act.

The hearing will be held on Tuesday, May 7, 1996 at 2:00 PM in SD 366 of the Dirksen Senate Office Building, Washington, DC. Testimony will be received on the two major titles of the bill; Opal Creek Wilderness and Scenic-Recreation Area; and Coquille Forest Proposal.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey of the subcommittee staff at 202–224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times 3 pm Monday, April 29, 1996. For markup of the fiscal year 1997 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO KEVIN MURPHY, DIANE LONERGAN, DIANE SAWYER, AND BREWSTER BARTLETT FOR RECEIVING THE 1995 PRESIDENTIAL AWARD FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

● Mr. SMITH. Mr. President, I rise before you today to congratulate four outstanding New Hampshire teachers on receiving the 1995 Presidential Award for Excellence in Science and Mathematics Teaching. Kevin Murphy of Milford, an elementary school mathematics teacher at Milford Elementary School in Milford; Diane Lonergan of Merrimack, an elementary school science teacher at Memorial School in Bedford; Diane Sawyer of Portsmouth, a secondary school mathematics teacher at Exeter Area Junior High School in Exeter; and Brewster Bartlett of Loudon, a secondary school science teacher at Pinkerton Academy in Derry were the four deserving recipients of this prestigious award.

The Presidential Awards for Excellence in Science and Mathematics Teaching Program is administered by the National Science Foundation [NSF]. The awards are designed to recognize and reward outstanding teachers from elementary and secondary schools who serve as models for their colleagues and encourage high quality teachers to enter and remain in the teaching field. In addition to the distinguished national recognition that comes with the award, each recipient's school will receive an NSF grant of $7,500 to be used under the direction of the teacher, and to supplement other resources for improving science or mathematics programs in the school system.

The four outstanding recipients of this teaching award will spend a week in May in Washington, DC, for a series of events to commemorate their selection. They will be honored at the U.S. State Department and other organizations such as the National Academy of Science.

There is no more important resource in America today than our school teachers. As a former teacher, I understand the devotion and hard work necessary to be a successful teacher and a positive role model for children. These four outstanding teachers have displayed not only extraordinary talents in their teaching, but have also shown a remarkable level of commitment to their students. I am proud to honor these four exceptional teachers for nurturing the best and the brightest students New Hampshire has to offer. I would like to congratulate Kevin Murphy, Brewster Bartlett, Diane Lonergan, and Diane Sawyer for this distinguished recognition, and thank them for their devotion to students in New Hampshire.●

CONFERENCE AGREEMENT ON THE CONTINUING RESOLUTION, H.R. 3019

●Mr. DORGAN. Mr. President, I am pleased I was able to support the conference agreement on H.R. 3019, the 14th and final effort to provide FY 96 funding for the various agencies of the Federal Government, when it passed the Senate on April 25 by a vote of 88–11.

After a long and wrenching struggle, Republicans and Democrats finally reached agreement on the remaining fiscal year 1996 appropriations measures that will fund nine cabinet departments and dozens of agencies for the balance of this fiscal year. These appropriations bills were supposed to have been completed on September 30 last year. Meanwhile more than half of the fiscal year has expired. Hopefully, the exercise we have gone through this appropriations cycle—14 continuing resolutions and 2 long government shutdowns—will not be repeated. It's time to get on with the business of Government and run it in a business-like manner.

Overall, appropriations levels for fiscal year 1996 have been cut by $23 billion. That represents a significant downpayment on reaching a balanced budget over the next 7 years. The dispute concerning these bills was a struggle over priorities. The House bill, as originally passed, made cuts in programs that the President and many of us in Congress believe are critical to the long-term economic and social health of the Nation. While nobody received everything he or she wanted in this long-awaited conference agreement, I commend the conferees for moving significantly closer to the President's position by providing approximately $5.1 billion more than the House originally sought for education, job training, environmental protection, technology, and law enforcement. These increases, which I believe are essential investments in our future, have been fully offset with cuts in other accounts. The lack of certainty about Federal education funding levels was playing havoc with school systems throughout the country. I am pleased that they will now be able to accurately plan their budgets and sign teacher contracts for the next school year.

I would also like to commend the conferees for their efforts to eliminate

most of the extraneous legislative riders in the bill. Under the conference agreement, the President was given the authority to waive implementation of these riders, most of which are attempts to weaken our environmental laws and regulations. Knowing the strong commitment that the President and Vice President have to protecting our environment, I am quite certain that the President will exercise his authority to ensure that these riders are not implemented. These legislative restrictions have no place on an appropriations bill to begin with. More importantly, they seriously undermine our commitment to ensure a healthy and safe environment for our children. Every poll indicates that the public expects the Government to be the public steward of our precious natural resources—our public lands, our air, and our water. That stewardship must not be abandoned.

This bill also addresses critical local issues. As all of my colleagues know, flooding in the Devils Lake Basin continues to pose serious problems for residents and businesses in North Dakota. Just this week, Devils Lake reached another 120-year high level and the lake is expected to rise by an additional two feet next June or July. When the lake rose to its current level last July, it caused $50 million in damages to roads and public and private property in the area. Similar damages are expected this year.

Because of this serious situation, during the Senate's original consideration of this measure, Senator CONRAD and I proposed two amendments to mitigate the flooding problems at Devils Lake. Those amendments were adopted by the full Senate. The first amendment added $10 million to the Economic Development Administration budget for hazard mitigation assistance in the form of road raises and water storage on private lands in the Devils Lake Basin. The second amendment provided an additional $2.8 million to the Fish and Wildlife Service for water storage and for necessary repairs on their already damaged lands in the Devils Lake area. The House bill had no similar provisions.

I would like to thank my colleagues on both sides of the aisle, particularly Senators HATFIELD, BYRD, HOLLINGS, GORTON and GREGG, for ensuring that the bulk of the money provided in our floor amendments was retained in conference. While there are no earmarks in the conference agreement, the statement of managers report makes clear that the Fish and Wildlife Service should give every consideration to the needs at Devils Lake in allocating the $38.9 million in additional disaster relief funding made available to that agency in the conference agreement.

The total pot of disaster funding in the bill for the Economic Development Administration—$18 million—is made available for disasters in the Pacific Northwest and for other disasters nationwide, so North Dakota will have to compete with other States for that money. Senator CONRAD and I intend to work closely with the administration to ensure that Devils Lake receives its fair share of that funding. If we successful, we can take preventive measures to mitigate the anticipated flooding in the Devils Lake Basin this summer, and significantly reduce future Federal and State disaster assistance outlays.

While this is not a perfect agreement, it's a good compromise, and I am pleased that the overwhelming majority of my colleagues supported it.●

WELCOME TO DR. ABDALLA A. NSSOUR, DEPUTY PRIME MINISTER OF THE HASHEMITE KINGDOM OF JORDAN

●Mr. ABRAHAM. Mr. President, I rise today to extend welcoming remarks to Dr. Abdalla A. Nssour, Deputy Prime Minister of the Hashemite Kingdom of Jordan. Dr. Nssour will be the honored guest at a dinner on May 2, 1996 in Livonia, MI. In addition, I would also like to welcome to Michigan His Excellency Fayez Tarawneh, Ambassador to the United States from Jordan, and Head of the Jordanian Delegation to the Middle East Peace Process. The American Arab Chamber of Commerce, Michigan, the Jordanian American Association of Michigan, and Royal Jordanian Airlines will be sponsoring the dinner honoring Dr. Nssour.

In addition to serving as Jordan's Deputy Prime Minister, Dr. Nssour also serves as the Minister of Higher Education and the Chair of the Foreign Relations Committee in the Jordanian Parliament. Prior to his esteemed government service, Dr. Nssour had many great accomplishments in the scientific community. I am certain that the dinner audience will be greatly enriched by Dr. Nssour's remarks.

It is most fitting that the Arab American community has chosen to honor Dr. Nssour for his service to his country and I am pleased to join the community in welcoming Dr. Nssour to Michigan.●

THE US MILITARY AND A NEW CENTURY: CHALLENGES AND OPPORTUNITIES

● Mr. LIEBERMAN. Mr. President, this week the Senate Armed Services Committee is engaged in marking up the fiscal year 1997 Defense authorization bill. All of us on the committee, as well as many of my colleagues who are not on the defense committee, are concerned about how we fund, structure, equip, maintain and train our military forces to meet the challenges which our country faces today and will face tomorrow as we defend and advance our national interests. I would like to speak for a few moments today about some of the difficult questions I believe we are facing as we confront the challenges which lie ahead for our military forces.

The millennium is coming and beyond it a new century—a century which, if what we see occurring around us today offers any indication, will bring changes few of us can begin to imagine, no more than people at the end of the 19th century could have foretold what the 20th century would bring.

We need only to look at the incredible leaps which have occurred in technology in the past decade and the ever-increasing frequency with which new technological wonders are being introduced to know that the 21st Century will be a time of amazing change full of great opportunity and great risk for all of us.

The past years have shown us not only that new technologies are becoming more readily available—whether it is faster, smaller and cheaper computers and computer chips, inexpensive and reliable global positioning systems, or communications which permit us to bring into our homes hundreds of different television channels from around the world, movies on demand, and global news which is real-time and all too real—but that changes will have to come about in the way we organize our daily lives and the very structure of businesses and institutions in response to that technology. Those enterprises which fail to adapt to new technology quickly find themselves behind their competitors and, in the private sector, are soon out of business.

The same is true of national governments and military organizations—those which are unable to recognize that rapid change is the one constant in our lives and cannot exploit that change, risk falling behind their potential competitors. History teaches that every significant new industrial or technological advance finds its way into warfare. Unlike business, however, the price of failure for our national security is not bankruptcy or disappointed shareholders; it could well be the loss of our freedom, our foreign markets and the safe and prosperous future which all of us seek for our children.

Guaranteeing our security in the new century will require innovation. It will also require courage and wisdom as we incorporate technology and innovation into our defense structure.

To help structure the very important debate which I believe we need to engage in across the country on national security, I would like to offer a few observations and pose a few questions

First, as we look to the future, we ought to be asking a very basic question: What is it we want our military to be able to do? Not just in the sense of military capabilities—this is an important question we will get to shortly—rather, the broader question that underlies the other. What role do we want the United States to play in the next century and what will we need our military to be able to do in order for the US to play that role?

I believe that America's values and interests in the 21st century will demand that we play at least as active a role in the world as we did in this century and especially during the cold war. We can already see signs of this in the optempo rates of all our Armed Forces in the years since the fall of the Berlin Wall. We cannot shrink from playing our part as world leader, nor should we. To make a long story short, let me simply say that American leadership in world affairs increases the personal security and economic opportunities of the American people. This will be true in the next century as it is today.

We have now and will continue to have vital national interests in the security and stability of Europe, Southwest Asia, the Middle East, East Asia and elsewhere, just as we have vital interests in maintaining our freedom of access to sea- and air-lanes of transportation and commerce. We must be able to defend these interests and values and to support those who share them with us. We must continue to pursue them in the century ahead, as we have in the past, in concert with strategic allies and coalition partners. We should, if at all possible, try to go about this work with our allies, particularly our NATO and Pacific partners, but even with partners, it is essential that the military force we begin to structure in the final years of this century will enable us to fulfill our role of internationalist leader in the next century.

Second, we must consider and evaluate the sources of the challenges we are likely to face as we protect and advance our national interests in the international community of tomorrow. What kinds of regional hegemons are likely to develop in the years ahead and are any of them likely to graduate into a superpower status—either because they are smaller nations who obtain weapons of mass destruction or because they are larger nations who will have economic power coupled with weapons of mass destruction?

In the near term, the likelihood of a superpower—or ''peer competitor'' which could directly threaten the United States—is low. It is precisely this lack of a near-term, superpower, peer competitor which provides us with breathing room, a window of opportunity, if you will, in which we can reassess our military structures and be willing to take some risks in order to ensure our Armed Forces are properly structured, sized and equipped in the longer-term. We can afford to step back and take a look at where we are and where we want to go and to take some risk today to prevent a much greater risk in the future if we fail to make this reassessment.

Third, we must consider the form challenges to our interests are likely to take in the next century. Are conflicts likely to be of the cold war variety—either in the sense of needing to rely on our nuclear deterrent capability or requiring massive numbers of ground forces as would have been needed to fight a Soviet invasion of Western Europe—or will they be on the order and scale of Haiti, Somalia, or Bosnia. I believe that, in the near- and mid-term, they are more likely to be of the latter sort. As Gen. Charles Krulak, Commandant of the Marine Corps and someone who is thinking long and hard about ''the day after tomorrow,'' has said, the future is most likely not ''Son of Desert Storm;'' rather, it will be ''Stepchild of Somalia and Chechnya.''

We cannot rule out the possibility of another Saddam Hussein rising in a region of strategic interest to the United States nor can we discount the potential for a resurgence of Russian nationalism or aggressiveness, or Chinese or Islamic nationalism or aggressiveness particularly if coupled with the ability to deliver weapons of mass destruction. We must do all we can to prepare for such a possibility using every tool available to a country of our stature—economic, diplomatic, and military. To use the terminology of Secretary of Defense Perry, we must maintain a hedging capability to counter such threats if they arise. But we also must be ready for smaller contingencies which I believe will be more likely and, unfortunately, more frequent.

We also cannot ignore the unconventional challenges which we face today and which we will, without a doubt, face on a greater scale in the decades ahead. Here I mean the threat of terrorist actions beyond and within our borders and the ever-increasing dangers posed by the spread of relatively inexpensive weapons of mass destruction—especially chemical and biological weapons. We must have forces and policies which allow us to respond to all of these challenges and to head them off whenever we can.

Our strategic planners must think hard and innovatively about the way others—both states and non-state actors—will try to influence what we do in the future. In this regard, I recommend to you an article which appeared in the January 29th issue of the Weekly Standard by Col. Charles Dunlap, an Air Force lawyer and a provocative thinker and writer. In this article, entitled ''How We Lost the High-Tech War of 2007,'' a fictional Holy Leader of some unstated group recaps the strategy used to defeat the United States by terror and exploiting the power of televised images of death and destruction. In a particularly unsettling passage, he says:

> Though we rarely defeated the Americans on the battlefield, we were able to inflict such punishment that they were soon pleading for peace at any price. With their economy in ruins, their borders compromised, their people demoralized, and civil unrest everywhere, they could not continue. We had broken their will! They had no choice but to leave us with the lands we conquered and the valuable resources they contain.

And finally, we are told: ''We taught the Americans that no computer wages war with the exquisite finality of a simple bayonet thrust.'' So, while we work to exploit the technology of the future, we cannot afford to become its prisoner.

Fourth, we must confront the question of how to shape, size and equip our military forces in order for them to do what we want of them and to be able to confront—and defeat if need be —the wide range of challenges we will face. While all of the preceding questions are important, this question is the one toward which the other questions lead. It is, in fact, the reason why we must ask and answer the preceding questions.

When the Clinton administration came to office in 1993, Secretary of Defense Aspin undertook the Bottom-Up Review ''to define the strategy, force structure, modernization programs, industrial base, and infrastructure needed to meet new dangers and seize new opportunities.'' The Bottom-Up Review was a useful transitional document, but I believe it is already inadequate to the present and certainly to the future because it does not appropriately answer the preceding questions. The reality of the strategic environment has already changed and the resources we have committed to our military have been limited. It is time for a new strategic review by the Department of Defense on behalf of the President, and, I believe we would benefit at this time in our history from the work of an independent, bipartisan commission.

I hope that Congress will mandate before long both a new Bottom-Up Review and a National Bipartisan Commission. I am confident that dedicated and innovative thinkers both within the Administration and outside it will be able to put us on the right course for the next century. This must be done soon. I do not believe that we can afford—either fiscally or strategically—to continue to tinker at the margins of our military forces or to procure just the same sorts of Cold War systems in ever diminishing quantities (and at an ever-increasing price).

As we seek to answer the questions of how best to size, shape and equip our military forces, we must take a hard look at technology, defense organization and management, industrial base capabilities, and research and development capabilities where we have a competitive advantage over potential adversaries. Then, keeping in mind the warnings of thoughtful people like Charles Dunlap, we must exploit these advantages to structure and equip our forces appropriately. I would caution against thinking of ''defense innovation'' strictly in terms of developing new technologies. That is overly simplistic and potentially dangerous. Innovation must incorporate organization, strategy, and doctrine as well. If we are to succeed in the new century, we must be innovative in our thinking about what we procure and how we procure it, the way our forces are organized and sized, and the way they will respond to challenges which may be unlike most of what we have encountered so far in our history.

It is conventional wisdom today to say that a technology-driven revolution in military affairs is here. The technological advances I spoke of earlier beckon us to find ways to integrate what will be commonplace tomorrow into the decisions we are making today on weapons systems, command and control systems, intelligence gathering capabilities, and the means of conducting and defeating information warfare.

As a subset of this question, we must consider ''how do we get from here to there?'' What is our transition strategy? How do we ensure that we do not reverse course in our procurement strategies so precipitously that important defense industries find themselves gutted of their skilled work forces, critical research and development, or essential near-term production? How do we ensure that we do not make technologically-driven alterations in our force structure that diminish the effectiveness and morale of our troops?

Government and industry need to form a new partnership in which both sides work together to ensure that we develop and buy the right products at the right price and in the right quantities to protect our national security without fiscally overburdening the Nation. We cannot afford the luxury of buying products which do not provide the capabilities we need for tomorrow. Nor can we afford to procure weapons systems which just provide more of the capabilities we already possess.

Throughout all of this runs the very serious question of fiscal resources. The traditional question ''how much is enough?'' is no longer sufficient—if, in fact, it ever was. We cannot be concerned just with aggregate spending levels though much of the current and future debate will center on the ''right number'' for the defense budget for this fiscal year or during the Future Years Defense Plan, or FYDP. If we are to succeed in making the best use of limited defense dollars, we must also ask ''are we spending defense dollars wisely?''

If we hope to be able to maintain the support of our people for spending to protect our national security, we must be able to demonstrate that we have broken the chains of tradition and parochialism within the Congress, the Executive branch and in the military services and are investing in a military force for the future not the past.

The debate which many of us in the Congress have been and are engaged in must stay focused on the right questions. There is a danger that liberal Democrats, many of whom want to cut defense spending to increase social spending, will join Republican budget hawks, who want to cut defense spending to reduce the deficit, to form an odd-couple defense-cutting coalition.

But neither group, as far as I can see, is asking the right questions before recommending that defense spending should be cut. And neither group acknowledges that we are spending a smaller percentage of our GDP on defense today than at any time since Pearl Harbor. Total defense expenditures may be able to be reduced in future years—although I am skeptical—but we won't know if this is the right decision until we answer the basic questions I have posed: what are the security challenges of the next century and what do we need to meet them?

There are, in fact, a number of thoughtful studies underway today which are examining these questions. Each of them seems to start with the premise that our current force structure may well be most appropriate for the kinds of conflict which will occur least often in the future. We need to pursue this premise not as a means of hacking away at one service or another just for the sake of downsizing or as a means of capturing savings to procure one favored weapons system over another, but because technology may have the same potential to achieve personnel reductions in the military as it has in the private sector. Military success in the future will depend on how visionary and clear-headed we are today and on how courageous we are prepared to be.

Remember the familiar line from Ralph Waldo Emerson's Self-Reliance, ''A foolish consistency is the hobgoblin of little minds adored by little statesmen and philosophers and divines.'' We have the intellectual strength in this country today both in the Pentagon and outside to ensure we do not maintain a foolish consistency and that we break with the models and standards of the past if that is what is best for our Nation's security.

Andy Marshall and Bill Owens have certainly laid the groundwork for such thinking within the Pentagon. Organizations such as the Center for Strategic and Budgetary Assessments have been active, creative and constructive in contributing to the debate with their analyses. The American Enterprise Institute, under the leadership of Dick Cheney and Richard Perle, and the Democratic Leadership Council, which I have the privilege of chairing, have completed studies or have work underway which have or will offer innovative and thought-provoking analyses and proposals. Taking these efforts in conjunction with my proposals for a new strategic review by the Department of Defense and an independent National Bipartisan Commission, I believe we can and will get it right, though the conclusions we come to may be painful for many to accept.

We must be engaged in this difficult debate today if we are to have the best defense tomorrow and avoid maintaining the world's finest fighting force for wars we have already fought. We must also engage in it in order to rebuild the popular consensus which is essential for our national security in support of sufficient defense spending. If we involve more of our citizens in these discussions, Congress and the American people will be willing to provide the necessary resources, because they will understand that Sir John Slessor was right when he said:

> It is customary in democratic countries to deplore expenditure on armaments as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

If we are, in fact, going to do our duty to keep the American people ''alive and free,'' we must engage in this debate with all our energy, our intellect and our courage. We owe this to the people who have sent us to the Senate to serve them and we owe it to the future of our great country. I hope my remarks today will be seen as a contribution to this important debate and I look forward to engaging all of my colleagues in these important discussions.●

TRIBUTE TO SUSAN M. SANDERS, THE NEW HAMPSHIRE SMALL BUSINESS ACCOUNTANT ADVOCATE OF THE YEAR

●Mr. SMITH. Mr. President, I rise today to congratulate a hard working New Hampshire accountant, Susan M. Sanders, on being named the 1996 New Hampshire Small Business Accountant Advocate of the Year. The Small Business Administration recently honored Susan with this award based on a number of criteria such as volunteer work to assist small firms, advocacy of a reduction of financial and regulatory requirements for small businesses, and support for initiatives to promote legislation strengthening the financial help of small businesses.

Susan is a certified public accountant and supervisor at Melanson, Greenwood & Co., a CPA firm in Nashua. She specializes in small business accounting and management advisory services with emphasis on startup businesses. She provides assistance to small business people seeking counseling and consulting services on financial and management matters. Susan also prepares a quarterly publication of statistical information entitled Economic Conditions In NH, which is distributed free through the Nashua and Manchester Chambers of Commerce to business and government leaders, and is included in relocation packages mailed to prospective employers. Susan's commitment to the success of small businesses is also reflected by her outstanding volunteer work for local organizations such as the Nashua Chamber of Commerce, the Greater Nashua Center for Economic Development, and the Nashua Small Business Development Center.

As a dedicated small business accountant, Susan believes that small business owners are a special breed of people that should be admired for their determination, innovation, and courage. Susan's own work with small businesses demonstrates many of these same qualities.

Small business is not only the backbone of our economy, but an expression

of the freedom and opportunity America has to offer. As a former small business owner myself, I am proud to honor Susan for donating her time and talents to helping small businesses succeed in the Granite State. As a professional and a volunteer, she has devoted countless hours toward securing the American dream of prosperity for small business owners. I would like to congratulate Susan for this prestigious recognition, and thank her for her steadfast devotion to small business owners in New Hampshire.●

UNIVERSITY OF MONTANA GRIZZLIES

●Mr. BAUCUS. Mr. President, in December of last year, my staff and I, as well as some Montanans who were in the DC area, traveled hundreds of miles to West Virginia to see a football game. It wasn't just any ordinary football game, it was the NCAA Division I-AA Football Championship, which pitted the University of Montana against Marshall University.

The game was the most exciting of my life. After a come-from-behind drive that lead to a last minute field goal, the University of Montana Grizzlies won their first football championship in the school's history. That day I saw my team beat an opponent that ESPN said was the heavy favorite. I saw my team beat an opponent that had played in the big game many times before. I saw my team beat an opponent that has so dominated Division I-AA football that they will soon be moved to Division I competition. You see, my team possessed qualities that are hard to measure: heart, self-discipline, work ethic. A player can learn these qualities from only one person, their coach.

Mr. President, I was saddened, but not disappointed, to learn that Don Read will retire from coaching the Montana Grizzlies football team. I was saddened to see that our coach, with 10 straight years of winning seasons and a national championship under his belt, had decided to move on. But I was not disappointed because I know that Don will still play a major role in his community.

Ask anyone involved with Grizzly football and they will tell you that Don is not only a great coach, but an even better person. UM president George Dennison said it best:

> The Read legacy has much more substance than winning at all costs. For him, winning mattered. But other things counted more. As his record and actions revealed, the welfare and success of his players as students, athletes and human beings always came first.

Coach Read rode a wave of success that went beyond winning football games. He made winners of his players on and off the field.

Don would be the first to tell you that Montana has been good to him. On behalf of all of us in our State, coach, you have also been very good to Montana.

Mr. President, I close by asking to have printed in the RECORD an editorial published by the Missoulian that reflects my sentiments exactly.

The editorial follows:

[From the Missoulian, Apr. 16, 1996]

THANKS FOR THE MEMORIES, DON

Thank you, Don Read, for 10 truly remarkable and wonderful years. That national NCAA championship was something. Those faces of UM's athletes, the thrill, the pride. It was classy win on all fronts, earned outright by coaches and players alike. We still ride high.

Thanks for those very impressive statistics. Ten seasons, all winners. Ten wins against the Bobcats. Wow.

Thanks for selecting high-quality assistant coaches who lead with skill and compassion.

Thanks for loving and respecting Missoula. We saw you walking, with your wife, Lois along the river, through downtown streets, on campus, in your own neighborhood, meandering through the Farmers' Market. You took time to know this place and all it offers. Even when you built a new house in an old district, you did so with sensitivity to neighborhood history and character.

Thank you for loving your family. We saw that, too, when you talked with pride and respect of your own children and grandchildren.

And who knows what marvelous effect you've had on other children. Kids who gathered to watch the Grizzlies practice met a coach who welcomed them and their daydreams—and who offered them gum and wise words on the sidelines:

UM's players, too, seem to understand both the value of individual accomplishments and the necessity and beauty of teamwork, traits made strong by the quality of leaders on the coaching staff.

Thank you for carrying yourself with pride and honor on the road, during and after the season, when meeting with alumni, when talking to fans, when wooing contributors, when meeting everyday people. Never once did we cringe at what you said or how you acted, in private or in public.

Did you ever whine about salaries or belittle players or make snide comments about other coaches? Not that we ever heard. Even after losses you offered nothing but words of support and pride and encouragement along with honest analysis.

Thanks for the seasons. For the wins. For the class.

The pleasure was ours.●

CEASE-FIRE IN LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to applaud the decision of the parties to the crisis in Lebanon to institute a cease-fire. Every day last week, I urged Secretary Christopher in the strongest possible terms to do everything in his power to cease the hostilities between Israel and Hezbollah in Lebanon. I would like to congratulate Secretary Christopher for his intense efforts in negotiating this cease-fire. It is my sincere hope that the parties will abide by the cease-fire, and eventually work toward a comprehensive, just and lasting peace in the Middle East.

The cease-fire is based upon an agreement on a set of understandings, the most important of which is the agreement not to fire weapons at civilians or civilian populated areas. With over 150 civilians dead as a result of the violence in Lebanon, the urgency of ceasing hostilities aimed at civilians is of utmost priority.

Now that an agreement to end the hostilities has been reached Mr. President, I urge the administration to contribute more financial resources to assist the civilians in Lebanon. As part of the most recent cease-fire agreement, the United States, France, Syria, Lebanon, Israel, Russia, and the European Union have agreed to form a consultative group which will assist in the reconstruction needs of Lebanon. It is my hope that the United States will take a leadership role in the consultative group by granting considerably more additional assistance to Lebanon than what it already has.●

WALTER MONTGOMERY: THE PASSING OF A LEGEND

● Mr. HOLLINGS. Mr. President, I would like to take a moment to pay tribute to a man who set the example for excellence and competitiveness in the textile industry. Walter Montgomery, Sr., was the godfather of textiles in South Carolina. He is the reason that we have an outstanding textile industry today. Anyone who came into contact with Mr. Walter could tell you that he was a real legend—and not only as a force in the Nation's textile industry. An outstanding figure in the field of community service, he helped countless numbers of people in his native Spartanburg County during his 95 years.

Walter Montgomery was born in Spartanburg in 1900. He began working at Spartan Mills, founded by his grandfather, Captain John H. Montgomery, in 1922. In 1929, after the death of his father, Walter Montgomery became president. He passed on the title to his son in 1972, and took his place as the chairman of Spartan Mills. In this capacity, he was one of the Nation's top textile executives and led the industry toward modernization.

Mr. Walter, as he was known affectionately, was a firm believer in the value of associations and institutes. He served as the president or chairman of just about every textile group there was, from the South Carolina Textile Manufacturers Association to what is now called the American Textile Manufacturing Institute. In 1989, Montgomery was named ''Textile Leader of the Year'' by Textile World Magazine. It selected him not so much for his impressive management skills within his own company, but for his unselfish leadership of the industry as a whole.

Talk to anyone about Walter Montgomery and they will tell you about his outstanding leadership. Through his tireless efforts in the industry and the boundless energy he dedicated to the community, Mr. Walter earned the respect of everyone. Working with organizations such as the Spartanburg County Foundation, United Way, Junior Achievement, and Wofford College, he created a bridge between business

and humanitarianism. He was also an active member of the Episcopal Church of the Advent, and once served as scoutmaster of the church's Boy Scout troop.

If it sounds unusual for one of the Nation's top textile executives to have this active an extracurricular schedule, it is. Walter Montgomery was an extraordinary man. He had a sincere love for the textile industry, and he passed on his enthusiasm to all the workers and executives he knew. He believed in education, and contributed time and money to the establishment and maintenance of educational institutions. Among his beneficiaries were Wofford College, Converse College, the University of South Carolina-Spartanburg and what is now the Spartanburg Methodist College, which his father had been instrumental in forming.

I will miss his vigor, drive, and wise advice. He was an example to me of how one can balance work and charity. Peatsy joins me in sending our condolences to his family along with our gratitude for the many lives he touched in South Carolina.●

THE TERRORISM PREVENTION ACT

● Mr. ABRAHAM. Mr. President, I rise to make a few remarks concerning the recently-passed Terrorism Prevention Act. I was actively involved in working out the version of the bill that passed the Senate last year. However, I was not a conferee in the negotiations between the House and the Senate that produced the final version that was enacted into law last week. Recognizing how difficult it can be to reach agreement among a majority of one hundred Senators, I appreciate the daunting task of attaining agreement between not only the two congressional bodies, but also between Congress and the President, especially on such an important piece of legislation as the Terrorism Prevention Act.

Nevertheless, I do want to note that in my view, while the final version contains provisions that make the bill one of this Congress's proudest accomplishments, it also contains other provisions included at the insistence of the Administration that have rightly raised serious concerns among serious people from all across the political spectrum.

Violent acts against American citizens, whether for political reasons or otherwise, cannot be tolerated. But for too long, our criminal justice system has been excessively solicitous of the rights of violent criminals whose guilt is not in doubt.

This must stop. The Terrorism Prevention Act's habeas corpus reforms will play an important role in stopping it by preventing prisoners on death row from gaming our legal system with countless appeals. So, too, will its provisions limiting the ability of non-citizens who have committed serious crimes in this country to avoid deportation by filing countless meritless court challenges to deportation orders.

At the same time, it is also important that we do not let the pendulum swing too far in the other direction and trample on the civil rights of those who have committed no crime. Other provisions in the Terrorism Prevention Act that were included at the insistence of President Clinton will restrict fundraising for organizations suspected but not proven to be terrorist on the basis of secret evidence. These, I believe, present a serious risk of jeopardizing the freedoms of all Americans. I would like to discuss both types of provisions.

I was delighted, though admittedly confused when, in the wake of the Oklahoma City bombing, President Clinton stated that the perpetrators of that bombing would be brought to swift and certain justice. As the victims of any type of crime in this country know, and apparently know better than the President himself, our criminal justice system in its present form makes ''swift and certain'' justice for criminals all but impossible.

Instead, convicted criminals—murderers, child molesters, and thieves—have been able to game the system for far too long. The parents of children who have been molested and murdered and the families of other murder victims many of whom were tortured or raped before they were killed have had to wait year after year as their child's murderer appeals a capital sentence time and time again—not on grounds of innocence but because their trials were not perfect. And sometimes the attackers have been released by courts more concerned about the technical rights of criminals than the need to see that the law is carried out and justice served.

Swift and certain justice has not been possible in this country, not for common criminals and not for the perpetrators of terrorist acts, because of the endless appeals permitted by the habeas corpus procedures enacted by Congress. As Senator HATCH has recently noted, there were about 2,976 inmates on death row in 1995. Yet, the States have executed only 263 of these convicted killers since 1973. Habeas appeals alone make up 40 percent of the total delay from sentence to execution.

The notorious case of Robert Alton Harris demonstrates rather vividly where the vices in our present criminal justice system lead. Harris killed his first victim in 1975. In a savage attack that included hours of torture, Harris beat his next-door neighbor to death. He was convicted of manslaughter and sentenced to prison. Even in prison, his uncontrollable violence was said to make him a danger to the other inmates.

Six months after he was paroled, Harris abducted two high school sophomores as they sat eating hamburgers in a car. He drove them to a wooded area and shot them to death, chasing one of the boys through the woods and gunning him down as he crouched in the bushes screaming for his life. Harris then returned to the first victim and shot him again. Over that boy's dead body, Harris sat down and finished the boys' half-eaten hamburgers.

Harris did not deny his guilt, but in fact admitted the murders in open court. He explained he had murdered the boys because he needed their car to commit a bank robbery—the crime for which he had originally been arrested. He was given the death penalty by a jury on March 6, 1979. Thirteen years passed before the jury's verdict was carried out and Harris was finally executed.

During those 13 years—the years when his teenage victims could have been completing college, starting jobs, getting married, and having children—Harris filed 10 habeas corpus petitions with the State courts and 6 habeas corpus petitions with the Federal courts. The boys' parents were notified of five execution dates, four of which were canceled by the courts. But for Harris' habeas petitions, he could have been executed as early as October 1981, after review by the California Supreme Court and further review by the U.S. Supreme Court.

Reform of our habeas corpus system has been needed, and needed badly, for several decades now.

The Oklahoma City bombing finally provided the clarion call that made it possible for the Republican majority, with President Clinton's reluctant acquiescence, and over stiff resistance by a majority of the Democrats, to enact reforms to this legal quagmire. These reforms are long, long overdue.

At last, because of the Terrorism Prevention Act, the limitless opportunities for the Federal judiciary to overturn criminal convictions will come to an end. And at last, State courts will be allowed to enforce capital sentences against convicted murderers without the Federal courts granting repetitive hearings that have allowed death row prisoners to languish in prison for a decade or more.

The habeas corpus reforms may well be the single most important legislation that this Congress has passed. If the Terrorism Prevention Act had no other provisions to recommend it, I would have voted for the act for its habeas corpus reforms.

Also praiseworthy are the provisions that address the serious problem this country has with deporting criminal aliens. Though officially designated ''criminal aliens'' rather than ''terrorists,'' as far as I am concerned, noncitizens who commit violent, felonious acts against American citizens are resident terrorists, irrespective of their official designation. Indeed, according to the FBI, alien terrorists have been responsible for exactly two terrorist incidents in the United States in the last 11 years: the World Trade Center bombing and a trespassing incident at the Iranian Mission to the United Nations.

Meanwhile, more than 50,000 crimes have been committed by aliens in this

country recently enough that the perpetrators are still incarcerated in State and Federal prisons right now.

Noncitizens in this country who are convicted of committing serious crimes are deportable and should be deported. These are not ''suspected'' criminals or members of secretly designated terrorist groups: These are convicted felons. And there are about half a million of them currently residing on U.S. soil.

The reason these criminal aliens are here, despite their deportability under U.S. law, is that they are able to manipulate our immigration laws by requesting endless review of their orders of deportation. Exactly as in the habeas corpus context, these are convicted criminals obstructing the operation of law by abusing unduly generous provisions of judicial and administrative review. As long, as a petition for review is pending, they cannot be deported. Thus, at present, aliens who are convicted felons are deported at a rate of about 4 percent a year.

The case of Lyonel Dor is typical. Lyonel Dor, a citizen of Haiti, entered the United States illegally in 1972. This alone made him deportable as an illegal alien. Six years later he participated in the murder of his aunt. For this, he was convicted of first degree manslaughter and served 6½ years in prison. This made him doubly deportable, since aliens who commit crimes of violence in the United States are deportable even if they were here legally in the first place.

Accordingly, Dor was ordered deported in March 1985 following a full administrative hearing on whether such an order should be entered. At that hearing, Dor conceded deportability. He took no direct administrative appeal from the March 1985 order, although he would have been entitled to do so.

Nevertheless, as of late 1989, Dor had not been deported.

Instead, he remained in this country, requesting and receiving unending additional collateral administrative review and judicial review of his order of deportation, tying up the courts and the INS for more than 5 years after completing his criminal sentence. As of today, April 29, 1996, I do not know whether Lyonel Dor has ever deported, or whether he is still in this country requesting more review.

According to court documents described in the 1989 case, since arriving in this country illegally, Dor received the attention of a total of 14 administrative processes and 6 judicial processes, including the criminal proceedings on his participation in the murder of his aunt. The deportation effort alone for this illegal immigrant and convicted murderer entailed 13 administrative proceedings and 4 judicial proceedings. In two of the four judicial proceedings, Federal courts directed that Dor not be deported until the order of deportation could be further subject to yet more review.

In this Act, as well as in the illegal immigration bill, I have strongly promoted legal reforms that will put an end to such absurdities. The Terrorism Prevention Act contains some of these provisions, including important reforms that will place some constraints on the almost limitless opportunities for criminal aliens to delay their deportations.

In particular, without touching in any way any direct appeal an alien may have in connection with his underlying criminal conviction, it denies judicial review of orders of deportation entered against criminal aliens, eliminates certain grounds for administrative review of the orders of deportation entered against criminal aliens, and requires the Attorney General to deport criminal aliens with 30 days of the final order of deportation. I should add that during the Judiciary Committee markup of the pending illegal immigration bill, S. 1664, I proposed amendments to that legislation that will make additional reforms, and I am pleased to say that they were adopted and form a part of the bill now before Congress.

On the other hand, there are other provisions in this act that I believe could be construed as being insufficiently attentive to civil liberties. I say this as one who is aware that cries of civil liberties violations can easily deteriorate into crying wolf when no wolf is anywhere in the neighborhood, and that it is therefore doubly important to be sure such concerns are legitimate so as not to dull the American people's vigilance against governmental excess. Nevertheless, I believe in this instance there are legitimate grounds for concern.

The provisions that most concern me regard not convicted criminals, but, at least theoretically, the wholly innocent. These are the provisions of the act that will criminalize certain fundraising activities.

The fundraising provisions have a long history to which the Conference Report provided an unsatisfactory conclusion. The fundraising proposals in the bill originally sent to Congress by the President had been quite controversial. Indeed, Senators and citizens of all political persuasions—Democrats and Republicans, liberals and conservatives—were concerned that in seeking to punish the guilty these provisions went too far in endangering the rights of the innocent. Obviously, this will always be a difficult balance to strike.

But these proposals would have given a President unilateral authority, on the basis of secret evidence and without judicial review, to make it a crime to contribute money to any organization—domestic or foreign, charitable or political—designated by the President as belonging on a ''terrorist'' list.

It is not difficult to imagine how such a provision would invite abuse.

People with a grievance against any organization could claim that some charitable or religious organization they didn't like was a terrorist organization. The accused organization could then be designated a ''terrorist'' organization without being provided any information about the basis on which it was being so charged or afforded an opportunity to contest the designation.

History teaches us that star chamber proceedings of this type present grave risks of error and injustice.

At the hearings on the bill, concerns about these provisions and their constitutional implications were raised by a number of Senators, including Senator SPECTER and myself, as well as the American Civil Liberties Union and the American Jewish Committee.

After a great deal of discussion and negotiation, the Senate bill made a number of revisions. These included additions to the fundraising provisions that would make the designation of an organization subject to the traditional legal safeguards: review by a neutral court, and maximum disclosure to the accused organization of the information against it—consistent with national security interests and the safety of those providing the information.

The provisions in the Senate bill may not have been perfect. Indeed, both the New York Times and USA Today subsequently editorialized that many of these provisions still posed risks to civil liberties, even as toned down in the Senate bill. There was, no doubt, room for improvement. But instead of providing more protections for the secretly accused organizations, the Conference Report seems to provide fewer.

For example, whereas the Senate bill provided for full judicial review of the designation of an organization as ''terrorist'', the act that emerged from conference provides only for limited review on the administrative record. That means that the findings of fact of the administrative officer will receive some degree of deference by the reviewing court. More seriously still, it permits an organization to be designated as ''terrorist'' in the administrative proceeding entirely on the basis of classified information. Under the terms of the bill, that material can remain secret from the designated organization or any of its representatives throughout both the administrative and judicial process.

Despite the serious consequences that flow from such a designation, the Conference Report nowhere expressly provides for any disclosure of summaries or partial disclosure of the secret information to the accused organization, even though the necessity for such a total blackout may often be wanting. While the courts may well find such Congressional silence insufficient to infer an intent to bar the maximum disclosure possible, in light of our country's historical distrust of secret proceedings, I believe Congress should have made express provision for such disclosure.

To a lesser degree I believe the procedures established by this legislation for removing aliens suspected of being terrorists on the basis of classified information are open to similar criticism.

Although these provisions at least require some form of summary, in my view they strike the balance between the alien and the Government less carefully and less fairly than the Senate version of the bill.

The fight against terrorism and all criminal acts against Americans must be conducted vigorously, relentlessly, and in a manner that respects basic civil liberties. I believe the fundraising and alien terrorist removal provisions are one area in which the Terrorism Prevention Act could have been improved by not leaving civil liberties protections to the Executive and Judicial branches. I would have preferred for the act to have to have expressly provided for disclosure of the secret information to the maximum extent possible.

It is my hope that despite the administration's insensitivity to these concerns and its insistence on including these provisions in their current objectionable form, during the legislative process, the executive branch will be sensitive to the questionable constitutionality of these provisions when it turns to enforcing them and will take great care in their use. Should it fail to do so, I would expect the courts to step in. In any event, and especially should the executive branch restraint prove insufficient, and the abuses I fear prove not only hypothetical but real, I will seek the opportunity to revisit these provisions at the first opportunity.

Despite these weaknesses, Mr. President, I believe the Terrorism Prevention Act is an extremely important measure, and I am pleased to have had a chance to participate in its enactment into law.●

SALUTE TO CARL GARNER

● Mr. PRYOR. Mr. President, on Friday, May 3d, Mr. Carl Garner of Tumbling Shoals, AR, will retire from Federal Service after 58 years as an employee of the U.S. Army Corps of Engineers. He is one of the longest consecutive serving Federal employees in the history of this Nation, and today I want to take a brief moment to reflect on his career and service to our country.

Carl Garner began his career with the Army Corps of Engineers on June 16, 1938, following his graduation from Arkansas College—now Lyon College. His early career placed him at Bull Shoals Lake in northern Arkansas. On March 15, 1959, he was assigned to the new project at Greers Ferry Lake as a supervisor for Construction Management Engineering.

Greers Ferry Lake would become Carl Garner's life's work, and today you cannot mention one without mentioning the other. On October 14, 1962, Carl was named Resident Engineer for Greers Ferry Lake, and has held that title for 34 years. On October 3, 1963, President John F. Kennedy dedicated the last public works project of his life and short Presidency on a hillside overlooking the dam at Greers Ferry Lake. Carl Garner stood on the podium with the President on that occasion.

Carl Garner had a vision. He was an environmentalist long before the word became common in our vernacular. Carl's vision was that Greers Ferry Lake should be pollution free and should reflect the natural beauty and landscape of the region. Greers Ferry Lake should be a model for the Nation, and today, it is the pearl in our Nation's inventory of multiple purpose man-made lakes.

The vision that Carl Garner has preached for the last 30 years involves responsibility. Today, because of the tenacity and foresight of this one man, we have a public law, Public Law 99–402, which requires all Federal agencies that manage land and water to conduct a Federal lands clean-up. Carl has taught us to be responsible with our environment through the Greers Ferry Lake clean-up, which occurs on the first Saturday following Labor Day each year. Over the years, literally hundreds of thousands of volunteers have learned how to be environmentally responsible because of Carl's legacy, and Greers Ferry Lake is the result.

Mr. President, I am proud to say that Carl Garner is my friend. His impact on my world is profound. Today I salute him and wish him the very best in his future endeavors as he enjoys a well earned retirement from Federal service.●

● Mr. HATFIELD. Mr. President, it gives me great pleasure to share with the Senate the accomplishments of an outstanding researcher from Oregon Health Sciences University [OHSU], Dr. David A. McCarron. His research was recently validated by a team of researchers from McMaster University in Hamilton, Ontario. The findings of the research was published in the prestigious Journal of the American Medical Association, on April 10, 1996, accompanied by an editorial from Dr. McCarron.

The research done at McMaster University has bolstered the findings of Dr. McCarron and his team of researchers in dealing with the relationship between calcium deficiency in pregnant women, and the amount of maternal and fetal morbidity. What the team found was that if the amount of calcium taken by pregnant women is increased, the amount of maternal and fetal morbidity was significantly reduced. In fact, high blood pressure was reduced by 70 percent among women who consumed the equivalent of four servings of dairy products a day, or 1,500 milligrams of calcium.

What does this mean to all Americans? The 1992 direct health care costs related to hypertensive disorders of pregnancy have been estimated at $18 to $22 billion. But more importantly, the savings would be felt by millions of children who would have a healthier head start in life. This is another fine example of the cost savings results of biomedical research.

Let me again point out for my colleagues that an important portion of the funding for this program came from the legislative language in an appropriations bill. The fiscal year 1992 Agriculture appropriations bill led to a grant to OHSU, and Dr. McCarron, to continue their research effort in the field of assessing calcium impacts on pregnancy, infant birth weight and a wide variety of other nutritional areas. The money bridged a gap for the program until further private funds could be obtained. The importance of this grant and the continuation of this program is now being felt throughout the medical community.

This is the type of appropriations funding provision that has been the subject of heavy criticism in recent years. However, it is this type of modest investment, this type of gentle nudge to the administration, that leads to huge strides in medical research and better health for Americans. The simple fact is, without the funding that Dr. McCarron's research received, as a result of this provision, the program would likely have ended. The continued funding and granting of money to these programs is not only important, it is imperative. Billions of dollars will be saved and lives will be improved as a result of this work by Dr. McCarron.

Dr. McCarron is a soldier in the cause of medical research. He not only fought for his program, but cleared a path for all medical research programs. His tireless devotion to the betterment of the community around him has made him an ally to all medical research. His research will help hundreds of thousands of mothers and children for decades to come.

I ask to have printed in the RECORD the JAMA piece written by Dr. McCarron.

The material follows:

DIETARY CALCIUM AND LOWER BLOOD PRESSURE—WE CAN ALL BENEFIT

Dietary calcium intake fails to meet recommended levels in virtually all categories of Americans. The health implications of this trend were recently addressed by a National Institutes of Health Consensus Conference, which noted that several other common medical conditions besides osteoporosis are associated with low dietary calcium intake. The articles by Bucher et al in this issue and the April 3 issue of THE JOURNAL focus on one of these conditions: increased arterial pressure. These meta-analyses of randomized controlled trials of blood pressure and calcium levels in 2412 adults and in 2459 pregnant women provide compelling evidence that both normotensive and hypertensive individuals may experience reductions in blood pressure when calcium intake is increased.

Do these reports represent this week's favorite nutrient-disease relationship, only to be cast aside when a subsequent study fails to confirm these authors' conclusions? Several factors argue against that possibility. Viewed in the context of substantial prior observational and experimental evidence, the biological plausibility that calcium exerts a favorable effect on arterial pressure is strong. Furthermore, these summary analysis provide insights concerning why nutrient-disease relationships appear at times inconsistent. A threshold of calcium intake

below which arterial pressure increases has been documented in experimental models and in epidemiological reports linking low calcium intake to higher arterial pressures. The threshold range overlaps with the median intake of calcium for adults. As observed by Bucher et al, such a threshold effect predicts that trials composed of participants with varying baseline calcium intake may result in a heterogeneous response, with a negligible or small benefit. The benefits for those individuals whose calcium intake is below the threshold may be masked by the null effect in those whose baseline calcium intake is sufficient.

To better estimate the cardiovascular impact of achieving the recommended levels of dietary calcium intake, researchers should focus either on subjects who are below the threshold or on those whose threshold has shifted upward because of biological demands. Bucher et al did both. Numerous observers have confirmed our index report that persons with hypertension consume less calcium and thus are more likely to be below the threshold. As that evidence would predict, Bucher and colleagues identified a larger benefit of increasing calcium intake in hypertensive than in normotensive subjects.

Calcium requirements vary across the life span. When calcium needs are increased, the relationship between calcium intake and biological responses may be amplified. By analyzing separately the randomized controlled trials in pregnant women, Bucher et al tested this relationship. Gestation is a transient period of increased risk of elevated arterial pressure. It is also a period in which the metabolic demand for calcium increases dramatically. In this otherwise healthy, young, normotensive population, Bucher et al established an unequivocal benefit of increasing calcium intake for both mean arterial pressure and the incidence of pregnancy-induced hypertension, which was reduced by 70%. Preeclampsia was reduced by more than 60%

The observation of Bucher et al that cardiovascular benefits of sufficient calcium intake increased with the quality of the study strongly supports the validity of these findings. The fact that pregnant women 20 years of age or younger benefited more than older pregnant women is another example of increased biological needs for calcium amplifying the relationship between calcium level and blood pressure. Younger pregnant women must provide calcium for the fetus as well as their own continued skeletal growth, thus multiplying their daily requirement. While the current calcium intake recommendation for pregnant women and adolescent females is 1200 to 1500 mg/d, their reported median intake is 600 to 700 mg/d. As the analysis of Bucher et al revealed, the cardiovascular benefits of consuming sufficient calcium are greater in those whose intake is least adequate for biological demands. As noted by these authors, what remains to be confirmed are the trends for reduced maternal and fetal morbidity. Similarly, the impact of adequate calcium intake on infant and childhood blood pressure must be defined, because calcium needs are increased at this time. The anticipated release of data from the National Institutes of Health trail of Calcium for Preeclampsia Prevention (CPEP) should address these issues.

For pregnant women the goal is clear, calcium intake must meet metabolic needs. Current intakes in women of childbearing age are not sufficient to assure optimal gestational blood pressure regulation. Younger women can no longer assume that the consequences of inadequate calcium intake will emerge only decades later as osteoporosis. They may occur within 9 months as serious complications for both mother and child. Optimizing calcium intake will benefit not only pregnant women but also society in general. The 1992 direct health care costs related to hypertensive disorders of pregnancy and their sequelue have been estimated at $18 billion to $22 billion. Using the most conservative estimates of Bucher et al, the savings from increasing calcium intake during pregnancy might reach several billion dollars within 1 year.

In virtually all age, sex, and ethnic categories of the US population, median calcium intake is equal to or less than the minimum recommendation, leaving more than 50% of individuals consuming inadequate amounts of calcium. For those groups at higher risk of hypertension (African Americans, pregnant women, the obese, and the elderly), the situation is worse. Furthermore, consuming adequate calcium is no longer simply a ''women, issue.'' After age 40 years, American men have a median calcium intake of less than 750 mg/d. For African-American men, whose risk of hypertension is two to three time that of their white counterparts, the median calcium intake is than than 600 mg/d. There are therefore many reasons, including control of arterial pressure, why every individual should be advised to consume the current recommended level of calcium as a general health measure.

DAVID A. MCCARRON, MD.
DANIEL HATTON, PHD.

DESPITE ITS FLAWS, A RESPONSIBLE BUDGET AGREEMENT

● Mr. WELLSTONE. Mr. President, late last week we finally approved a budget for the fiscal year which started 7 months ago. After long and heated negotiations, Presidential vetoes, and numerous shutdowns of the Federal Government, that budget protected many of the priorities that had been identified by the President and by Democrats here in Congress, including key investments in education, crime prevention, the environment, and other key areas. It also effectively removed many of the policy-related riders that would have done so much damage to our efforts to protect Americans in the workplace, and to protect the environment; major victories for all Americans.

The bulk of the funding for key education and job training programs, which I had fought hard to restore through an amendment on the Senate floor, was retained by the conferees. Key Federal investments in the skills, character, and intellect of our children must remain our highest priority.

The conferees also preserved funding for the new community policing program called COPS, which has provided funding for over 430 new police in Minnesota, and over 34,000 nationwide. Ultimately, it is scheduled to put 100,000 new police on the streets of our Nation's cities and towns. Chiefs of Police and sheriffs from across the country, from big cities, small towns, rural areas and suburbs, have supported this program because they know that more police make a real difference in combatting crime. This is a victory for communities nationwide who are struggling to bring down crime and combat fear in their streets by strengthening their community policing programs.

In addition to these major victories, the measure gained overwhelming approval here in the Senate because many Senators, including myself, believed that we must not allow to continue to go unfunded key Federal agencies and departments which protect the environment, provide funding for schools, protect the health and safety of Americans in their workplaces, provide funding for critical Federal health benefits, or support a host of other Federal activities.

While on balance I believe the bill goes a long way toward protecting key priorities, there are some areas where very large budget cuts will still be made by this bill. For example, I am very concerned that the House conferees insisted on slashing advance funding for the Low Income Home Energy Assistance Program, which is critical to thousands of Minnesotans who rely on it for heating aid in very cold weather.

Despite the battles over LIHEAP funding this past winter, and my amendment urging the Senate conferees not to accede to House demands to scuttle advance funding for this program, passed by a vote of 77 to 23, Senate conferees agreed to drop advance funding for next winter. This is a major and unwise policy change, and makes it doubly important that adequate funding for the entire heating season be provided in the fiscal year 1997 Labor-HHS appropriations bill that will be developed soon by the Appropriations Committee; I will fight to fully restore these funds during that process.

There are also substantial cuts in programs for the arts, for legal service programs which ensure that the constitutionally guaranteed rights of even low-income people are secured within our legal process, for Federal Indian education efforts, for job training, for homeless programs, and for a host of other key public investments in our future. While I recognize the need to continue to reduce the deficit, I opposed these cuts, and will be working to restore critical funding in these areas in the coming months.

Mr. President, I did not agree with all of the priorities contained in the omnibus appropriations bill. It is not the bill I would have written. My colleagues know I would restructure Federal spending in very different ways, even while securing the same level of savings. But this final agreement allowed us finally to move beyond last year's funding fights, and to turn our attention to this year's appropriations process. That is why I supported it, despite its flaws. I hope we can do better this year; Americans deserve a more orderly and responsible process, with very different priorities, than Congress delivered this year.●

CONGRATULATIONS TO UNIVERSITY OF UTAH MEN'S AND WOMEN'S SKI TEAM NCAA CHAMPS

● Mr. BENNETT. Mr. President, I am pleased to offer my spirited congratulations to the University of Utah Men's and Women's Ski Team on their recent NCAA championship. The University of Utah has a lengthy tradition of producing competitive, skilled student-athletes and I am proud to recognize these champions today.

I would like to congratulate their individual hard work and dedication, as well as their competitive team spirit and unity. Utah is proud to be represented by these talented student-athletes and coaches. The University of Utah Men's and Women's Ski Team of 1996 are true champions and I would like to mention each member of their team individually.

I congratulate Women's Alpine team members: Christi Hager, Heather Munroe, Tina Kavcic; the Men's Alpine team members: Alain Britt-Cote, Mike Elvidge, Andy Hare; the Women's Cross-Country team: Stine Hellerud, Heidi Selnes, Ingvil Snofugl; and the Men's Cross-Country team: Tor Arne Haugen, Asle Slettemoen, Kurt Wulff.

I would also like to congratulate the coaches Mark Bonnell, Kevin Sweeney, and John Farra, as well as the trainer Greg Thorpe and the Director of Skiing at the University of Utah, Pat Miller. Utah is proud of the accomplishments of this team and its coaches.

In addition to being home to the ''Greatest Snow on Earth'', the U.S. Ski Team and the 2002 Winter Olympic Games, Utah is proud to be the home of fine higher education institutions like the University of Utah. To the talented and skilled student-athletes and coaches on the 1996 Men's and Women's Ski Team from the University of Utah, I give my heartfelt congratulations on their 1996 NCAA championship and confidence we will continue to see their names listed among the outstanding athletes in the country and the world.●

ZOO AND AQUARIUM MONTH

● Mr. HATFIELD. Mr. President, it is my pleasure to pay tribute to the valuable research performed by the Metro Washington Park Zoo in Portland, OR, and the other member institutions of the American Zoo and Aquarium Association [AZA]. These zoos and aquariums use the most advanced technology and some of the most dedicated of our Nation's scientists to ensure the survival of species worldwide. Research is the first step in conservation, and during April, which is Zoo and Aquarium Month, I would like to recognize the many steps toward conservation taken by AZA institutions.

Zoos and aquariums were among the first institutions to recognize the threat of species extinction around the world and to make research geared to alleviating this problem one of their top priorities. Their ever-increasing expertise has since served as a valuable resource to conservation efforts throughout the world. I am proud to commend the staff of Metro Washington Park Zoo for their significant contributions to the conservation and breeding of Asian elephants. The research performed by Metro Washington Park Zoo and its AZA counterparts help ensures that our grandchildren will enjoy the same animals that we all enjoy today. The research enables us to better understand our world and, ultimately, ourselves.

Our Nation has long acknowledged the value of our local zoos and aquariums. They educate as well as entertain, and have long served as playgrounds for our children's imagination. I would like to ask my colleagues to join me in recognizing April as Zoo and Aquarium Month, and I encourage my colleagues and all Americans to visit their local zoo or aquarium with their family and friends.●

MEASURE PLACED ON CALENDAR—SENATE JOINT RESOLUTION 53.

Mr. SIMPSON. Mr. President, I send a joint resolution to the desk and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 30, 1996

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes it business today it stand in adjournment until the hour of 9 a.m., Tuesday, April 30, 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 shall be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, except for the following: Senator CHAFEE and Senator BREAUX for a total of 60 minutes. I further ask unanimous consent that immediately following morning business, the Senate resume consideration of the immigration bill, and that the Senate recess from the hours of 12:30 p.m., to 2:15 p.m., for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, and the pending amendment offered by Senator GRAHAM, tomorrow morning. Senators are encouraged to offer their germane amendments to the SIMPSON amendment throughout the day, therefore, rollcall votes may occur prior to the 12:30 recess, and can be expected throughout Tuesday's session. A cloture motion was filed to the immigration bill this evening, therefore, that cloture vote will occur on Wednesday. As a reminder, under the provisions of rule XXII, Senators have until the hour of 12:30 tomorrow in order to file first-degree amendments to the underlying bill, S. 1664.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SIMPSON. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Tuesday, April 30, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 29, 1996:

DEPARTMENT OF STATE

AVIS T. BOHLEN, OF THE DISTRICT OF COLUMBIA, 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 BULGARIA.

MARISA R. LINO, OF OREGON, 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 ALBANIA.

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, 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 VENEZUELA.

ANNE W. PATTERSON, 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 EL SALVADOR.