HOUSE OF REPRESENTATIVES—*Thursday, March 21, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. WALDHOLTZ].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 1996.

I hereby designate the Honorable ENID G. WALDHOLTZ to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the days lengthen and the Sun brightens our hours, so may we anticipate the renewal of the bounty of Your creation. When we see the blossoms of nature, may they recall for us the seasons of our own lives; as we await the warmth of the days, may we remember the warmth of Your grace that is ever with us. In all things, O God, may we experience the wonders of Your love and so live our lives with strength and hope. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. PALLONE] come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3019) "An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, Mr. BURNS, Mr. SHELBY, Mr. JEFFORDS, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KERREY, Mr. KOHL, and Mrs. MURRAY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 942. An act to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes;

S. 956. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals;

S. Con. Res. 47. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies; and

S. Con. Res. 48. Concurrent resolution authorizing the rotunda of the United States Capitol to be used on January 20, 1997, in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mrs. HUTCHISON as the chairperson of the Senate delegation to the Mexico-United States Interparliamentary Union during the 2d session of the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

VETO PRESIDENT POISED TO STRIKE AGAIN

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Madam Speaker, bowing to special interests, the veto President is poised to strike again. The President who stopped welfare reform, tax cuts, and a balanced budget announced this past weekend that he will veto a bipartisan legal reform bill.

As Governor of Arkansas, the President called for just this type of legislation to limit frivolous lawsuits and sky-high punitive damage awards. But as President, the special interest lobbying group of trial lawyers is a heavy contributor to his reelection campaign.

Democrat Senator JAY ROCKEFELLER said it best: "Special interests and raw political considerations in the White House have overridden sound policy judgment."

Raw political considerations drove the President to veto welfare reform after he promised to "end welfare as we know it." Political considerations made the President veto tax cuts and a balanced budget after he promised both. It is time for Bill Clinton to consider the American people—and not special interest lobbyists—for a change.

ANOTHER CONTINUING RESOLUTION

(Mr. PALLONE asked was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, here they go again. Again the Republican leadership is going to bring up today another one of these stopgap funding measures, the continuing resolution. I think many people have forgotten that the Government was closed down on two occasions, at least two occasions, by the Republicans in this last year, and they are still moving forward with these temporary spending measures, last week and now again this week, for 1 more week. What it means is a great deal of uncertainty back in our districts, particularly when it comes to education.

Many teachers are now getting pink slips and being told they are going to be laid off. The school boards do not know whether they are going to have funding for education because of the continual assault against education. They are proposing the largest cut in

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the history of this country in education, over $3 billion. It is not fair, because the American people have told us over and over again that education is a priority, that they want to prioritize in terms of funding here.

Why should we be cutting back on education funding at the Federal Government and making the local school boards have to pay more in their taxes, in their local property taxes? It is not fair. We should put a stop to it.

THE PRESIDENTIAL VETO THREAT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Madam Speaker, the vicious, vindictive veto looms over the American people once again, this time threatening the lives and health of 8 million Americans who right at this moment, because of their health problems, have medical devices in their bodies, heart valves, pacemakers, brain shunts, a whole host of things, knee replacements, hip replacements. But the availability of these medical devices is threatened by the veto that the President has threatened to issue because of some quarrel that he has with other elements of the Trial Lawyers Association, et cetera.

Now, the suppliers of these medical devices, elements of the medical devices, are going out of business, in many respects because they are being sued out of their existence. What we have tried to do with the measure that is about to be vetoed is to make sure that the suppliers will feel comfortable in sending these supplies for the medical devices to be made available to the American people.

CONTINUED ATTACK ON THE AMERICAN EDUCATION SYSTEM

Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, once again today we are going to have a continuing resolution. What is continuing about this resolution is the resolution of the Republicans to continue to attack the American education system.

In this continuing resolution, once again the Republican Party will put forth the largest cuts to education in the history of this country. They will put forth cuts in programs of title I to put in jeopardy those children in our school systems that most need an education. They will put forth cuts in the DARE Program, the program that brings our community police, our young children, and the campaign against drugs in schools and drugs in young people's lives together. They will cut that program. Over $3 billion in cuts will be in this continuing resolution, which continues their assault on our education system.

They do this at a time when more and more parents are revaluing education because they now understand how terribly important it is to the future of their children's success and our economic existence. The Republicans should stop this attack on the American education system.

LET US PUT AN END TO PARTISANSHIP

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, here we go again. As the American people look to this Congress to find innovative solutions, the guardians of the old order, those who tell us that big government is always the best answer, those who would confuse the process of education with the Washington bureaucrats in the Department of Education, seek to strike fear in the heart of every American.

We do not need to be involved in name calling. In fact, we need to get past partisanship. That is why, Madam Speaker, I noted with interest the comment of the junior Senator from the State of Nebraska in talking about the proposed budget of the President of the United States. "The budget, this budget, is the same smoke and mirrors. It is ridiculous. They are just not serious."

Madam Speaker, the fact is we will always have differences, but let us work together constructively, end the fear mongering, and solve problems for America.

AMERICA LOSING JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the standard of living in America is going down. Family income dropped from $30,000 in 1989 to $27,000 in 1993. But economists still say "Don't worry, NAFTA is creating jobs."

Let us check out those jobs. One million jobs were created by temporary agencies; 800,000 jobs, restaurants and bars; 400,000 jobs, health clubs and casinos; 400,000 jobs in Government.

The truth is, the American worker is losing a factory job with full benefits and is now washing dishes and waiting on tables. But Government economists still tell us this is an unfair study, that 1989 was actually a boom year.

Boom year? Beam me up, Madam Speaker. The truth is, with economists like this, the only growth industry in America is our bars, restaurants, and Government, and we pay for all of it.

Madam Speaker, I yield back the balance of these jobs.

ENERGY SECURITY

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Madam Speaker, as we note the fifth anniversary this month of the successful conclusion of the Persian Gulf war, we must also rededicate ourselves to achieving energy security. Five years after defeating Saddam Hussein's armies, America still depends on other nations to meet the majority of our petroleum needs. We as Americans face the prospect of depending on foreign nations, often unstable nations, to provide us with up to 68 percent of our oil supply within the next 20 years. That is a dependence on foreign oil that America should not be exposed to.

America does not lack for proven oil reserves. Today, the House Resources Committee has scheduled a hearing on America's oil and natural gas resource base and Federal initiatives to encourage domestic oil and gas exploration. I strongly urge my colleagues to pay close attention to this hearing. Experts from the industry will discuss the promise of oil and natural gas development in America. For example, did you know we have over 60 years worth of proven oil and gas reserves waiting to be developed? Why are we not relying on our own resources rather than on unstable foreign resource?

Today at the Resources Committee we will hear answers from America's oil and natural gas industry on how we, as leaders of this Nation, can help make America more secure against the threat of oil supply disruptions. I strongly encourage my colleagues to listen.

CONTINUING RESOLUTIONS HURTING AMERICA'S CHILDREN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Madam Speaker, today House Republicans will bring up another temporary funding bill to keep the Government running for another week. Sound familiar? It should, because that is exactly what happened last week.

If enacted, this will be the 11th temporary spending bill to become law this year. Republicans are lurching from one temporary bill to the other, desperately clinging to their deep cuts in education and environmental protection.

It is almost halfway through the Federal fiscal year, and Republicans still have not funded major parts of the Government for the rest of the year. Among those paying the price for these budget games are local school districts. Many have already let teachers go because they still do not know if they

will get enough funding to hire them for next year. This is unfair to our Nation's children, who will suffer from larger classes and less help with basic skills like reading and writing. But who asked for these deep education cuts? Certainly not working families, who overwhelmingly support funding for education.

Let us not hold education hostage to politics.

AMERICA TOO DEPENDENT ON FOREIGN OIL

(Mr. THORNBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THORNBERRY. Madam Speaker, those who do not learn from the mistakes of the past are condemned to repeat them. It has been 5 years since the gulf war, and yet the United States has not yet seemed to learn the dangers of being dependent on others for our energy needs.

In fact, the United States is more dependent on foreign oil than ever before. More than 50 percent of our oil is imported, with about 20 percent coming from the Persian Gulf. We continue to lose producing wells, independent exploration and producing companies, as well as expertise. Talk about downsizing and exporting jobs—more than 500,000 jobs have been lost in oil and gas. And yet we go right along—acting as though domestic energy production is a luxury rather than a necessity of life in an unstable world.

Madam Speaker, it's time we learned from the past and take steps now to put us on the road to energy independence.

ASSAULT ON PUBLIC EDUCATION

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Madam Speaker, still high on the agenda of this Gingrich Congress is the assault on public education. It began last year with school lunch. You will remember the Speaker's assault and attempt to destroy a program that had enjoyed 50 years of bipartisan support to assure and guarantee school lunches for our Nation's young people. Then it was on to college. Let us add $5,000, the Speaker said, to the cost of going to college for those families that have struggled to get their kids through public school.

This year it is back to our smallest children. It is the program of giving not a Head Start, but a wrong start, to millions of American children. In my hometown it means cutting prekindergarten for 2,300 children in half. That is the program of placing obstacles in the way of opportunity for America's young children.

I know Speaker GINGRICH was very gleeful yesterday at this microphone as he blocked educational opportunities for immigrant children. Well, what about all the people that have been here and spent all of their lives and generations in this country and the hopes and aspirations of their parents? Let us stand up against this assault on public education.

□ 1015

BIG GOVERNMENT AND EDUCATION

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Madam Speaker, as we have heard this morning the rhetoric from the other side about education, let us talk about education in this country for just 1 second. Since the mid-1960's, the Great Society, billions of dollars thrown at education, and where are our kids today? Where are students today? Has money helped the education in this country coming from the Federal Government? I say no.

The SAT scores have gone down. Drugs have gone up. Illegitimacy has gone up. Where is education in this country today? Billions of dollars thrown at it from the Federal Government. I think it is time we give it back to the parents and the communities and let them give their children a good education.

WHICH REPUBLICAN MEMBERS TRUSTS HAMAS?

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Madam Speaker, this morning I saw one of the most blessed sights that any husband or parent could ever see: My wife, cuddling in her arms, our 3-month-old son, both of them happy, healthy, and safe. But as I left them, I was haunted by the words spoken by a Republican House Member on the floor in this House last Wednesday when that person said: "I trust Hamas more than I trust my own Government."

Madam Speaker, Hamas is a terrorist organization that proudly murders innocent women and children. Every parent and every person in America should be outraged that a Member of this Congress could place trust in terrorists that would destroy the lives of innocent children and the families who love them. The Republican Member of this House who made this extremist, morally repugnant statement owes it to his or her colleagues and the people of this Nation to admit his or her identity.

BIG GOVERNMENT AND OUR CHILDREN

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Madam Speaker, we have heard this morning about the cruel Republicans cutting education. Let us talk about our children for just a minute. Less than a month ago, the President of the United States stood at that podium and said the era of big government is over. Now, everybody on this side of the aisle stood up and applauded when he said that, and nobody on this side said anything about it. They sat in their seats.

Why was that? Because nobody believed him when he said that. The era of big government is not over. Otherwise, why is the President asking for more and more money? Why is this a concern for our children? Why should parents be concerned about government continuing to spend more and more money? I will tell you why. A child born today will owe $187,109 over their lifetime just to pay their share of the interest on the national debt.

If we continue things, the status quo in Washington, they will face an effective tax rate of 84 percent in their lifetime; 84 cents of every dollar they earn will go to the government at one level. That is wrong. Let us do make the savings and think about our children and the future.

"WHO DO YOU TRUST?"

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, the entire world has been shocked, appalled, and reviled by the latest wave of terrorist attacks by Hamas in Israel. More than 50 innocent men, women, and children have been killed by suicide bombings in Jerusalem and Tel Aviv.

So I was similarly shocked and reviled to hear a comment made on the House floor last week in the course of debate on the so-called antiterrorist bill. The gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, said this: "Early in the day standing back there, I heard a dear friend of mine, a great Republican say, 'I trust Hamas more than I trust my own Government.'"

He went on to say those words hurt. Those words do hurt indeed. But who, Madam Speaker, who, Mr. HYDE, who on the Republican side really believed they could trust Hamas more than our own Government? Who among my colleagues truly believes they can trust a terrorist organization that sends suicide bombers to rob innocent children more than the U.S. Government?

Madam Speaker, the American people have a right to know who among

their elected Representatives trusts Hamas more than the United States. Until that person steps forward, or is identified, a cloud hangs over each and every Republican Member of this House.

COLORECTAL CANCER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana, Madam Speaker, I yield to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Madam Speaker, I rise today to discuss the health issue that is very important to a vulnerable population; namely, Medicare beneficiaries. This year, colorectal cancer will claim an estimated 54,000 lives. This is the second leading cancer killer in the United States; 134,000 new cases of colorectal cancer will be diagnosed this year, most of them in the elderly population. And we are talking about cutting Medicare.

Madam Speaker, we know that early detection will save lives and save money. The technology exists to eradicate more than 90 percent of colorectal cancer in this country. Let us work toward a Medicare package or preventative benefits, one which will include colorectal cancer screening. It makes good health sense, and it makes good economic sense.

I urge my colleagues to move forward in addressing this disease in the Medicare population, the group most vulnerable to colorectal cancer.

VOTE AGAINST REPEAL OF ASSAULT WEAPON BAN

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, the Bible says, by your deeds ye shall know them. Now last week by amendment, the Republicans gutted the terrorism bill. Many people asked why did they take out the guts of that bill? By their own words, from the gentleman from Illinois [Mr. HYDE], we know the answer: Because Members on the Republican side trust Hamas more than they trust their own Government.

They were afraid that, if we put the power in the hands of the Government to deal with terrorism, we might turn our eyes away from the Middle East and come to look at some of the organizations in this country. People on this floor have forgotten Oklahoma City. People have forgotten what has happened.

Madam Speaker, we cannot allow our Government to be powerless in the face of terrorist organizations wherever they come from. Now, tomorrow we are going to add insult to injury. The police officers of this country want the assault weapon ban kept in place. But the Republicans, led by the Speaker, are going to bring out a repeal of that ban to this floor to put those guns on the street again.

I urge my colleagues to vote against that bill.

WE CAN FIGHT TERRORISM WITHOUT VIOLATING OUR CONSTITUTION

(Mr. MCINNIS asked and was given permission to address the House for 1 minute.)

Mr. MCINNIS. Madam Speaker, I yield to my good friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding to me.

The so-called antiterrorism bill infringed upon the liberties, the constitutional rights of the people of this country. While we are concerned about law and order and fighting terrorism, we do not want to violate the Constitution and hurt the liberties that our forefathers gave to us.

My colleagues on the other side are saying because we did not vote for the terrorism bill the way they wanted it, that we are sanctioning the terrorist activities that took place in Israel where 50 or 60 people were killed by terrorist activities by the Hamas organization. That is a ludicrous argument. We hate that just as much as anybody. We deplore those actions. We want to see those people brought to justice, and our Government is doing everything possible to stop that terrorism, not only there but in the United States.

But in the process, we must not violate the constitutional rights and liberties of American citizens.

A REPUBLICAN MEMBER TRUSTS HAMAS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, the fact of the matter is that the antiterrorism bill passed last week in this body allows Hamas to raise funds in the United States of America, to raise their funds to go out and to kill innocent men and women and children. We had one Member, a colleague from the Republican side of the aisle, say that it was he or she who trusted Hamas more than they trust their own government.

Let me tell my colleagues, how can any Member trust a despicable organization, a bloodthirsty and terrorist organization? The pain and the misery that Hamas has caused may be abstract for some of my colleagues, but it is not for me, and it is not for my constituents. Last year my constituent Joan Davenney of Woodbridge, CT, was in Israel. She was a teacher at the Ezra Academy on a fellowship in Israel studying ways to improve curriculum at her school, a decent, wonderful young woman. Let me say that she was on one of those buses. She was killed by the terrorist organization Hamas. A sad day indeed when Republicans can defend Hamas on this floor.

THE PRESIDENT WILL NOT ASK SECRETARY O'LEARY TO RESIGN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, Vice President GORE, in his national performance review, indicated that Clinton's Secretary of Energy, Secretary O'Leary, and the Department of Energy, was 40 percent inefficient in their environmental management and it is going to cost the taxpayers $70 billion over the next 30 years.

Madam Speaker, what does that mean to taxpayers or what is that like? What is the equivalent of being 40 percent inefficient? That is like filling your car with gasoline, putting 10 gallons of it in, or running 10 gallons out of the pump and 4 of it goes on the ground and 6 of it goes in your tank. That is like sitting down at a restaurant, for every five bites you attempt to take, two of them end up in your lap. That is like sending your child to school and expecting your child to sleep for more than 2½ hours every day.

Forty percent inefficient, I think that is too much for the taxpayers. Seventy billion dollars, too much of a burden for the taxpayers. Yet it is condoned by Mr. Clinton. He will not call for reforms. He will not abolish the waste. He will not ask Secretary O'Leary to resign.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 165, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996, AND WAIVING REQUIREMENT OF CLAUSE 4(B) OF RULE XI WITH RESPECT TO CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 386 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 165) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled

by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

SEC. 2. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before April 1, 1996, and providing for consideration or disposition of any of the following measures.

(1) A bill making general appropriations for the fiscal year ending September 30, 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) A bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

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

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

Mr. Speaker, House Resolution 386 is a closed rule providing for consideration in the House with 1 hour of debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule orders the previous question to final passage without intervening motion except one motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee.

Section 2 of the proposed rule merely waives the requirement of clause 4(b) of rule 11 for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the Rules Committee before April 1, 1996, under certain circumstances.

This narrow waiver will only apply to special rules providing for the consideration or disposition of any measures, amendments, conference reports, or items in disagreement from a conference that make general appropriations for fiscal year 1996, include provisions making continuing appropriations for fiscal year 1996, or any bill, or joint resolution, that includes provision increasing or waiving the public debt limit. The Rules Committee recognized the need for expedited procedures to bring these legislative measures forward as soon as possible. Mr. Speaker, House Resolution 386 is straightforward, and it was reported by the Committee on Rules by voice vote.

In order to prevent a Government shutdown and provide the conferees on the omnibus continuing resolution adequate time to iron out the differences between the House, Senate, and administration, House Joint Resolution 165 is necessary. The legislation will keep the Government operating through March 29, and in the case of AFDC and the Foster Care Program through April 3. I urge my colleagues to support House Resolution 386 and the underlying legislation, House Joint Resolution 165.

□ 1030

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule is proof positive that the Republican majority cannot finish the job they were sent to Washington to do. It seems to me that in addition to bringing about the revolution they have spoken of so often in the past 15 months, their responsibility, as the majority party, is to make sure that the trains run on time. Well, Mr. Speaker, not only have the trains not run on time in this Republican Congress, we have had to live through two major train wrecks, and now, nearly 7 months into fiscal year, most of the train is still off the tracks.

But, Mr. Speaker, my Republican colleagues have added insult to injury by asking this House to once again impose martial law. And what does martial law do, Mr. Speaker? Quite simply, martial law allows a majority to disregard the rules that they once so vigorously defended when they were in the minority. For 4 continuous months the House has operated under procedures that, had they been imposed by the Democrats, my Republican friends would have screamed bloody murder.

Today the Republican leadership plans to bring up the sixth martial law resolution of the 104th Congress. The resolution allows the Speaker to bypass the regular committee process and bring legislation immediately to the House floor without the normal 1-day layoff period required by the rules of the House. Usually this extraordinary authority is granted only in the final days of a session as adjournment approaches. But under, Republican control, the House has operated under martial law continuously for 4 months, from November 15 through March 15. Today they plan to extend that authority again until April 1.

In the Democratic 103d Congress the House operated under martial law for a total of 5 days with no martial law resolution lasting more than 1 day. In this Republican Congress a single martial law resolution, House Resolution 330, lasted 50 days. In the Democratic 103d Congress each martial law resolution applied to only one bill. Under the Republican control all martial law resolutions have applied to entire classes of bills encompassing everything from spending bills to Bosnia.

So, Mr. Speaker, I am going to make an offer my Republican colleagues should not be able to refuse. Let us go back to regular order and use the rules which have in previous Congresses served both the majority and the minority. Let us not circumvent the rules and undercut the democratic process in an effort to cover up the fact that the Republican majority cannot do its job.

I intend to oppose ordering the previous question in order to be able to offer an alternative rule which strikes the martial law provisions recommended by the Committee on Rules Republicans. I think that after 7 months of delay, if the Republican majority is serious about finally funding the Federal Government, the very least the Republican majority can do is offer the Members of the House the opportunity to take the time to read the bill. Martial law does not give anyone, Republican or Democrats, such an opportunity.

So I would encourage those Members across the aisle who are serious about maintaining democratic, with a small "d," principles to vote again the previous question and to support my alternative to the rule.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think initially here we need to clarify a couple of points.

Mr. Speaker, I think at the very initial stages here we need to correct or clarify some of the statements made by my respected friend, the gentleman from the State of Texas [Mr. FROST]. Circumvent the rules? I think the gentleman is confused. This is the rule. That is why we are down here today.

The gentleman and I were both in the Committee on Rules last night. The gentleman did not ask for two rules. We had a voice vote. I did not see this kind of vigorous debate in the Committee on Rules last night. This is kind of a blind side that we are getting down here.

What we are asking for is approval of a rule, and then from that rule let us go into the debate. Let us talk about he comes up with this magic phantom word called martial law. Again, in due respect to the gentleman from Texas, I call it economic common sense. What does he want to do? Stop the Government?

Of course, some leadership on the Democratic Party would like to stop the Government because this is an election year. This is a very convenient time to try to put blame on the Republicans, who have brought more economic sense to this Government than

any governing part of this body has brought for 40 years.

We have got some tough decisions to make here. We have got to move this thing forward. We have got negotiations going on between the administration, the President of the United States, between the U.S. Senate and between the U.S. House. We need to allow them some continued time for these kind of negotiations.

We are changing, Mr. Speaker, the habits of this House. We are changing 40 years, in my opinion, of bad habits. We cannot do it overnight. My colleague has got to allow the parties good faith, and he has got to allow them time so that these good-faith negotiations can continue. I do not think it helps the negotiations, it certainly does not help the relations between the two parties on this House floor, to use some of the types of exaggerations that I have just seen in the previous statement.

I would urge my colleagues, look beyond the political aspect of this, put aside the fact that we are in an election year right now, and let us move toward the best interests of this country, and that is called economic common sense.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

If I understand the previous speaker, he is generally making two points. One is that the ends justify the means; and, two, that democracy is a very dangerous thing. What law we are asking for is that this House follow the rules of this House that have been followed for years and years when Democrats were in the majority. The question is are we going to suspend the rules of the House and not require a 1-day layover, a simple 24-hour layover for the House to have a chance to read bills before bringing up a rule on the floor of the House. We very rarely did that when we were in the majority, and only at the end of a session, and only for 1 day at a time.

The new majority wants to suspend the rules of the House for 4 months. I guess they consider democracy very dangerous. The ends perhaps do justify the means in their view, not in mine.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us again address the points from the fine gentleman from the State of Texas. We have got to have a bill by Friday. Does my colleague want to shut the Government down? We have to have a bill by Friday.

Now, I am sorry we cannot allow for time through next week and the following week to read some of the things that the gentleman would like to read. The fact is this Government continues second by second.

Now, we can either allow it to continue on Friday, or we can shut it down.

Now, today is Thursday. That means we have less than 24 hours, or about 24 hours, to do something to keep this Government operating. It is the Republicans' priority to keep the Government on course, but to run it on an economic course that is going to make common sense to the average taxpayer in this country, and that is a balanced budget.

Furthermore, I think it is important to understand that the waiver that we have talked about here, the narrow waiver, it is allowed by the rules. Suspension of the rules is a rule. The gentleman from Texas [Mr. FROST] has many years of experience on the Committee on Rules; he is a very capable individual. He knows this is not undemocratic; that is how the rules are written. We are utilizing the rules. I would be called out of order, the Speaker would not allow me to continue this debate today, if it was not in the rules. If I am not authorized to be on this floor with this proposal, which, as the gentleman from Texas admitted, the Democrats used while they were in the majority, if I were not allowed to do that, it would not be in the rules. Of course it is allowed.

We have got to have this, Mr. Speaker. We have got to continue to allow this Government to operate in a fiscally sound manner.

Now, again it is a dramatic change in the last 40 years of leadership in this House. In the last 40 years of leadership in this House we have accumulated a debt that is about $38 million an hour. In other words, our Government, right now, is spending about $38 million an hour more than it is bringing in. We cannot do that. No country in the history of civilization, no free country in the history of civilization, has survived with the kind of economic factors that we now have in place the way this Government has been run the last 40 years.

The gentleman from Texas [Mr. FROST] knows it, the gentlemen and the gentlewomen from all the 50 States in this Union know it. We have got to face up to fiscal reality, and that means that we have got to get some resolution, we have got to allow time for negotiations, and this rule allows it, and that joint resolution will allow the Government to operate in a commonsense, good judgment fashion.

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

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the Democratic whip.

Mr. BONIOR. I thank the gentleman from Texas [Mr. FROST] for yielding the time this morning.

Mr. Speaker, the distinguished political analyst, Kevin Phillips, has said that this is the most unproductive Congress in the last 50 years. I have been here 20 years, and I have never seen this place run so poorly, so inefficiently, and without care and deliberation.

What this resolution we have before us does, is say to virtually all Members of the Congress, at least the House, and all of the public, "You can't participate."

Now, what do we mean when we say martial law? The gentleman from Texas [Mr. FROST] has referred to this word, martial law. It means that the Speaker and the majority leader can bring legislation to this floor without going through the committee structure, without hearings, without giving us even a day's notice, bring it right to the floor, and we vote on it, and, as Mr. FROST has said earlier, this is being done for the fourth month in a row. Seventy-three percent of all the bills that have been brought to the House floor have gone right to the floor without committee consideration or approval this year, 73 percent.

Mr. Speaker, we started this Congress by shutting down voices, by closing the Black Caucus, the Women's Caucus, the Hispanic Caucus, and then there was an attack on public television, there was an attack on the Endowment for the Arts, closing down those important voices in our society, and now it has gotten to the point where Members of this body cannot even participate in committee hearings or committee votes, everything dumped right on the floor.

Mr. Speaker, the tragedy with this is it is not getting anything done. It is not getting anything done. This is the sixth martial law resolution we have had on the floor. We are going to be into our 12th continuing resolution in a few minutes.

□ 1045

Yet, we still have not done five appropriation bills from the 1996 fiscal year. We are going backward. We are not getting anything done. It is not me saying it, it is respected Republicans on the outside who are looking in and saying, "What in God's name is going on up there?"

How does this affect the general public? When you stop and you go and you stop and you go in terms of these resolutions, you throw a lot of uncertainty out there into the public. School boards and school officials all across the country are trying to plan their school year in September. They are trying to figure out how many teachers they need next year, they are trying to figure out the curricula, they are trying to figure out class size. They cannot do that because we have not dealt with the education budget of this Nation from a Federal perspective.

The cuts that have been proposed by the Republicans have been in the neighborhood of $3.3 billion, cuts in the

DARE Program, the Safe and Drug-free Schools Program, cuts in the Title I Program, which is for math and reading; 40,000 to 50,000 teachers getting pink-slipped all over the country, because they have not done their business.

This is a Congress of do little and delay. They have done little and they have delayed, and they have delayed. My friend, the gentleman from Colorado [Mr. MCINNIS], has had the nerve to stand up here and talk about shutting down the Government. They shut down the Government twice at the cost of $1.5 billion. That is what it costs to shut the Government down, $1.5 billion.

Mr. Speaker, there is a better way to run this place. The fair way to do it is to let the public participate, the Members participate, have up and down votes, give us a chance to offer the amendments that are necessary to keep our schools open, to take care of our toxic waste sites. We have toxic waste sites that are not being dealt with because they have not provided the money.

There is a better way to do this, Mr. Speaker. I ask my colleagues to vote against this rule, and to look closely at what the gentlemen on the other side of the aisle and the gentlewomen on the other side of the aisle are offering us in the 12th continuing resolution, which is closed for debate and for consideration by most of the Members of this body and by the American people.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is obvious from the previous remarks that we are into an election year. Let us look at the remarks made by the gentleman from Michigan. First of all, clearly, none of this would have happened, and I do not believe the gentleman's statistics are right. If 50,000 or 40,000 teachers got their pink slips because we said the Government had to operate with a balanced budget, maybe, if in fact that many got pink slips as a direct result of the negotiations here, it happened because President Clinton vetoed and vetoed and vetoed and vetoed and vetoed the budgets that we have given to him.

We are trying to get cooperation from this President. I can tell the Members, we have moved the President a long ways. Did Members ever think we would see this President saying that the era of big Government is over? Did we ever think we would see this President talking about a balanced budget? Finally we have gotten him to that point in the negotiations, but this takes time.

Mr. Speaker, let me point out, too, to assist the gentleman from Michigan, we have a Webster's dictionary up here. He keeps using this words "martial law," as if the gentleman knows what it says. He is not using it in its proper context. Let me talk about martial law, as given to us by the Webster's dictionary: "Martial law," "The law temporarily imposed upon an area by State or national military forces," military forces, "when civil authority is broken down, or during wartime military operations."

If the gentleman wants to continue to use the term "martial law," then he should clearly stand up here at the podium and talk about, under his definition of martial law, the times the Democrats used it in 1993. I have it right here. House Resolution 61, February 3, 1993, they did exactly the same thing. It is allowed under the rules. House Resolution 111, March 3, 1993, allowed under the rules. House Resolution 142, March 30, allowed under the rules, the same exact thing.

Mr. Speaker, if the gentleman and the gentlewomen from the other side there are trying to continue this argument, which clearly is a diversion from what we need to do, that is to cooperate toward a balanced budget, to cooperate keep this Government operating, if they want to continue to divert attention by using these terms, they should apply them to themselves. We are learning from them. We are using the rules. I could go on and on with this.

I think it is critical to understand that while the President has continued to veto, veto, veto, veto, and veto, we must, as a result of those vetoes, continue to negotiate, negotiate, negotiate, and negotiate. Do Members know what is going to happen as a result of those negotiations? At some point we are going to reach a compromise, a compromise that is good for the American people.

I know the gentleman from Michigan [Mr. BONIOR], and I must say right off the bat, I am not educated at an Ivy League school. I went to a very small school in the mountains of Colorado. I think I am very capable, but not able to quote great scholars. He quotes a distinguished scholar about his analysis of what is happening here in the U.S. House.

Let me quote a couple of people: My buddy Al. He is a rancher, he is not an Ivy League graduate, but do you know what he analyzed? He said "It is about time, it is about time that somebody insisted that this Government, that this Congress, run its budget like every average American citizen has to do. It is about time somebody had enough guts to stand up to the bureaucracy in Washington, D.C. and demand that a balanced budget be in place. It is about time somebody called the President on these vetoes after veto after veto."

Those are the kinds of quotes I can give. I can talk about Linda, I can talk about Betsy. These are just common folk out there. They know what it means to have a balanced budget. They have to balance their checkbook. So let us not use these diversionary tactics, first of all, by using this term "martial law," unless, of course, you want to apply it to yourselves, as you used it for the last several years.

Let us talk about unity in working toward a balanced budget to bring this Government to an economic, sensible, type of plan that will move us forward in a positive fashion.

Mr. Speaker, let me say that sometimes it is easy for people who observe us debating on this floor to go away with a pretty pessimistic attitude. I am optimistic about the future of this country. I think we have a great future ahead of us. But we do have some responsibilities that we have to carry forward, so the greatness of this country can continue. Those responsibilities right now center on fiscal responsibility. In order for us to get to that fiscal responsibility, we need to pass this rule.

Mr. Speaker, I should point out once again, and again, we can tell it is an election year. We were just in the Committee on Rules last night, so I have lost my memory on what occurred. We did not see this kind of rancor last night. We did not see this kind of debate in the Committee on Rules. In fact, this passed on a voice vote. Do Members know why? Because it is a procedure that has been used in the past, it is a procedure that is necessary to keep this Government from shutting down by tomorrow. I urge that Members support the rule. I urge that we support the House joint resolution.

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

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what we have before us today is conclusive proof that the governing Republican majority in this Congress is both incompetent and does not care about democracy. The gentleman just mentioned that Democrats suspended the rules during the last Congress. We did that for 5 days on five different occasions, 1 day at a time. They have done it for 4 months now, and they want to do it even longer than that. There is a basic disagreement on democracy, on how we should function as a democratic institution.

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

Mr. NADLER. Mr. Speaker, the remarks of the gentleman from Colorado are irrelevant * * * He talks about the suspension of the rules, as if——

Mr. MCINNIS. Mr. Speaker, I ask that the words be stricken, the words of the gentleman be stricken.

Mr. NADLER. Mr. Speaker, I did not refer to the gentleman in any way. I said his remarks.

Mr. MCINNIS. The gentleman referred to the gentleman from Colorado. I ask that those words be stricken.

Mr. NADLER. Mr. Speaker, I said those remarks were * * * I did not say he was.

The SPEAKER pro tempore. (Mr. BURTON of Indiana). The gentleman will suspend. The gentleman will be seated.

The Clerk will report the words.

□ 1055

Mr. NADLER. Mr. Speaker, rather than waste time, I will withdraw the remarks.

The SPEAKER pro tempore. Without objection, the gentleman withdraws the remarks.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York may proceed in order.

Mr. NADLER. Mr. Speaker, let me say that most of what the gentleman from Colorado was saying is irrelevant to the point that we are making. The relevance of the balanced budget, the merits of the economics of both sides of the House and of the President are not what is at issue here. What is at issue is an abuse of the rules of the House.

The procedure for suspending the rules and what we call martial law is for an emergency. Instead, it is being used for every single day of this Congress, every single day of this Congress, not to give Members the right to read the bills, to have a bill on the floor without a 1-day layover so we can read them and look at them, to take bills away from committees, put them on the floor without consideration. In an emergency, maybe. The gentleman says it is an emergency. The Government will shut down unless there is a continuing resolution.

No. 1, why do we not have a continuing resolution, instead of lasting a week or two, that lasts until a budget agreement is reached or for the balance of the year? But forgetting that, if that is the emergency, why does the gentleman not ask for a rule that suspends the 1-day rule for 1 day for this bill? Not for another few weeks and keep it going that way.

The gentleman says it is within the rules to suspend the rules. Of course. There is that emergency provision, but this is an abuse of it. Lots of things can be done legally. The Reichstag passed the Enabling Act to give certain powers to the chancellor legally. That was an abuse of an emergency provision. Look what it led to.

I do not compare this to that, but it is the same abuse that eliminates democratic procedures. There is no necessity for it. Let them have a 1-day suspension, if necessary, so we can do this continuing resolution that is made necessary by the irresponsibility of the Republicans by not bringing it up earlier and by refusing lengthy CR's.

But let us not let that excuse be used to say we need to suspend the rules so that the Speaker can at any time bypass the committee, bring brand new legislation to the floor without even a day for Members to read it and a day for the Members of the public to read it. That, sir is an abuse of the Members and of the public.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

I certainly respect the comments from the gentleman from New York, and I think that his point is a valid point. It is that exact reasoning from the gentleman from New York that the Democrats, when they were running this House floor and they had control of the Rules Committee, used exactly what he is talking about, using the word "emergency."

Let me refer the gentleman from New York to House Resolution 111, this is March 3, 1993, relating to the emergency unemployment compensation. We can go on from there to House Resolution 150 on March 30, 1993, making emergency appropriations. We can move on from there to House Resolution 153, making emergency appropriations, so on and so forth.

Mr. Speaker, I am going to try and pull us back. I would love to engage in debate with the gentlemen from the other side of the aisle. I think it is exciting. But the fact is we have got to get on with business. The fact is we need to keep this Government up and operating. The fact is we need to operate this Government in an economic, fiscally sane way. So let us pull it back to where we are today.

What are we debating right now? We are debating a rule. This is not the first time that this rule has been debated. In the past this rule has been utilized when the Democrats controlled the chair up there, and now the Republicans intend to use this rule. We need to have it.

Yesterday we debated this rule in the Rules Committee. We did not see this kind of vigorous debate in the Rules Committee. The only time we have seen this kind of vigorous debate is when we are down here on the House floor. Because up in the Rules Committee, we know that we have got to cooperate to keep this Government open tomorrow. That is what we are down to. We are down to 1 day. We are down to 24 hours.

Some would say, well, why did you let it get this close? The fact is very simple. We have got good-faith negotiations going on right now between the administration, between the Senate and between the House.

We can shortcut those negotiations. If we do, it is going to shortcut all of us. It is going to fall way short of a goal that I think, once we put the politics aside, once we put the election year aside, a goal that we want, for this country to be fiscally sound.

We should support this rule. This rule is important for us to move on. As I said, and again I stress this, this rule has been used in the past when the Democrats headed the Rules Committee, and we are using it today. It is not a subversion of democratic procedure. It is an allowed rule up there. The reason for it is for the very kind of circumstances that we face today.

The option, of course, is to go ahead, vote down the rule, as has been proposed by some Members who have taken the opposite stance of mine, and close down the Government tomorrow. We do not think it is necessary to close down the Government tomorrow.

We think you should support this rule and help us keep the Government open. We think your idea of closing down the Government by voting down this rule is not a good idea. It does not make sense. Work with us on this. Help us keep this Government operating for the next few days while the negotiations continue.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman from Colorado movingly referred a moment or two ago to his friends in Colorado who speak common sense and my friends, Betsy and Al and others, are of much the same mind. They know a couple of things, too. They know people have to pay their bills on time, and they sure hate it when they lose their job because somebody else did not do their job. That is what this debate is about.

There is a lot of talk about martial law and whether it is an unusual remedy. It depends on the circumstances. Yes, Democrats did use it for 5 days over a 2-year period and then limited it to one bill at a time. In the Republican majority in this Congress, not yet finished, they have used it for 4 months and covered whole classes of bills.

The definition of an emergency is interesting. They are approaching the definition of emergency about as long as Fidel Castro and Chiang Kai-shek and Generalissimo Franco used their definitions of emergency.

Because what is this martial law resolution? It permits you to skip committees, it permits you to avoid 1-day layovers so Members can read bills. It sets up a situation so your representatives do not know what is in those bills when they vote on them. This is a very, very serious matter. Now they want another one, the 11th this year, to go until April 1, not 1 day, not one bill, April 1.

The gentleman from Colorado speaks about economic common sense. Let us talk about common sense, economic common sense. We are 6 months into the 1996 budget year. Incidentally, they are already trying to work up the 1997 budget even though we do not have a 1996 budget yet. We are 6 months into the 1996 budget year. There have been 11 temporary spending resolutions and another 2 weeks of uncertainty coming up. This is businesslike?

Because the Republican leadership cannot operate the House and cannot agree on a budget, others must suffer. When this next continuing resolution expires on April 1, the West Virginia school boards, 55 of them, will have had to have laid off 226 teachers, 90 aides and denied title I reading and math services to 6,500 students. That is economic common sense, I ask you?

The gentleman says that economic common sense is necessary. What kind of economic common sense is it that costs teachers, that costs parents, that costs children these opportunities, and is only going to suffer more setbacks?

Let me talk about why they want martial law or why I believe that what happens because of martial law, because nobody knows what will be in the bills that come to the floor. Understandably, they do not know yet. They have not written them. They do not know yet what is in them. But I have to be honest, given what has come in the past, I would not want to know what is in them, either, because it is just better that way.

What finally bothers me is when I hear this analogy that somehow if we do not vote for this, we are 2 days away from the deadline and you are going to shut the Government down.

I tried that in my school, too. It does not matter what school you went to, we all tried the same thing. I would go to the teacher and I would say, "You know, 2 days, I didn't have enough time." The teacher would say, "Yeah, Bob, but you had 6 months to work on this budget."

Actually you had a year because you were supposed to have started a year before. I am not impressed and I do not think the American people are impressed, either. That is why this martial law is not good for the Congress and not good for the democracy.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from West Virginia is an excellent speaker. He presents his points well, but I think we need to look at the substance of the points.

First of all, one of the points that the gentleman from West Virginia says, "Hey, we're 6 months into this process and we still don't have an agreement." I will tell you why we do not have an agreement, is because of that veto pen down there at the White House, veto, veto, veto, veto.

When you talk about the difficulties that we have had on a compromise up here, you should also point out, to be fair to all parties listening to this debate, that there are three parties in this negotiation: The administration, President Clinton; the U.S. Senate; and the U.S. House. On some occasions the U.S. House and the U.S. Senate have come to a compromise and it has been the administration which has vetoed these bills and caused this kind of delay.

But let me also say, in fairness to the economic history of the last 40 years, it does make economic sense, if necessary, to delay this process if we can move this country toward a balanced budget, if we can get this country to quit spending more than it brings in.

Sure, you can look at the record of the last 40 years and say there were not very many times, if any, and I do not know that history for sure, but even if there were not any times that they went 6 months beyond that deadline, take a look at the product that we got. The product that we have got is a government that spends $40 million an hour on its debt more than it brings in. The product we have got is it now requires every man, woman, and child in this country to pick up $18,000 on their share of what is going to be necessary to get us out of debt.

It is kind of like running a credit card. Most of us have credit cards. Sure, if you can continue to use the credit card and charge and charge and charge and charge, and nobody ever calls you on it or nobody ever forces you to pay up the bill, then it is pretty easy not to delay buying something because you do not have the money. You just go down and charge it. That is what has happened for 40 years. Now before we let you use the charge card, we are saying, "Wait a minute. Look at how much we owe on the charge card."

Certainly we are going to have to spend some money. Obviously education is a priority for all of us. Obviously we have to have a defense. But we need to spend the money more efficiently. Before we just go down and willy-nilly charge anything we want, we have got to be careful with that credit card. That is what we are saying. That is what these negotiations are about.

I think further, let me say to the gentleman from West Virginia, he continues to use the words "martial law," but at least the gentleman from West Virginia also applied that term when the Democrats had the Rules Committee. I would venture to say to the gentleman from West Virginia, the Democrats did not use martial law when they utilized this rule. We are not using martial law by utilization of this rule.

I read the definition over here from Webster's dictionary, martial law, which involves military forces. It is the utilization of the rules to get us to a common point. That common point, which you are coming to very resistantly, and you are tugging and you are pulling getting to that point but you are moving to that point, is a balanced budget for this country. I think that is the essence of what we have to get to.

You say we misuse the title of emergency. Well, folks, we are going to have an emergency in 24 hours. The clock is ticking. It is ticking second by second. That clock right up there, 24 hours from today, if you do not cooperate with us, you are going to shut this Government down.

We do not want the Government shut down. We want a government that is going to operate in an efficient manner and we are asking for your cooperation to give us some more time for good-faith negotiations. Is that too much to ask from you? I do not think so.

Last night when we were in the Rules Committee, they did not think so. We did not have this kind of argument last night in Rules. Let us pass this rule, let us get a good, healthy debate on the floor and let us keep the Government open.

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

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Well, you may not want it shut down this morning, but you were mighty proud to shut it down twice last year. You use this term "civil disorder." You say that martial law is something that we bring into play when there is civil disorder.

Well, what better term to describe the mess that you have made of this Government? Coming to the American people and bragging about your power to shut down the Government, not once but twice, costing the American taxpayer $1.5 billion, frittered away by this Republican leadership, totally and completely wasted so that they could have their Government shutdowns. What do they propose today? Well, they want to erect a monument to the mismanagement, to the failures of this Gingrich Congress.

This year after those two Government shutdowns, what have they given us? Loud talk and long weekends. It took them 3 weeks to celebrate Valentine's Day, breaking from this Congress. They come in and they break a little after noon.

There are people across America that these Republican colleagues of ours simply do not understand. They are working families. They are facing a tough time trying to make ends meet. If they for 1 week were to handle their business in the total mismanagement fashion of our Republican colleagues, taking 5 and 6-day weekends, taking 3 weeks for Valentine's Day, working part-time, asking to be paid full time, and caring about the real problems of the American people no time, then those ordinary working families would be out without a job in their own situation.

At the same time, we find ourselves in these sputtering spurts of Government that occur here with the same kind of extremist rhetoric that we heard all of last year from day one. When Republicans over in the other body hear the cry of the American people and approve money so that we can

keep Head Start going instead of giving our young children a wrong start, keep our teachers going with Federal support of education, the response from the House Republican leadership is that the Senate Republicans have somehow been spineless, rather than to commend them for their willingness to finally come around and listen to the American people.

There are programs for young people in this country that are going to be shut down unless this kind of extremism can be put to a halt. We got just this week another example of that same kind of extremism, where we have one Member of this body coming and saying that he heard right here in the House a great Republican say, "'I trust Hamas more than I trust my own government.' Those words hurt."

They do indeed hurt, and they hurt not just the pride of this body. They hurt ordinary working families across this country, because they are the ones that are being savaged, that are being impacted by this kind of extremism in the House that has the Government operating literally from 1 day to the next, without the planning that our local school boards need and our Government agencies need to do their job.

□ 1115

So what is proposed as a solution? What this rule does is to say they think the solution to it all is to do one thing: Give Speaker NEWT GINGRICH more power. I do not believe the American people think the Speaker needs more power. I think they view him as part of the problem instead of part of the solution.

This allows him to come forward with more sneak attacks, just like tomorrow. Every time the American people realize what is happening to them, they come up with some sneak attack and some distraction piece of legislation. There is only one good feature of this resolution that our Republican colleagues are offering, and that is this authority is going to expire on April 1. Yes, they quite appropriately picked April Fools' Day. I say the American people are not going to be fooled again by this kind of nonsense.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it somewhat amusing that the gentleman defines a sneak attack as an attack that comes tomorrow. That is not too sneaky if it is coming tomorrow.

Second of all, the gentleman talks about how the Republicans have stretched Valentine's Day for 3 weeks. I would let the gentleman from Texas know, I actually got to spend Valentine's Day with my wife, and I wish I could have figured out how to stretch that for 3 weeks, because it was a wonderful day.

Let us get back to the rule here. You want to vote against this rule, then you want to shut down the Government. That is how simple the choice is. It is the bottom line. We can talk about quotes here and there, and we can bring in posters and jump up and down and talk about all these kind of things. But the fact is, if you want to vote against the rule, you vote to shut the Government down tomorrow. No way around it. It is that simple. If you vote against the rule, you shut down the Government tomorrow.

I do not think that is what you really want to do. I think what you really want to do is cause a little havoc, and that is certainly within the debate here. I do not think that is going to get us anywhere. I think we have to pull back, unify, and work towards a balanced budget. You talk about the word "extreme," this word "extreme." What I think most Americans would define as extreme is that you up here, some of you, decide to vote against a rule, this is a procedure, a procedure that has been used by the Democrats, a procedure used by the Republicans, that you would vote against a rule just to demonstrate a point to shut down the Government tomorrow.

Do not shut it down. You do not need to shut the Government down tomorrow. That would be an extreme move. I would hope that the gentleman from Texas votes for this rule, because if you do not vote for the rule, then I think the next logical step is using the definition of the word "extreme." It shuts the Government down.

Again, let me remind my colleagues, last night when we were in the Committee on Rules, we did not have this kind of debate. The members of the Committee on Rules on both sides of the aisle understood that we need to continue to operate the Government. They understood that we can operate in a positive fashion. Now we have got a little insurgence, coming over here today saying, hey, this is a bad rule. For some reason, we could use the rule, but you cannot use the rule. We see all these kinds of words being used, "extreme, extreme, extreme."

I would suggest we use the words "veto, veto, veto," and once we are through with that debate, let us get to the issue at hand, and that is to vote "yes" on this rule so we can keep the Government from closing down tomorrow.

This is serious business. If we do not pass this rule, this Government is shutting down tomorrow. So let me urge all of my colleagues, let me say to you, Democrats, if you really want to push it, you may win the battle, you may beat the rule, but you are going to lose the war. And who loses if you lose? We all lose. Tomorrow we have got to keep this Government operating. There is no reason. In the past there has been, I think, logical argument on both sides that you have to bring an operation to halt that is spending $38 million an hour more than it brings in. But tomorrow, you do not have that kind of justification. You do not need to shut this Government down. Vote "yes" on this rule and keep the Government in operation.

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

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my colleague on the other side of the aisle is a little confused. I have listened to him and listened to him and tried to understand what he is saying. He obviously is confused. Let me see if I can set it straight.

We are not suggesting that the CR should not be brought up. The CR will be brought up today, should be brought up today, even under what we are suggesting. The only thing that we are asking is that the martial law provision of this rule be stripped out. Strip that out, you still bring the CR up today, because the CR is laid over 24 hours. That is all we are asking.

The gentleman seems to be very, very confused. He seems to think that if we won the previous question and we were able to strip out the martial law provision, that the CR could not come up. That is not the case at all. The CR would come up. It would be the next order of business.

I guess perhaps the staff on the other side may explain that to the gentleman, that even if we win, that the CR will be voted on today. I know it is a little hard to follow, what goes on around this place sometimes, but we are not suggesting the CR should not be brought up. We are suggesting it should be brought up, voted on today, so the Government can stay open.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today what we are seeing and what we are listening to is another consequence of the incompetence of those who run this House. The resolution that we debate will grant Speaker GINGRICH extraordinary powers to bypass the regular process of this body and to bring bills immediately to the floor. What does this mean? No time to read the bills, no time to understand what is being voted on, no time for committees to air the process.

It is a subterfuge, a way in which you want to hide what you truly want to do.

We have precedent here: The Medicare debate, its Medicare debate, one hearing on dismantling the Medicare Program, which serves 99 percent of the seniors in this Nation. However, we were able to expose what our Republican colleagues wanted to do about Medicare, and now they have backed off of that issue.

This is a subterfuge tactic to hide what they want to do. The incompetent

management has consequences in the lives of working families. Medicare is an example. As we lurch now from one short-term spending bill to another, citizens, businesses, have no idea what the Federal Government is about. My State of Connecticut, the educators are contemplating cutting reading, writing, mathematics programs, for our kids, the programs that talk about making our schools safe for our kids, providing the opportunity for high school students through school to work to be able to move into a profession. College loans will be cut. They do not know in my State of Connecticut what the Federal Government wants to do in funding for education. They are unable to plan for the school year.

I say to my colleague from Colorado that your friend Al's children are in serious jeopardy. Let us not give NEWT GINGRICH any more powers. Let us do the people's business, pass a budget that reflects the values and priorities of this Nation.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do find the previous Speaker's comments entertaining, but I think it is important for us to address the comments of substance, and those are the comments from the gentleman from Texas. The gentleman from Texas is correct, I am confused, because last night in the Committee on Rules, we offered two separate rules specifically to the gentleman from Texas. I remember his comments. I was there. I was right opposite him. We said to the gentleman from Texas, "Mr. FROST, would you like two rules?" The answer was no.

Now, why two rules? One rule, if you are having a problem with the waiver of the bill, then we will give you a separate rule on the continuing resolution which will stop the Government from shutting down tomorrow. Then you can have a separate rule on this debate on the waiver or on the procedure we are using.

The gentleman from Texas said no. Now I am confused. If he is not attempting to shut down the Government tomorrow, why did he not ask for separate rules last night? It is very clear. The fact is, there is a little game playing going on here. That is OK. We are in a debate. But it gets real, real serious here in about 24 hours. You are going to shut down that Government if you vote "no" on this rule.

Last night, if you were really serious about your objections to the waiver we have requested, you should have asked, you had the opportunity to ask, and you did not ask, for a separate rule. You could have had a separate rule. You did not ask. You did not go after it for the continuing resolution.

Then maybe some of the comments you would have made would have had more merit to me. As we stand right now, we are playing, again as I say, a very serious game with the lives of 240 million Americans when we do not need to. We do not need to shut down the Government tomorrow. We are not at that point in a crisis. We are not at that point in our negotiations where it requires a shutdown, where we walk off the job. Let us stay on the job. The way we stay on the job is you vote "yes" on this rule. If you want to shut down the Government, then go ahead with this game playing, vote "no" on the rule, and then we will see who is confused tomorrow night at about midnight.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise today against this closed rule. This is just another example of this 2-year experiment, which we have to call the Republican control of Congress. I think in order to evaluate this experiment, we need certain things. We need to look at issues and numbers.

The first issue is priorities. This Republican Congress wants to cut $3 billion this year from education. Another number, 22. It has decided, this Republican Congress, to cut 22 percent of the environmental protection moneys. That is the protection for health for our children.

Another issue, failures. Another number, 11. This Republican Congress has tried to shut down the Government, or actually failed to keep the Government going, 11 times.

Now, in 208 years, that has never happened before. The U.S. Congress has never threatened to shut down the Government 11 times.

Another failure is five, and another number, five. That is the number of appropriations bills from last year that have not yet been passed this year.

Value, what about value? Well, there is the number 133,000. That is what Members of Congress get paid in order to run the Government, in order to do their job. Well, I would say that the Republican majority has not been able to do its job, so I would say that the American public really has not got their money's worth from this Republican control of Congress.

Mr. Speaker, I rise against this closed rule, another closed rule, and I rise against the priorities of this Republican Congress.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to the gentlewoman, let me tell you, there is a big priority right here in front of you, it is in front of me, and it is in front of every one of our colleagues, and that is if you do not vote on this rule and we lose the rule and we shut down the Government tomorrow, that should not be the priority, the shutdown of the Government. We do not need it. The negotiations are not there.

Our priority, the Republican leadership's priority, is to try to keep this Government operating. Now we are trying to negotiate in good faith with the President. All we get is veto, veto, veto, veto, veto, veto, veto, veto, but we think we can negotiate something. We think we should continue the good faith negotiation.

We do not think you need to shut down the Government tomorrow to prove your point that you are displeased with the Committee on Rules. If you are unhappy with the Committee on Rules, come up and have your representative on the Committee on Rules entertain a motion.

Certainly yesterday the members of the Democratic Party on the Committee on Rules had every right, they did not do it, they could have done it, but they did not do it, to offer a motion to have two separate rules. In fact, it was members of the Republican side of the aisle on the Committee on Rules that asked the gentleman from Texas [Mr. FROST], on the Democrat side, would they like two separate rules? The answer was no.

I will tell Members, the cooperation last night in the Committee on Rules was good. It was excellent. But you cannot hardly believe in less than 24 hours the cooperation we saw upstairs in the Committee on Rules has developed into this. There has not been any tough negotiations or disagreements between us in the last 12 hours. What brought this on?

Come on folks. We have got to keep this Government going. We can do it. Vote "yes" on this rule. It is absolutely essential if we want to keep the Government operating.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I sympathize with the gentleman from Colorado. He has been left all alone on his side to defend this latest trampling of open procedures, and he is a little testy because he apparently thought he had a nice deal worked out last night and democracy has broken out on the floor of the House. I understand that is unsettling, but he has to learn to live with it.

On the other hand, I want to give him credit. Some people think others do not learn things. Clearly he at least has learned that shutting down the Government is a terrible idea. He has several times today talked about how outrageous it is to shut down the Government. One would not infer from that he is part of the majority that made a habit of shutting down the Government as a deliberate tactic. People boasted about shutting down the Government.

Well, they have learned that was not a good thing and the gentleman from

Colorado has the zeal of a convert against shutting down the Government. He has joined Government-shutters-down-anonymous. We are on a 12-step program. Unfortunately, it does not include democracy.

What we are being told here is you may not continue to debate these issues openly. You may not have the rules which say you got to wait a day so we can study this big thing. He says you better do this in a hurry or we will shut the Government down.

Why is that the case? Because the Republican majority has not been able to run the place sufficiently to give us enough time. So, yes, they have created an emergency from which they now want to profit.

They are asking us to sacrifice democratic procedures on the altar of their own incompetence. I agree, it is an imposing altar. I have never seen incompetence so dazzlingly displayed. But I do not think that is a justification for shutting down fair procedures.

What is their justification? "Well, you guys did it, too. You guys did it." Every time we talk about one more procedural outrage, they go to the history books and they say "Hey, the Democrats once did that."

Well, as I recall, the Republicans ran in 1994 on a slogan of "Throw the bums out. They have run the House unfairly, they have been undemocratic." Speaker GINGRICH, whe he was still Speaker, before he kind of deposed himself and put ARMEY in charge, he used to talk about that.

Now what do we have? Every time the Republicans get in a bind because of their own incompetence, they decide to do some shortcut that they used to attack us for. So they used to run on the slogan "Throw the bums out." Then they decided to take power and emulate us, and this year apparently their slogan for reelection will be, "Keep the bums in."

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think there ought to be a new song and dance out there called veto and spend, veto and spend, veto and spend. The gentleman ought to mention a little of that in his comments, the gentleman from Massachusetts.

But let me also say to the gentleman from Massachusetts, I respect his compliment that I have unilaterally had to take on speaker after speaker after speaker here for the last hour. Bring on your best. I think I can handle it. I am ready for it.

The issue here is not whether or not we have had a great debate in the last hour, and I think we have. Certainly it has been somewhat entertaining. The fact is this: If we do not pass this rule, if we carry through with the gentleman's comments to vote no on this rule and this rule loses, we will close this Government down tomorrow.

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As I have said, there are times where it may be necessary to close down the Government for a temporary period of time. This is not one of those times. My colleagues do not need to bring this battle upon themselves. Do not do it. Do not do it to the American people.

Vote "yes" on this rule and keep that Government operating tomorrow. I can tell the Republicans intend to vote "yes" on this rule. We do not think it is time to close down the Government, and we urge them to reconsider their strategy of closing down the Government tomorrow. Do not do it. Vote "yes" on the rule.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, today is another one of those sad days in the history of the 104th Congress. Today, once again, you are seeing the Democratic minority gagged basically by the Republican majority. They are going to, by passing this rule, be able to take up legislation in the foreseeable future all the way to the 1st of April, approximately, without going through the normal process of the rules of the House.

This is not new to the 104th Congress. This is a way that the 104th Congress, under Speaker GINGRICH, has operated for over a year. Yet, a little over a year ago in this well, the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, said that we were going to have openness in this Congress, we were going to have over 75 percent of the open rules. Where is the open rule?

So far this year, major legislation, the farm bill, antiterrorism, today we will finish immigration, all of those, major legislation, every one of them, closed rule, semi-closed rule. No open rule. Not letting Members who are elected by their constituents to this house, to this democratic body, any democracy at all, not letting them talk about their amendments and offer their amendments.

Mr. Speaker, no, there is no democracy in this great House of Representatives. This bulwark, this great light for every other nation, we do not have democracy. We have a dictatorship, a strong dictatorship, one that rules with an iron hand and tells Members they do not have to participate. In fact, we cannot even participate in the operation of this House and what legislation goes and what amendments are offered and even what debate is had.

They are limiting time. Even if we get to offer an amendment, opponents to it cannot get up and speak unlimited on it and discuss it. No, no, 10 minutes, 15 minutes for a major amendment. Why? Because they want to run this House with an iron hand, not with openness, not with democracy. There is no democracy in this House of Representatives.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

It is awfully hard not to like the gentleman from Missouri. His comments are amusing, but his comments certainly are not relevant here. He talks about the fact that I, as a representative of the majority party here today, am trying to gag the minority party. I think he probably had 20 speakers, I have spoken this entire time, he has had 20 speakers. There is no gagging going on here.

Let me just say that these comments are all fine, and it may play good for the liveliness of this debate because sometimes these rule debates get pretty boring; but the fact is this. Your President, our President, the President of the United States agrees with this continuing resolution. He does not want to shut down the Government tomorrow. So I urge my colleague to call his President, call our President, call the Democratic National Committee and say, should we really vote no on this rule and shut this Government down? Is this the right strategy to pursue, to shut down the Government tomorrow? It is a darned risky strategy. I do not think they are going to succeed.

Mr. Speaker, I am trying to offer some advice to the Democrats over there that are urging a "no" vote. Do not do it, it will backfire on you. Do not shut down the Government. Work with us on this rule. Cooperate with us. The President is going to sign it. It does not take a rocket scientist to figure this thing out. We have got to keep the Government operating tomorrow.

The gentleman talks about fairness and a gag, the minority leader has the right to offer the final amendment tomorrow to the gentleman from Missouri. We did not gag him. We did not gag any of them in the last hour. There is plenty of time for debate. But do not let that debate run the next 24 hours and shut this Government down. Because if they do, they are making a mistake. We do not need to shut the Government down.

Vote "yes" on this rule or take the option of shutting it down. Do not do the latter because it will hurt every man, woman, and child in this country.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which will provide an open rule for consideration of a clean continuing resolution without the martial law provisions. These extraordinary procedures would allow the House to bring up a series of budget bills without the normal 1-day layover period required by the

rules. It's time to return to the regular order and live by the rule which protects the rights of Members on both sides of the aisle.

I include for the RECORD the text of the amendment I would offer if the previous question were defeated.

AMENDMENT TO H. RES. 386

On page 2, strike all after line 9 through the end of the resolution.

On page 1, strike lines 1 and 2 and insert: "*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint reso-"

On page 2, line 4, after the period add the following:

"After general debate the joint resolution shall be considered for amendment under the five-minute rule. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as many have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution."

Explanation: The amendment to the resolution strips out the martial law provisions of the rule and provides on open rule for consideration of the short-term continuing resolution.

Mr. Speaker, every single rule the House has adopted this session has been a restrictive rule; yes, you heard that correctly, the Republican House has so far adopted 100 percent restrictive rules in this session. And if it is adopted, the rule before us will leave that 100 percent purely restrictive rules record intact.

This is the 62d restrictive rule reported out of the Rules Committee this Congress.

In addition more than 72 percent of the legislation considered this session has not been reported from committee—8 out of 11 measures brought up this session have been unreported.

At this point I include the following information for the RECORD.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-pnnting gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 "Rule Defeated"	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional Record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a Senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res.	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H.Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dornan), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House.	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc..	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program..	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***Legislation 2d Session, 91% restrictive; 9% open. ****All legislation 104th Congress 62% restrictive; 38% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ******Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, as I stated earlier, I am asking for a "no" vote on the previous question. This matter, we fully explored this matter today. I would only point out to the gentleman on the other side the concept of martial law really was a concept that was talked about by a Member on his side of the aisle during preceding Congresses, the gentleman from Pennsylvania, Mr. WALKER, who is still with us, and he may want to discuss that with Mr. WALKER some time. But it is Mr. WALKER, who when we were in the majority, stood up at that microphone when they were in the minority and railed against this procedure time and time again. I have not seen Mr. WALKER on the floor today.

Mr. Speaker, I would be interested to share his observations at this point because he was the leading proponent on your side of the aisle for not suspending the rules, for not doing what you are doing today and have done for 4 months now. I urge my colleagues to vote down the previous question and to proceed with the consideration of this measure in an orderly manner.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us first start out by advising the gentleman from Texas that the gentleman from Missouri [Mr. GEPHARDT] is the one who first utilized this rule in this fashion. Second of all, I do consider the gentleman from Texas a professional friend. We have had a good working business relationship. But let me offer a little advice. Do not shut down the Government in a battle over this rule. It is not right. It is not going to work, and it is going to backfire on you.

Now, from a political viewpoint, maybe it would benefit the Republicans for you to take the hit on this deal, but you do not need to take the hit. I am putting myself above that partisanship and worrying about 250 million people, 230 million people in this country. We do not need to shut the Government down. That is exactly what you are doing by urging what is, in essence, a "no" vote on the rule. Let us pass the rule. Let us get some more negotiating time for the good-faith negotiations that are going on between the President, the U.S. Senate and the U.S. House.

Mr. Speaker, on this issue of the rule, the gentleman from Texas [Mr. FROST] had the opportunity last night to entertain the type of motions that he is now having introduced into the RECORD. In fact, he did not bring it up on his own initiative, as certainly he had in the past, but he did not bring it up last night. I am not being critical of that point. The point I am making is the chairman of the committee, the Republican chairman, offered to the gentleman from Texas the opportunity to do exactly what he is attempting to do today on the floor.

Mr. Speaker, now they have revised their strategy, and I think their strategy is headed straight for a Government shutdown as that hand moves 24 hours on that clock. We do not want to close this Government down. We should not want to close this Government down. Let us keep the Government open. Let us vote "yes" on the rule.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on ordering the previous question.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 187, not voting 10, as follows:

[Roll No. 80]

YEAS—234

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

NAYS—187

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

NOT VOTING—10

Collins (IL)	Radanovich	Waters
Forbes	Scarborough	Williams
Johnston	Stark	
Moakley	Stokes	

□ 1159

Ms. RIVERS and Mr. COYNE changed their vote from "yea" to "nay."

Mr. GILMAN changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 80, I was unavoidably detained and was unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 183, not voting 11, as follows:

[Roll No. 81]

AYES—237

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

NOES—183

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

NOT VOTING—11

Collins (IL)	Moakley	Stokes
Cox	Radanovich	Waters
Farr	Solomon	Williams
Johnston	Stark	

□ 1208

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Ms. FURSE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

REPEALING TEA IMPORTATION ACT OF 1897

Mr. KLUG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2969) to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2969

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tea Tasters Repeal Act of 1996".

SEC. 2. REPEAL OF TEA IMPORTATION ACT OF 1897.

The Tea Importation Act (21 U.S.C. 41 et seq.) is repealed.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KLUG] is recognized for 1 hour.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2969, the Federal Tea Tasters Repeal Act of 1996. This bipartisan legislation repeals the Tea Importation Act of 1897 by eliminating the Federal Board of Tea Experts. It was favorably reported by the Committee on Ways and Means on February 29.

This bill ends the antiquated and outdated requirement that each lot of imported tea meet taste standards recommended to the Secretary of Health and Human Services by the Federal Board of Tea Experts.

The bill also ends the imposition of a Customs Service fee on tea imports that partly finances tea quality inspections. The cost to the taxpayer for matching teas to the quality standards of the Tea Board is over $170,000 each year. Tea is the only food or beverage for which the Food and Drug Administration samples every lot upon entry for comparison to a quality standard recommended by a Federal board.

I believe there is no justification for tea being held to a higher Federal standard on behalf of the tea industry, which should assume responsibility for the competitive quality of its products. The Board of Tea Experts is outdated and the taxpayer's money could be more efficiently used elsewhere.

Under the Federal Food, Drug, and Cosmetic Act of 1938, the FDA will continue to examine and sample imported tea for compliance with health and safety standards. The FDA will ensure that tea is held to the same high level of safety and quality as every other food and beverage entering the United States.

I applaud the sponsors of this bill for introducing a measure which strikes a blow for good government by reducing an unnecessary regulatory burden on American industry and the lives of American citizens.

I urge my colleagues to support passage of the bill.

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

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1518, REPEALING TEA IMPORTATION ACT OF 1897

Mr. CRANE. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 387) returning to the Senate the bill S. 1518, and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That the bill of the Senate (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. CRANE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The resolution constitutes a question of privilege.

The gentleman from Illinois [Mr. CRANE] is recognized for 30 minutes.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1518, because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 1518 would repeal an import restriction found in current law, and therefore contravenes this constitutional requirement.

S. 1518 proposes to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897. Under the act, it is unlawful to import to the United States tea which is substandard, and the importation of all such tea is prohibited, except as provided in the Harmonized Tariff Schedule of the United States.

The repeal of this provision would have a direct effect on customs revenues. The proposed change in our tariff laws is a revenue-affecting infringement on the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 729, prohibiting the import of specific products which contain more than specified quantities of lead. On February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that fail to eliminate large-scale drift net fishing. On October 31, 1991, House returned to the Senate S. 320, including provisions imposing, or authorizing the imposition of, a ban on imports in connection with export administration.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

The proposed action today is procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

□ 1215

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

The SPEAKER pro tempore (Mr. BURTON of Indiana). Does any Member on the minority side seek recognition?

Mr. CRANE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 165 and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 386, I call up the joint resolution (H.J. Res. 165) making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 165 is as follows:

H.J. RES. 165

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is further amended by striking out "March 22, 1996" in sections 106(c), 112, 126(c), 202(c), and 214 and inserting in lieu thereof "March 29, 1996", and that Public Law 104–92 is further amended by striking out "March 22, 1996" in section 106(c) and inserting in lieu thereof "April 3, 1996".

The SPEAKER pro tempore. Pursuant to House Resolution 386, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come before the House again today regarding funding for the remaining fiscal year 1996 appropriations bills. I do hope that we will have everyone's help to prevent a Government shutdown and allow the House and the Senate conferees on the omnibus wrap-up continuing resolution time to close out this fiscal year and get on with the business of the Congress.

On Tuesday evening, the Senate concluded action on H.R. 3019, the omnibus continuing resolution, making a further downpayment toward a balanced budget. This was a big bill in the House because it addressed big problems. In the Senate it became a bigger bill because they added funding for the District of Columbia as well as providing additional funding, with some offsets, for programs in education and the environment.

We have begun analyzing the differences between the House and the Senate bill, and I might add that the Senate amendment is some 933 pages long, so it has taken us some effort to do so, and we are trying to find out additional offsets to pay for these program increases without exceeding our budget allocations. I have talked with Senator HATFIELD, distinguished chairman of the Appropriations Committee in that body, and it is our intention to get together informally this afternoon to begin the process of working out the differences between the two bodies on the omnibus bill. Both of us are asking the administration to join with us in concluding the business of fiscal year 1996 so that we can indeed move on to the pending budget for fiscal year 1997.

I might just point out that regardless of what happens on this bill or subsequent ones, by December 31, 1996, this year, the 104th Congress ceases to exist. It is going to be over. And in the interim we have about 4 months that are going to be predominantly taken up by the election season, if you will. So that really only leaves between now and the middle of September for active, ongoing effort to conclude the business of Congress.

We have got lots of policy initiatives to deal with from the authorizing committees, and we have to conclude the fiscal year 1997 appropriations process, which entails 13 bills which must pass the House, pass the Senate, go to conference, pass both Houses again, and be ultimately sent to the President and signed by the President. That means we have a great deal of business to do for fiscal year 1997, and here we are still contemplating the effort in fiscal year 1996, primarily because the President vetoed three of the bills under consideration and because the fourth bill, the Labor-Health bill, languished in the Senate for some 9 months because our liberal friends over there decided to just filibuster it and keep it from coming up for consideration.

In addition, the District of Columbia bill, which should have been sent to the President a month or two ago, was not because of some few Members' concern about a little $3 million school voucher program which would allow poor youngsters to go to private schools. They do not want to take on the NEA, the National Education Association, and all of those great stalwart protectionist organizations which protect the great quality education provided by our public schools today, or lack thereof; they just do not want to let the camel's nose get under the tent, and have opposed the possibility of poor youngsters going to quality schools. As a result, the District of Columbia bill has been hung up, and now the Senate has included that bill in this omnibus wrap-up effort which we are going to be considering in conference over the next 8 days.

But obviously since the Senate did not complete their business until Tuesday, and here it is Thursday, and for the last 24 hours we have been evaluating the 933 pages of additions that the Senate put on our effort, we need some time for the conference to do its work. We begin today, we will work through the next 8 to 10 days, and we hope to be concluded before the close of business on Friday next. If we are, we will be delighted, because that will wrap up the fiscal year 1996 season. Then we can go on to the fiscal year 1997 season.

I regret that we have to be here today, but our work is not yet completed. I do believe that we have to keep Government open. We tried doing the other in the past, and that was not a pleasant experience for anybody. So we come here to try to keep Government open while Congress does its business on the remaining stages of the process for fiscal year 1996.

The bill I bring before the Members today keeps Government operational through March 29 with the exception of two programs, the AFDC and the foster care program, which we carry through into law through April 3 to allow continuity of the bureaucratic effort to make sure that people who are entitled to the benefits under those programs actually get those benefits.

But we really must have this extension. I expect some prolonged debate here today, much as we had last week on a similar 1-week extension. I would like to think that despite whatever debate we have, the issue is not that controversial, that the vast majority of our Members will ultimately vote for this bill, and that we can go about the business of the conference and conclude fiscal year 1996 once and for all.

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

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my friend from Wisconsin for yielding me the time. Let me just say, with due respect to my friend from Louisiana, that this is indeed controversial, at least it is on our side of the aisle, and I will tell the Members why.

We had a rather interesting, heated and enlightening debate on the rule that governs the discussion of this resolution. The objection from this side of the aisle is that we are continuing stop-and-go Government. Stop-and-go Government is not good for this country, it is not good for this Congress, and we are doing it under such a closed procedure. We are in our sixth martial law resolution right now.

What does that mean? That means basically that the folks out there in the country have been shut out from the process, from testifying at hearings, from having their input into legislation. Members of this body have been shut out from their committee work. This is all being done out of the leader's and the Speaker's office, coming right to the floor. We have been at it now for 4 months like this. Seventy-three percent of all legislation that has come to the floor this year has bypassed the committees, come right to the floor. Why have a committee structure?

Mr. Speaker, this is distressing because it runs roughshod over the rules and the traditions of this great institution. This is supposed to be a deliberative body. It is supposed to look at legislation, discuss it, have people come and give witness to whether it is on-track or off-track. Yet here we are jamming through another resolution.

The reason we are doing this, the gentleman from Louisiana is correct in this, is to give a little bit more space so they can do the work that they were supposed to have gotten done 6 months ago. The budget was supposed to be finished 6 months ago. Here we are with five appropriation bills unfinished.

That is maybe all well and good in terms of discussion in this institution, and people are saying, "Well, what does that have to do with me out there in America?" What it has to do with people out there in America is that it gives them no sense of where this country is going, where their school district is going to in terms of education. Let me use education as an illustration of the incompetence of this do-nothing and delay Congress that we are in now.

Mr. Speaker, when is this assault on education going to end? For 15 months now you have been talking about giving our kids a better life. You have come to the well, you have made that case, but time and again you have denied our children in this country the skills that they need to have a better life.

You started off the beginning of this Congress by cutting school lunch, and then you attacked student loans. You wanted to take $17 billion out of student loans, so kids could climb that ladder of success? No, you have brought that ladder up and you have said, "We can't afford it."

Then, after the student loan debate, you have gone after a very important program called DARE, safe and drug-free school program. We are talking about cuts of $3 billion plus in this fiscal year in education as a result of this inaction and this stop-and-go. DARE is just one of the programs that is going to be affected. It is a great program. It deals with drug abuse in our schools and for our children.

What these cuts will do, Mr. Speaker, is put approximately 13,000 DARE officials out of work. It will deny literally millions of our kids the opportunity to get the education they need to say no to drugs.

□ 1230

In addition to that, title I, a program that helps our young people in math and science, is going to be cut. It is going to be cut by $1 billion, if you take this over the course of the full year.

Now, school districts across the country right now are trying to plan for September. They are making decisions about how large the classes are going to be, they are making decisions about how many teachers they are going to have. Across this Nation, this week and next week, 40,000 to 50,000 teachers are going to get pink slips and classes are going to be enlarged because you cannot get your act together to let us know where the budget is going to be on education.

Now, the Speaker likes to refer to public education as subsidized public dating. He actually said that. This is much more than subsidized public dating. This is about the best investment that we can make in this country, investing in our young people today, and they know that. They know what they earn will depend upon what they learn.

This is the 12th time in 5 months that we have had a stopgap continuing resolution, the 12th time. You cannot run a government that way. You cannot do it. It does not work, and it has proved it does not work.

Mr. Speaker, I encourage my colleagues this afternoon to vote against this resolution. It denies us the opportunity to restore those education funds, to restore those cuts in the Environmental Protection Agency, to restore those Superfund cuts so we can clean up our toxic waste sites and our dumps and disposal sites. We need to have that opportunity, so we can get on with the business of this country.

I urge my colleagues to vote against this resolution.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am absolutely astounded. I just heard the distinguished whip from the minority party say he wants to vote against this simple bill to keep Government going for 1 week. He gives a lot of reasons, but basically instead of allowing the committee to do its business and go ahead and go to conference and work out the bigger issues by a week from Friday, he wants to shut the Government down. He would totally shut the 9 departments, I think, maybe 10 departments, and the entire District of Columbia down, because he is frustrated about a program that he says works.

I would like to comment on the DARE Program. First of all, I would like to make this point: He says we have not done our job. We are talking about the labor-health-education-human services bill that passed this House at the end of July 1995. It passed this House, and whoever is responsible dutifully took it from the House of Representatives over to the Senate and delivered it to them. Every time someone wanted to bring it up for discussion in the other body, the Democrats stood up and objected and filibustered it.

Now, I want it to be clear that the gentleman is accusing the majority of creating a situation whereby this bill was not funded.

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

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin. I am just replying to the minority whip, if I might.

Mr. OBEY. Mr. Speaker, I thank my good friend for yielding, but I would suggest if you are going to point out the history of the Senate, that you point out the complete and accurate history of the Senate. The fact is that there were objections to consideration of that bill from both sides of the aisle, not just once, but many times more than once, on both sides of the aisle, as we both well now know.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, the issue of striker replacement was repugnant to the liberals on the other side. I personally turned on the television and watched the proceedings and watched one of the liberal Democrats object to the bringing up of this bill.

The fact is it is the normal process for the House to pass a bill and the Senate to pass a bill and to meet in conference. This bill has never been conferenced, because the bill never got out of the Senate. Now, it is absolutely impossible to draw the conclusion that anybody in the House of Representatives, Republican or Democrat, is responsible for that state of affairs.

Mr. Speaker, if I might go on, the DARE Program, it is Safe and Drug-Free Schools. As I pointed out last week, this is a program that has got a wonderful name, an absolutely fantastic name, until you start to understand that in the implementation of that program, it often goes terribly awry. In Talbot County, VA, they spent grant money on disc jockeys and guitarists for a dance, lumber to build steps for an aerobics class, and school administrators spent over $175,000 on a retreat to a St. Michaels resort. I think that is in Maryland on the Eastern Shore. Nice place.

Additionally, a single school district in Texas, the Alomar Independent School District, received a grant of $13. How many bureaucrats had to get together and huddle in a room for how many weeks to figure out that we have got to give this district a $13 grant? And all for a good cause, mind you, to promote the advocacy of Safe and Drug-Free Schools, to discourage children from using drugs.

What is the history during the entire Clinton administration. After the Clinton administration decimated its own drug abuse office in the White House by 85 percent of its budget, what is the history? Drug abuse among teenagers went up, not down. This program does not work.

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would hope that we can cut through the bull gravy and focus on what is really happening here today. The fact is that this proposal really represents the majority party's determination to keep Government running on the installment plan. They do not have enough gas in the tank to get the car down the road apiece, so what they are doing is driving the Government about a block and then they have to get renewed authority and fill

up the gas tank to get the Government to go down another block. That is no way to drive a car, it is no way to run a railroad, it is certainly no way to run a government.

What you really are doing, by extending the ability to operate on a week-to-week basis, is you are playing weekly Russian roulette with local school districts, with veterans, with recipients of government assistance and a wide variety of programs. It is an immature way to run a government, and it ought to stop.

This is the 12th time, the 12th time, that we have now had a temporary continuing resolution before us. In 2 weeks we will be one-half of the way through the fiscal year, and yet 70 percent of the domestic appropriations will still not be in law.

Now, why is that? It is because the majority in this House insisted on passing through this House an extreme ideological agenda under which you slashed funding for education by 15 percent, you slashed job training by 18 percent, you slashed environmental cleanup enforcement by one-third. You attached a laundry list of special interest legislative riders to these appropriations bills, and to protect the public interest the President vetoed a number of the bills.

The Education and Labor proposal was so extreme that the Republican-dominated Senate added more than $3 billion to at least partially restore the draconian cuts that you made in education, in manpower training, in summer jobs, and the like.

Because of the extreme nature of that bill, we have not even yet been able to get to conference. The chairman just says "Why don't you let the committee do its work and go to conference?" Why does the committee not bring up the motion to appoint conferees? You cannot even have a conference until conferees are first appointed. The last time I looked, there is a dispute between the majority leader and the Speaker about process on the floor, so we cannot even officially get to conference because of yet another internal division within the Republican Party leadership in this House.

Meanwhile, what is happening? What is happening is because they cannot get the decisions made, they are saying "OK, let us run the Government on a reduced funding basis a week at a time." So they are funding education at a low level, which is going to require the layoff of a good many teachers and teachers' aides. They are preventing us from continuing to clean up all of the Superfund sites that we ought to be cleaning up, and then what do they do? They gin up a smokescreen. And the gentleman says, "well," he justifies the cuts in drug free schools by pointing out something that some idiotic administrator did at the local level in a city or two to justify cutting back by a huge amount in that entire program.

I would like to take just a minute to run through some of the arguments the gentleman is making. He argues, for instance, about what has happened to drug free schools. Let me say to the chairman of the committee, I will have unanimous-consent requests at the proper time to remove funding for virtually any of these items that you name. If you do not like the fact, for instance, as the gentleman indicated, that we had cosmetology schools being funded under the Student Aid Program, fine. I will ask unanimous consent to strike all funding for cosmetology schools.

You mentioned last week you did not like the fact that there were massage schools being funded. I will have the unanimous-consent request to eliminate all funding for massage schools. I hope the gentleman will support that unanimous-consent request.

I will have a number of other unanimous-consent requests.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, while the gentleman is in the business of asking for unanimous-consent requests, would he join with me in asking for a unanimous-consent request that might obviate the need for continuing to come back in this manner? Would he join with me in just striking the date March 29 and inserting the date September 30 on the issue pending before us here today? That way we would not have to come back. We would not have to go to conference. We would go ahead and be done with this whole doggone thing.

Mr. OBEY. Mr. Speaker, reclaiming my time, let us take a look at what the effect of that would be on the local school districts. You would require local school districts to lay off 40,000 teachers. Am I going to support a unanimous-consent request for that? Absolutely not.

It means you would nail in the large reductions in Federal support for School to Work programs. Am I going to support a unanimous-consent request to do that? Absolutely not.

It means you would nail in the huge reductions in enforcement for environmental cleanup. You think I am going to support a unanimous-consent request to do that? Absolutely not.

I will offer a unanimous-consent request to eliminate some of the abuses of funding which the gentleman claimed he was concerned about last week, but I am not going to support a unanimous-consent request that will tell schoolteachers that 40,000 of you are going to get pink slips so you can continue to provide tax cuts in your budget for very wealthy people making over $200,000 a year. If you want to offer a responsible unanimous-consent request, I will be happy to entertain it. But it is not responsible to suggest that local school districts should lay off 40,000 teachers because you've got a political dispute within the leadership of the Republican Party in this House. That is not responsible and the gentleman knows that.

So let me simply say that what is at stake here is whether or not we are going to vote for a continuing resolution which cooperates in the strategy by which we tell working families, for instance, that we are going to raise the cost of their getting student loans by $10 billion over the next 7 years.

□ 1245

We are not going to cooperate in that kind of an agenda. What ought to happen here is very simple. Instead of bringing these silly, stop-and-go, week-by-week extensions to the floor, what my colleagues ought to do is go into that conference and recognize they need to restore funding for the NLRB, they need to more fully restore funding for education. They need to fully restore more funding for environmental cleanup.

They need to buy into some of the offsets that the administration has suggested to pay for those programs. They need to drop the extraneous special interest language which is going to let timber companies rip up the Tongass Forest, which is going to allow other special interests to get away with murder in the environmental field. And they need to rip up some of the other special interest language that they have attached to these appropriation bills.

Mr. Speaker, that is what the President is asking for. That is the rational thing to do. That is what they ought to do rather than running the risk every week that the Government is going to shut down again.

Mr. LIVINGSTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I feel like I have walked into the middle of the same movie I was in a week ago. Why are we debating this matter? This is the same thing we did last week. Mr. Speaker, we might as well just play the tapes of last week's debate. All the same things are being said all over again.

Mr. Speaker, the gentleman from Wisconsin, I think he has got that "tax cuts for the rich" down like a mantra. He says it over and over again and cannot remember what the words are, they just pour out the same way.

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

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Is the gentleman making a unanimous-consent request to play the tape again so we can stop going through this charade?

Mr. PORTER. Mr. Speaker, I will make that unanimous consent.

Mr. OBEY. Mr. Speaker, I would agree to that request.

Mr. PORTER. Why do we not yield back the balance of the time and vote then? Would the gentleman agree to that?

Mr. Speaker, what we are having here in Washington lately is about 70 percent politics and about 30 percent substance. While politics are always going to be a part of it, I think what the American people expect of us is 30 percent politics and 70 percent substance, or even more.

We have to reverse all of this. There is way too much politics involved.

Mr. Speaker, the President has just sent to the Congress a budget that is 90 percent politics and 10 percent substance. It ramps up spending in a lot of areas. I agree with the gentleman on some of the areas he mentioned earlier and some of the special interests that are not contributing at all to deficit reduction and ought to. But the President very easily ramps up spending and plays to every special interest group in our country saying we are going to do better for you in this, better for you in that, better for you in another thing. And he does it without any responsibility for the bottom line, and that is for the country as a whole.

Mr. Speaker, he sends up a budget that has in it cuts that are made only in the last 2 years after he is constitutionally out of office that he knows very well would be impossible to be made because they are so huge and they are in the discretionary spending side alone. He plays the same old game of playing to seniors and farmers and union people and the like with no responsibility for where the money is coming from to pay for it.

Where is it coming from? Well, it is coming from adding to the deficit, that is where it is coming from. We were asking future generations to pay our bills. That is the old way of doing it in Washington. It has been done for years, and here we are attempting again apparently to do it all over again.

The fall election, Mr. Speaker, is going to be about whether we are going to continue to do business in the old way and play the special interest politics game or not. Whether we are going to change to a new way, to take responsibility for the country, to ask people not what they get out of the process but what they are willing to give to the process to make it work for all the American people, to look at everything that Government does to ensure that it is worth doing in the first place. That it is something that has to be done through Government in Washington and can only be done there, to decide our priorities and to make certain that the money is spent to get results for people.

That is what has been failing to happen over and over and over again in Washington. It is money that is shoveled out the door to serve interests rather than getting results for people. It is time that we change this process and that we make Government work for people and that we stop playing the special interest game and the political games that are so evident throughout the President's budget and throughout all of these debates.

It is time that we get control of this process. It is time that we behave responsibly. It is time that we work budgets within a framework of fiscal responsibility and not ask people in the future to pay for what we receive from Government today.

So I would say to the gentleman from Wisconsin, yeah, let us just play the tape. It is all the same old stuff over and over again. It is all the same old banter. It is all the class warfare and playing the special interest game. Let us get on with it. Let us get this job done. Let us get the substance done. That is what the American people expect of us and not just politics as usual.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we do not have either the President's budget or the Republican budget before us today. What we have before us is a proposition which continues the reduced funding levels of education and environmental protection which will threaten the environmental future of the country and the educational future of our children. That is what is before us today.

But if we are going to mention the President's budget, let me simply point out the gentleman can say all he wants about how too many of the budget cuts in the President's budget are in the outyears.

Mr. Speaker, let me simply point out that in the seventh year of the budget which my colleague voted for, the budget reductions in the seventh year in the Republican budget are larger in the seventh year than they are in President Clinton's. Now, my colleague may not know that fact, but that is a fact.

So I would suggest that, if he is concerned about reliance upon outyear cuts, I think he ought to look in the mirror because the budget that he supported has deeper cuts in the seventh year than the President has.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute and 30 seconds.

Mr. Speaker, the point was made earlier that this practice of a lot of continuing resolutions coming directly to the floor and not going to committee, is highly unusual. I think it is important to point out for the record that in fact it is not unusual. In 1985, when the Democrats controlled the House of Representatives, we had three continuing resolutions that went directly to the floor. In 1986, there were six continuing resolutions that went directly to the floor; two in 1987; five in 1991; three in 1993.

The point is nobody likes the process that we have engaged in, but we are where we are because the President vetoed three of the major appropriations bills just before Christmas, prompting the expulsion of thousands of Federal employees from their jobs at Christmas time. And the other bill, the labor HHS bill, was hung up in the Senate because it was filibustered for 9 months until really now.

So as distasteful as this whole process is, it has been done before. It will be done again. The old adage that you do not look at sausage and laws being made because it is troublesome is painfully apparent in this particular process we are working our way through. I think for the Democrats, the minority's position seems to be to vote against this bill and close down Government because they do not like provisions that are being discussed in the conference in H.R. 3019; that is ludicrous. It just does not even make sense.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA], the distinguished chairman of the Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, just a few comments on the interior portion of the omnibus bill that will be coming before us in the near future in the form of a conference report.

Obviously, it was very difficult to meet all the needs with the allocation that we had. The final product that we put out was $1.7 billion under the President's request. Now, that is $1.7 billion that we are not loading on to future generations. What that means is that, when young people in the next century, soon to be upon us, want to borrow money to buy a house, it will be at a reasonable interest rate instead of an inflated rate. If we can reduce the deficit and ensure to the marketplace that we are going to achieve a balanced budget over the next 7 years, I think we would see a dramatic decrease in interest rates. Even now, of course, that translates into jobs, as people start businesses, as they expand businesses, as we gain a larger share of the export market because the cost of production is reduced by not having the high overhead of interest rates, and I remember the late 1970's when we were up at something like 21 percent. So the potential benefits are enormous.

Mr. Speaker, in structuring the interior bill, we did all that we could to make our contribution. We divided our responsibilities into must-do's, need-to-do's and nice-to-do's. On the must-do's, we kept the funding for the parks

flat, a little bit of increase but relatively flat, and said manage it better. They are doing that.

We did the same thing with the forests. The cut of timber we allowed was at the President's number. So it was not a case of cutting below in that instance because we recognized that the availability of timber is very important, wood for housing. When we had the bill on initially, I had a piece of 2-by-4 to illustrate what has happened to prices for lumber, and this affects of course the price that young people need to pay when they build or buy a house.

So I think what we tried to do was recognize that the agencies that dealt with people, the parks, the forests, fish and wildlife facilities, BLM, and they also have a lot of facilities that are used by people on a multiple use basis, we kept that funding level so they would have the people and the ability to respond.

We eliminated the Bureau of Mines. I noticed in the President's 1997 budget he takes credit for eliminating Bureau of Mines, which we have done already in 1996. He has become a budget cutter.

What we did is took care of the things that we had to do on the must-do's. We finished facilities that were under way because that was important. If there was a repairs, for example, we put—and this has just been recently—$2 million in the CR to take care of the C&O Canal because thousands of people enjoy that every week. Those sorts of things are must-do's.

Now when we got the nice-to-do's, build new visitor centers, buy more land, we did not do it because let us take care of what we have.

Mr. Speaker, all I am saying is that we are trying to be responsive and be reasonable and to get the job done but not do it at the expense of loading an enormous burden of debt on future generations. I think they will thank us for it when they go to buy that house and maybe get a mortgage at 5 percent instead of 8, 9, or 10 percent. They will thank us when they are not saddled with all the costs that go with the debt burden that this Government has.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the previous speaker just gave a wonderful speech on the reasons to have debt reduction and deficit reduction. The problem is that has nothing whatsoever to do with this bill and nothing whatsoever to do with the budget that the gentleman voted for.

If the gentleman will check the numbers, he can talk about bringing interests rates down all he wants, but the budget that he is trying to foist onto the American people has a deficit which goes up next year. It does not go down. If he can explain to me how interest rates are going to go down as the deficit goes up, he is a whole lot smarter than Alan Greenspan.

□ 1300

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

I took the floor last week when we had this debate and said I felt like I was at the Groundhog Day movie. My colleagues know how every morning the alarm went off, the guy gets out of bed, and they run through the same day. But even in the Groundhog Day movie they did not do it 12 times, because they figured the audience could not even take that. And here we are with the 12th time.

Now the gentleman from Louisiana says continuing resolutions are not new, we have had those in prior Congresses. He is right; we have. But it seems to me the other side seems to think we have to hit our full 40-years score in one 6-month period. Our colleagues are about to throw as many continuing resolutions up on the scoreboard as it took us to accumulate over 40 years, and I want to say that is not something we were proud of. We tried to have as few as possible.

I think the reason is because it is impossible to manage, it is impossible to plan, when we have this lurching, and jerking, and week to week, and will it continue, will it shut down?

But the real bottom line is we now have out there school boards all over America trying to decide whether they give teachers pink slips, whether 40,000 teachers are going to get a pink slip, because we are going to slash education at such a low level.

As my colleagues know, my concept had always been the family was the seat of virtue in this country. That is where we plant the seeds of virtue, in the family, and our job is to try and help that family raise that child, and one of the ways we try and help through the Federal level is with some supplemental money to education so that we have safe schools, drug-free schools, we have remedial education and math and science and reading. Those are key things that school districts need extra help with, and I cannot stand here and say it is a great idea to gut that, nor can I stand here, as spring has broken out over America, and say it is a great idea to cancel many of the environmental programs and, while America is going green, we are going to go brown.

That is why this is happening, and I think the time has come to end this.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes and 30 seconds to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker and my colleagues, I rise in support of this continuing resolution and to correct some of the implications of comments that have been made about its impact on the environment.

First, let us put a lot of politicking aside. This continuing resolution is for 1 week, 7 days. It is not permanent policy, although I think much of it would be reasonable policy for the rest of the year.

We need another week's continuing resolution because until recently, and very candidly, the administration has not been willing to bargain, and bargaining, the last time I checked, did not mean simply holding out until the other side capitulates.

So now real bargaining seems possible, and we ought not to shut down the Government while that negotiation continues. Again, this is only about 1 week. Not even Congress can cause much damage in that time.

Concerning the environment, this resolution is obviously not perfect, but it moves responsibly in the right direction pending further negotiations. It provides more dollars to the Environmental Protection Agency than either the House or the Senate passed, not enough, but a good start until the President comes to the negotiation table.

Similarly, with the riders. I prefer no riders. Maybe that is where we will end up. But by and large, these are not the kind of damaging riders that the House debated last year.

Take the Tongass, for example. The Tongass rider in this bill is a compromise that I helped negotiate with the Alaskan delegation and other concerned parties that allows the scientific planning process to continue. Let me stress that: That allows the scientific planning process to continue, and it will not increase actual timbering in that important national forest.

So let us not waste a lot of time trying to score political points when we are on the verge of serious negotiations. Let us pass this harmless 1-week bill. We can do so in good conscience.

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

Mr. BOEHLERT. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman is exactly wrong about the Tongass because the Tongass provision still contains a waiver of ANILCO and NEPO as far as environmental safeguards are concerned. All it has is the safeguards provided in a contract, which were not nearly as much as provided for.

Mr. BOEHLERT. Reclaiming my time, my distinguished colleague from Illinois knows full well the budget realities, the dollars and cents of it all. There will not be an increased timber cut in the Tongass. That is something that I strongly believe is the right policy. I do not want that. I think my distinguished colleague, the gentleman from Ohio [Mr. REGULA], has worked very well and very diligently on this.

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

Mr. BOEHLERT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I just want to point out on the Tongass that the allowable cut with the money we put in is less than has been true in the fiscal year 1995 and fiscal 1994. We have actually reduced the cut, recognizing, of course, some of the differences of opinion. But I think that is an important fact that ought to be brought out here.

Mr. BOEHLERT. And I am so glad the gentleman did, Mr. Speaker, and I want to thank him publicly for the outstanding work he has done and all the help he has given us to try to fashion a responsible compromise that was environmentally sensitive, and that is very important.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

I simply note that earlier in the year we were told, "Let's just pass a 45-day continuing resolution. That will give us enough time to work out the long-term budget problems." That expired. Then they brought to the floor another continuing resolution. Then last week they brought to the floor another one, saying, "Let's pass one to keeping the Government going for a week. That will be enough time to work out our problems." Now they are here saying the same thing they said the previous week, "Just give us another week. We will work out the problems."

Meanwhile, I still see no indication that the gentlemen on that side of the aisle are willing to back away from the environmental riders that are holding us up on the Interior bill. I see no indication that they are willing to restore the funding the President has asked so that we do not have to lay off 40,000 teachers.

The problem is that every week that they continue with this "government on the installment plan" they push local school districts further and further to the point where they have to lay off teachers. We do not want that done. We want them to get down to the business now, deal with the regular long-term CR rather than continuing this "let's pretend" extension of the Government under which you are continuously week by week squeezing the guts out of education and squeezing the guts out of our ability to enforce the law when it comes to environmental cleanup.

That is the problem we face here today. And we believe sincerely that the way that you are running this House is going to greatly increase and enhance the likelihood that, in fact, they are going to either have to come up with another CR next week or else they are going to have to shut the Government down next week.

I mean every week it is the same thing. When are we going to get serious and simply resolve the differences on the long-term resolution. Otherwise they are using that as an opportunity to gouge every local school district in the country.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding this time to me.

I just want to clear up a point. The gentleman from New York who was in the well was saying that the Tongass provisions, the rape and ruin of America's only temperate rain forest, have not been corrected. In fact, what they have done under this legislation is put in place a harvest plan for that forest that has already been found to be flawed scientifically, that is unsustainable and will lead to the overcutting of that rain forest, and then they put hurdles in the place of replacing that. So, in fact, they have gone from having a plan for 2 years to having a plan that essentially is in perpetuity that will lead to the overharvesting and the stripping of that forest and its resources. It is the only temperate rain forest that we have in North America, and it ought to be protected, and it ought to be harvested in a scientifically acceptable and understandable fashion.

Mr. Speaker, that is not what this legislation does. It overrides the scientists, puts in place a plan that was rejected already by the scientists, and then says that is the method by which we will harvest the Tongass Forest. That is why it continues to be unacceptable to the administration, to the American people, and to those of us who care about reasonable forest practices.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

To put it crudely, my colleagues, this is indeed a lousy way to do the people's business. These weekly CR's are Government by political hiccup. It is atrocious that ideology, and stubbornness, and extremists, and extremism and hostage-taking have been substituted for what in previous Congresses had been a rational and timely consideration of and passage of the Nation's budget and appropriations process. These CR's come weekly, many of them. This is the 12th, as we have heard, the 12th continuing resolution.

The gentleman from Wisconsin [Mr. OBEY] and a couple of others have mentioned what I know each of my colleagues has heard in their own offices, and that is that school boards are apoplectic about this situation. Many teachers do not know if they are going to have their contracts renewed or at what salary levels.

It is not true that the environment is not suffering. Public lands acquisition has been put on hold. Necessary construction on public lands has been put on hold. EPA enforcement has been slowed in some areas almost to a stop. There has been disruption in the Superfund work, and I can tell my colleagues, in that I have two great national parks, all or part within my State of Montana, that the morale of Park Service workers is the lowest I have ever seen it, and that may be true throughout the Federal system.

Let me say in closing, what I said at the beginning. Crudely put, this is a lousy way to do the people's business. It is perhaps no wonder that for 40 years the American people kept the current majority in the minority. If this is the way they do the public's business, they will probably be put in the minority again with good reason.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, this is indeed the same speeches and same thing this Congress did last week, and the month before, and the week before, and the weekend before that, but there really is something different: It is a week later, and another week of cuts, significant cuts in education, and the environment, and important other areas. One week, Mr. Speaker, 1 week, 45 days.

I voted for the 45-day temporary spending bill because I thought that it was fair to give time to work this out, and so I voted "yes" for those 45 days of cuts. But yet now, it is another week, and another week, and another week. At some point, we say "no."

As my colleagues know, education and the environment, like Caesar, can die by 100 cuts just as easily as 1, and the impact is very clear, Mr. Speaker. In West Virginia, when this temporary spending bill expires, and they are asking for another one, 226 teachers will have gotten their pink slips, 90 aides; 6,500 students that benefit from the math and reading programs that are so important will no longer be eligible.

Mr. Speaker, whether it is the environmental cleanup, the toxic waste cleanup, the education programs, the job training programs, this is no way to do business.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding this time to me.

Mr. Speaker, this is an unfortunate procedure. This is an unfortunate year. This is an unfortunate Congress.

I agree with the gentleman from Montana who spoke that the judgment that will have been made of this Congress, is that it is probably the worst-run Congress in 50 years. That is the sentiment expressed by Kevin Phillips, a very conservative Republican columnist; not my view, but I share that view. And today we see another result of that.

□ 1315

I do not believe, frankly, that the chairman of the committee would want this to happen. I have said that before. I do not think the Chair of any of our subcommittees would want that to happen. I am speaking of the Republican chairs. I frankly think it is central management that is to blame for this, but I want to say that I supported the last continuing resolution, a CR, as we call it, or perhaps "completely ridiculous," as the American public must view it.

I supported it because obviously I want to see the 56,000 Federal employees that I represent remain on the job doing the work that America expects of them, and being paid for that work. But the fact of the matter is I am going to oppose this resolution, because what is happening is, in my opinion, part strategy and part an admission of failure; strategy to the extent that it is, as the gentleman from West Virginia, said, death by a thousand cuts; just drip, drip, drip, drip; cut, cut, cut, cut, education, environment, energy assistance for old people and poor people; drip, drip, cut, cut.

Mr. Speaker, this is not a responsible action to take. The Contract With America talked about personal responsibility. I have said it before, but in point of fact, we have abrogated our responsibility to the American public to handle the finances of this Nation responsibly. This is not responsible management of the Congress.

Mr. Speaker, these 1-week CR's are unprecedented. This is the 12th extension, because we cannot get our business done in this Congress. Mr. Speaker, it is not because the President is vetoing so many bills. In fact, this President has vetoed fewer bills than either George Bush or Ronald Reagan. Let us be responsible. Let us fund at least the balance of this fiscal year, halfway through it.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS], chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I must say my colleague, the gentleman from Maryland, very much was helping us all focus upon the point. There is little doubt that the American public knows full well that we need to reduce the rate of growth of Government, because the past rate of growth of Government has taken us to a deficit that is pushing $5 trillion. The American public further knows that in their own households they have to be able to pay their bills, and if consistently they do not pay their bills, they eventually declare bankruptcy.

Mr. Speaker, some suggest that a $5 trillion deficit has a tremendously negative impact upon our economy. The problem is not the result of cuts, but rather the result of spend, spend, spend, spend. This Congress, dominated by one party for 40 years, moved us toward this horrendous condition. In the short time the gentleman from Maryland and I have been together on this committee, the majority, the former majority: spend, spend, spend. Never could they find a program that was not working, never cancel a program whenever you create one, but expand it; spend, spend, spend, spend; tax, tax, tax, tax. Mr. Speaker, that is not the way to solve the problems of our people or our Government. Indeed, it is time for a change.

If the President would work with us instead of vetoing bills, we would not have to be here today. Indeed, Mr. Speaker, it is time for a change.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time, and I reserve the right to close.

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

Mr. Speaker, we have a simple choice here today. We can continue to pass 1-week continuing resolutions, which will force our school districts within the next 3 or 4 weeks to begin laying off 40,000 teachers; we can continue in place the policy of the majority party that will make it much more difficult for 1 million kids to learn how to read and how to deal with math; we can continue the process of cutting deeply into the school-to-work program, which largely enables kids who are not planning to go to college to get some help in transitioning from high schools to the world of work; we can continue to cripple the ability of the Government to protect the public interest from environmental damage by continuing the very large reductions in environmental cleanup that we have in the bill; or we can decide that we have had enough of that, and we are going to ask that those funds be restored.

This issue is not about how much will be spent, because the President has offered offsets to every single dollar he wants to put back in this budget for education and for environment. The majority party simply made a decision that they want to buy twice as many B–2 bombers as the Pentagon asked for, and then they want to pay for it by taking it out of education and out of worker training and out of environmental cleanup. We think those are dumb priorities.

Mr. Speaker, the gentleman can talk all he wants. He invents this fictitious list of about 760 Federal programs that are supposedly for education. If the gentleman wants to take out air traffic controller training, he is the chairman of the committee. Why does he not do it? He is not a helpless victim. If he wants to eliminate NIH kidney research, which they ludicrously count as an education program, if he wants to eliminate NIH heart research, which he ludicrously counts as an education program, if he wants to eliminate FBI advanced police training, go ahead, offer the motion. He is the chairman of the committee. He has the power to do so. We do not think it is a good idea to eliminate those things.

The President's budget recommends the consolidation or elimination of 70 education programs so we can focus our money where it is needed most in the education area. Yet, we get this smokescreen pointing to some little silly action here or there at the local level to justify the fact that they are trying to impose on this country the largest reduction in support for education in the history of the country.

We do not think that is a good way to help middle-class families raise their living standards and help give their kids decent jobs. We do not think it is a good idea to raise the cost of getting student loans by $10 billion over the next 7 years. We think we ought to get about the business of keeping the Government open full time, rather than this week-to-week nonsense.

Mr. Speaker, I urge Members to end the nonsense and vote against this silly piece of legislation.

Mr. LIVINGSTON. I yield myself such time as I may consume, Mr. Speaker.

Mr. Speaker, I think it is interesting to hear my friend, the gentleman from Wisconsin, talk about how we could do this or how we could do that. The fact is, we tried to take out all those programs and zero them out. The gentleman voted against the bill.

Now the gentleman says, well, he is willing to stand up and give me a unanimous consent request to get rid of such screwy things as an Ounce of Prevention Council, that funds 2 billion dollars worth of a glossy magazine, because they have not done anything else. Hopefully he will join with us in reducing the extremely dumb grants of $175,000 for school administrators to go on a St. Michael's resort retreat under safe and drug-free schools, or buy lumber for the steps of aerobics classes. Hopefully he would like to join with us and strike the good old President's favorite AmeriCorps Program, which, in Baltimore, the average cost per participant of a volunteer is some $50,000.

Mr. Speaker, he said that he wants to strike the unnecessary and wasteful, yet never have I heard him offer one single cut, ever. He always wants to spend more money, more programs, tax the American people. We have got 726 education programs, each with their own bureaucracy, each with their own beneficiaries. it does not matter how duplicative, wasteful, unnecessary, or redundant they may be.

The point is, the gentleman talks a good game, but the fact is, all he wants to do is tell the American taxpayer to

pay more money so he can tell them how it can best be spent.

This is a simple request to keep the Government working so the conference can go into action between the House and Senate and we can send the President a final bill. Mr. Speaker, they would close down the Government. They are hoping to vote unanimously against this and get a few Republican votes and just close down the Government so they can say, "I told you so." Is that the answer? Does that help all the beneficiaries of the various programs the gentleman is concerned about? I think not.

The point is, Mr. Speaker, they do not have a leg to stand on, because the American people have caught on to their game. They have said, "We have paid enough taxes, and you have misspent it time and time and time again, and the time has come to quit, to streamline, to strike the redundant and the necessary programs, to try to make government work as efficiently as business works, to downsize the government, the bureaucratic conglomerate that Washington has created."

He talks about the harm that would happen to education if our downsizing goes through. The fact of the matter is 30 years ago the Federal Government did not give $1 to education. It was always the State and local responsibilities. Now the Federal Government pays between $20 and $30 billion in education, and we pile on the regulations, we pile on the restrictions, we pile on the bureaucracy, we extract the money from the American people and tell them what we did for them, and the quality of education goes down. Look at the charts. Look at the statistics. American pupils, students throughout America, are going lousy today compared with what we did 20 years ago.

When are we ever going to restore common sense to the American budget? never, if the gentleman from Wisconsin has his way.

Mr. STOKES. Mr. Speaker, I rise in opposition House Joint Resolution 165, the 12th short-term continuing resolution for the current fiscal year. Where will it end? How many stopgap measures will it take for our Republican colleagues to realize that this is not the way to operate the Government?

After two GOP-politically contrived shutdowns, which cost the American people over a billion dollars, action is still pending on five major appropriations bills. This week-to-week, piecemeal, and part-time management of the Nation's Government must end. Funding for nine critical Federal agencies is in jeopardy including the Departments of Education, Housing and urban Development, Labor, Health and Human Services, and Veterans Affairs. These agencies provide vital services upon which families across the country depend.

Mr. Speaker, this needless and continuing disruption of the lives of the American people is irresponsible. This is the 12th continuing resolution in less than 6 months. Our Nation's children are among the hardest hit by the Republicans' budget. While hard-working parents are raising their children, telling them to study hard, play by the rules, and you will succeed, our colleagues on the other side of the aisle are destroying the very foundation upon which that philosophy was built.

I know the children and families in my district, in Cleveland, OH, as well as those throughout the State, and across the country will suffer as a result of the Republicans' mean spirited budget. Over $3 billion is gutted from education, the largest cut in history. Where will our disadvantaged children, who need and want to learn, turn for teaching assistance in basic reading, writing, and arithmetic, when the GOP-measure cuts over a billion dollars from title I alone? Approximately 40 thousand teachers would be eliminated. In Ohio, 1,300 title I teachers would be removed from the classroom, 32,000 children would suffer.

School systems across the country would suffer from the $266 million cut in the Safe and Drug-free Schools Program. Ohio's students would suffer from an over $8 million cut. This would make it nearly impossible to maintain effective violence and substance-abuse prevention programs. Most programs would be destroyed. Children must be provided a safe, crime-free environment in which to learn.

Communities and States would be denied the funding they need to provide youth and adults vocational education training. This program would be devastated by the Republicans' $185 million cut. Ohio's students would suffer tremendously from the loss of $7 million in basic grant funding alone.

Mr. Speaker, the cuts in education coupled with those in critical employment training programs including the elimination of the Summer Jobs Program, and the $362 million cut in dislocated workers' assistance would threaten the quality of life for hundreds of thousands of hard-working families across the country.

The elimination of the Summer Jobs Program alone means that over 600,000 students would be denied the opportunity to gain the skills they need to enter the work force. The cut in the dislocated workers' program means that workers who have been laid-off through no fault of their own would be denied the assistance they need to reenter the work force. It is estimated that over 20 million workers will be permanently laid-off in 1996 alone.

Mr. Speaker, the American people need and want to work. Our children and their families must not be denied the resources necessary to help them achieve their highest academic and economic potential. In this era of escalating global competitiveness, the American people must be equipped with the knowledge and skills necessary to earn a living wage.

Furthermore, this short-term fix still does not dismiss the fact that what is ultimately being proposed by our colleagues on the other side would: Jeopardize the welfare of millions of veterans, who are dependent upon a certain level of interaction from the Secretary of Veterans Affairs, by restricting the Secretary's travel; threaten the security of millions of elderly and low-income Americans who, without adequate Federal assisted housing, are at-risk of going homeless; add to the growing ranks of persons living in the streets as a result of their appalling reductions to homeless programs; endanger the environment by cutting EPA funding for programs that maintain clean air and keep our drinking water safe; and imperil the public's health by reducing Superfund efforts to clean up hazardous waste sites.

Mr. Speaker, America must protect and invest appropriately in her No. 1 resource, the American people—to do otherwise is fiscally irresponsible. I strongly urge my colleagues to stand up for children, and to stand up for families. Let's go back to the budget negotiation table and restore the Nation's investment in human capital including education, summer jobs, health care services, employment training, veterans's services, the environment, and housing. Vote "no" on House Joint Resolution 165.

The SPEAKER pro tempore. All time has expired.

REQUEST TO OFFER AMENDMENT

Mr. OBEY. Mr. Speaker, in light of the express concern of the chairman of the committee about retreats or administrative personnel, student vacations, cosmetology schools, et cetera, I offer an amendment, and I ask unanimous consent that notwithstanding the operation of the previous question on this amendment, that I be permitted to offer the amendment at this point, which would read as follows:

At the end of the joint resolution, add the following new section:

SEC. 101. Notwithstanding any other provision of law—

(a) none of the funds made available under this Act for the Safe and Drug Free Schools Program and the Title 1 Compensatory Education Program for Disadvantaged Students shall be used to pay the costs of disc jockeys, aerobics classes, retreats for administrative personnel, and student vacations; and

(b) none of the funds made available under this Act may be used to administer any program subsidizing massage therapy and cosmetology schools.

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

Mr. LIVINGSTON. Reserving the right to object, Mr. Speaker, the fact is that I probably will object to this in a second, but I want to point out that the gentleman will have ample opportunity in the conference that begins today informally and will be more formalized as we go through the next 10 days, so he will have an opportunity to strike these programs.

If he is sincere, if he really means what he says, I will join with him to strike the money for this waste and this inefficiency. But Mr. Speaker, I would point out that the gentleman is grandstanding here. The request before the House of Representatives is simply to extend the existing CR's for 1 week.

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

Mr. LIVINGSTON. Mr. Speaker, this gentleman is constrained to object, because the gentleman from Wisconsin [Mr. OBEY] will have his opportunity later on.

The SPEAKER pro tempore. Objection is heard.

Pursuant to House Resolution 386, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. BURTON of Indiana). Is the gentleman opposed to the joint resolution?

Mr. OBEY. Mr. Speaker, I most certainly am.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 165, to the Committee on Appropriations with instructions to report the resolution back promptly with an amendment to provide the necessary funding during the period of the joint resolution to avert all layoffs of instructional school personnel whose salaries are paid in whole or in part by programs of the Department of Education for the 1996–1997 academic year.

Mr. LIVINGSTON. Mr. Speaker, I reserve a point of order on the gentleman's amendment. We have just now received it and I would like to have a chance to read it.

The SPEAKER pro tempore. The gentleman from Louisiana reserves a point of order.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, let me explain what we have just seen and let me explain this motion. The majority party is insisting that we pass a resolution which continues in place lower funding levels that cut some $3 billion out of education and continue very savage reductions in environmental cleanup legislation.

They argue the necessity to do that because the chairman has pointed out the abuse of a few programs. I just tried to offer a motion directed to eliminating every single abuse the gentleman just mentioned. I asked unanimous consent that they eliminate under safe and drug-free schools the ability to fund programs such as the gentleman just objected to. I also asked that under this bill we eliminate all funding for schools of cosmetology and massage therapy because the gentleman has objected to those.

The gentleman then accuses me of a smokescreen for responding to the criticisms he has made in existing programs. He said, "Why don't we fix it when we go into conference?" Why do we not fix it right now? I would suggest what is really at stake here is they are desperately trying to hang onto the money they are cutting out of education so they can funnel it into their tax cuts for very wealthy people. And I do not think we ought to lay off 40,000 teachers so they can give a gift to their rich contributors.

So what I am saying is simply this. In this recommit motion, we are simply asking the committee to go back into committee and to restore all of the funds necessary so that no local school district has to lay off any teaching personnel.

What this motion does is ensure that those local school districts will have the Federal funds they need to pay for the teachers and other instructional personnel to provide the reading and math classes for disadvantaged kids, to hire guidance counselors, to provide antidrug abuse and drug prevention education to both teachers and students, to retain teachers and counselors to help students make a successful transition from schools to jobs, and to the jobs they need.

What this simply says is, do not fund your tax cuts by cutting the guts out of personnel in the local school districts. That is what it says. I urge a vote for the motion.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes in opposition to the motion.

Mr. LIVINGSTON. Mr. Speaker, I withdraw my reservation and speak in opposition to the motion to recommit.

The fact is that if the gentleman's motion to recommit were granted and were adopted by this House, the entire guts of the bill before us would be virtually obviated, would be wiped out, and we would be forced to either report today a conference agreement on the overall four bills that remain outstanding, actually five counting the District of Columbia, or else Government would shut down.

I do not think that the other side is serious when they say that they want the Government to shut down. But the fact is if they all vote in unison for this motion to recommit and some of our Members vote for it, the likelihood is that the Government could indeed shut down with respect to those departments which are covered by the five outstanding bills.

I think that that would be a terrible thing to happen.

I know, I hear all of the pleas of mercy for the beneficiaries of the multitudinous numbers of redundant, unnecessary, and crazy programs that the taxpayers have been forced to fund under the outstanding bills, but the fact is that the same beneficiaries would be really in trouble if we were to create a procedural vote, adopt their motion to recommit, and just close the Government down.

In 1 week, the Department of Education would not be able to figure out the cost of impact of the Obey amendment. So all those teachers we heard about, and I question the figures that they were using, but all those teachers that we heard about, that they say they are concerned about, would be automatically not getting any Federal funding and that would be ludicrous. That would be absolutely absurd.

So if you want to close the Government down, go ahead and vote for the Obey motion to recommit. If you want to keep an orderly process and show that Government can operate, albeit no matter how ugly the process sometimes gets, then we would urge that you vote against the motion to recommit, vote for this 1-week extension, and hopefully by the end of the next week, a week from tomorrow, we will, in fact, have a conference agreement which will wrap up and conclude action for fiscal year 1996 on all of the outstanding bills.

That is my fondest hope, it is my desire, and I am going to work every hour that I can to make sure that comes to pass. But we need a "no" vote on the motion to recommit or else this Government is going to shut down.

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

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 192, nays 230, not voting 9, as follows:

[Roll No. 82]

YEAS—192

Abercrombie	Clay	Durbin
Ackerman	Clayton	Edwards
Andrews	Clement	Engel
Baesler	Clyburn	Eshoo
Baldacci	Coburn	Evans
Barcia	Coleman	Farr
Barrett (WI)	Collins (MI)	Fattah
Becerra	Condit	Fazio
Beilenson	Conyers	Fields (LA)
Bentsen	Costello	Filner
Berman	Coyne	Flake
Bevill	Cramer	Foglietta
Bishop	Danner	Ford
Bonior	de la Garza	Fox
Borski	DeFazio	Frank (MA)
Boucher	DeLauro	Frost
Brewster	Dellums	Furse
Browder	Deutsch	Gejdenson
Brown (CA)	Dicks	Gephardt
Brown (FL)	Dingell	Geren
Brown (OH)	Dixon	Gibbons
Bryant (TX)	Doggett	Gonzalez
Cardin	Dooley	Gordon
Chapman	Doyle	Green

Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—230

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

NOT VOTING—9

Collins (IL)
Johnston
Moakley
Radanovich
Roukema
Stark
Stokes
Waters
Zeliff

□ 1354

Mr. TIAHRT, Mr. SCHIFF, and Mrs. CUBIN changed their vote from "yea" to "nay."

Mr. DOGGETT changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 180, not voting 7, as follows:

[Roll No. 83]

AYES—244

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

NOES—180

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran
Murtha

Nadler	Rivers	Tejeda
Neal	Roemer	Thompson
Oberstar	Rose	Thornton
Obey	Roybal-Allard	Thurman
Olver	Rush	Torres
Ortiz	Sabo	Torricelli
Orton	Salmon	Towns
Owens	Sanders	Velazquez
Pallone	Sawyer	Vento
Pastor	Scarborough	Visclosky
Payne (NJ)	Schroeder	Volkmer
Pelosi	Schumer	Ward
Peterson (FL)	Scott	Watt (NC)
Peterson (MN)	Serrano	Waxman
Pickett	Sisisky	Williams
Pomeroy	Skaggs	Wilson
Poshard	Slaughter	Wise
Rahall	Spratt	Woolsey
Rangel	Studds	Yates
Reed	Stupak	
Richardson	Tanner	

NOT VOTING—7

Collins (IL)	Radanovich	Waters
Johnston	Stark	
Moakley	Stokes	

□ 1406

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR ALL COMMITTEES TO SIT TODAY AND THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves pursuant to clause 2(i) of rule XI that for today and the balance of the week all committees be granted special leave to sit while the House is reading a measure for amendment under the 5-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a good deal of important business ahead of us, both on the floor and in the committees, during this week and the next. It is, of course, out of consideration for the Members on the floor and in the committees relative to their pending district work period that I make this request. I want to appreciate for a moment the Members of the body on both sides of the aisle for their cooperation with me with respect to this request.

Mr. Speaker, for purposes of debate only, I am happy to yield 5 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I first wish to thank the gentleman from Texas for yielding the time.

Mr. Speaker, the gentleman from California has now just arrived, and I was waiting until he got here.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

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

Mr. FAZIO of California. Mr. Speaker, I want to thank the gentleman from Missouri not only for yielding but for that introduction.

Mr. VOLKMER. Mr. Speaker, I will be frank about it. I really have nothing to say about this. We are going to let the gentleman from California speak for a few minutes and tell the Members about what happened.

Mr. FAZIO of California. Mr. Speaker, would my friend from Missouri yield for a second?

Mr. VOLKMER. Mr. Speaker, I yield to the gentleman all the time I have.

Mr. FAZIO of California. That is what I wanted to know, how much time he was yielding to me.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri [Mr. VOLKMER] yields 5 minutes to the gentleman from California [Mr. FAZIO].

There was no objection.

Mr. FAZIO of California. Mr. Speaker, we had an interesting session this morning, however brief it may have been. Interesting in the sense that it, I think, is perhaps too typical of the kind of hearings that we are seeing here in the House of Representatives. Unfortunate in that it did not include a balanced presentation on a very important issue to Members of this House.

In fact, I think to the country at large, and that is how we deal with the question of voter education, how we deal with the issue of expenditures that are made outside the Federal election process. We had invited almost 25 groups from all across the spectrum, from Common Cause and the Sierra Club to the Christian Coalition and Citizens for a Sound Economy. Yet, when it came time to hold the hearing, the only people who were brought to the witness table, theoretically, they chose not to come. In my view that was the right decision, those people representing working men and women, organized labor.

Mr. Speaker, now, it is easy to demonize our foes in this area, and both parties certainly have a preponderance of friends from one side of the spectrum to the other which they often like to demonize. But if we are going to hold hearings that really get to the root cause of how we can reform our political system, we cannot play favorites. We cannot just hold up those people representing the interest of working people because they have priorities and they have concerns that do not know in the direction the majority wants to go in.

We have seen too much of this when the AARP was brought up before a Senate committee because they were standing up for Social Security, or critical of some of the Medicare reform proposals. I just simply wanted my colleagues to know, and I think I speak for every member of our committee, that this behavior of the Committee on House Oversight today is going to inflame passions here, is going to create an impossible environment for us to work this most important issue of campaign finance reform in.

There are many, many groups spending hundreds of millions of dollars without limitation, without any attribution to any individual, no disclosure at all, who are working hand in glove with the majority in this House to affect its agenda. We were not willing or able to hear any of the testimony that might have enlightened us about that. It was only to go after people who in the minds of, I guess, the majority of that committee, were associated with the Democratic Caucus. I feel very much compelled to object to that process.

Every member of our committee absented ourselves from the hearing today because we felt it was an inquisition. It was a kangaroo court designed to embarrass people who are merely spending, legally, their dues to put across a point of view to help educate their members and hopefully to impact on the Members in this body before they make a number of mistakes.

Mr. Speaker, I would simply close by saying this side of the aisle is prepared to work on these issues as long as we come to the table in a bipartisan manner. I am told in the aftermath of our decision to leave that we were told the room was not big enough, the table was not large enough to bring all the various interests together to discuss this. We only had to select one. Well, I think that is a metaphor that concerns me. The table ought to be big enough for all of the interest groups and all the points of view in this country to be heard.

When we single out people, then we make enemies of people. Then I think we are doing a lot of damage to this process. As long as the working people of this country want to be heard in this institution legally through their organizations that they pay dues to, we ought to listen to them and we ought to accommodate them. We ought not to single them out and take vengeance on them simply because they have another point of view that is unpopular with the majority.

□ 1415

Mr. ARMEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the majority leader for yielding me this time, and I want to thank my colleague from California for once again letting the chairman know of his interest in making sure that there is no hearing in which labor unions have to present any testimony about anything at all. Today's hearing was, in fact, the fourth hearing in a series of hearings,

which are the most extensive in the history of this Congress on the campaign finance bills that were passed in the 1970's.

Our hearings started off in a bipartisan way. We had the Speaker of the House and the minority leader of the House talk about their vision of where they wanted to go. We also had all of the Members who have introduced legislation who want to see change in campaign finance laws. In fact, there were so many Members, we had to carry some over to the second hearing.

In the second hearing we heard from corporations, we heard from people who believe constitutionally they have a right to form political action committees, we heard from labor unions about the narrow segment of union political activity under the Federal Election Commission.

In our third hearing we had national chairmen of both the Democratic and Republican Parties talking about how the law unnecessarily hamstrings political parties, in their opinion, vis-a-vis labor unions and other groups who are able to participate in the process far beyond political parties, and on a bipartisan basis those leaders urged us to look at changing the law affecting political parties.

This is the fourth hearing in our series of hearings. It seemed entirely appropriate since less than 1 week from now labor unions are meeting here in Washington to discuss increasing their dues to put more than $35 million into the political arena, which they have, and I will not yield at this time because I would like to finish my statement, in which the workers who are paying for this have no knowledge under the law, either under the FEC, or the Labor Department, or the NLRB, National Labor Relations Board, as to where and how much money is spent in the political process. The people who participate in elections, the voters, do not under the law have any understanding, or idea, of how much money because it simply is not required under current law to be reported. We invited the president of the AFL–CIO, the president of the Teamsters, and the secretary-treasurer of the AFL–CIO to provide us with some understanding of this involvement in the political process. We fully intend to go forward with additional hearings to hear from other groups.

What was the response of the minority to yet one more hearing to get a full, complete understanding of participation in this process? Either within or outside the law? Either through sheer arrogance or fear the union leaders decided they would not show up and the Democrats would not participate in the hearing.

Who did we have testifying that made it so slanted, so misrepresentative? We had two individuals from the Congressional Research Service, individuals who are pledged in their testimony to be fair and bipartisan; in fact, so much so that every opening statement of a witness from the Congressional Research Service has to state as much. We had professors of economics and labor to help us to understand that under the law, in an incomparable way, labor unions can participate in the political process without any, without any, requirement to disclose to the public when and how that money is spent, but, even more fundamentally, to the people who contribute the money themselves. That information is so shocking, so important to the Democrats, that they have to walk out of a committee and refuse to have people come to the committee so that the American people can understand when and how labor unions influence elections.

Mr. ARMEY. Mr. Speaker, I thank the two gentlemen from California for that scintillating debate, and, if I might, I would like to thank the gentleman from Missouri for having made it possible.

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

The SPEAKER pro tempore. (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The motion was agreed to.

A motion to reconsider was laid on the table.

IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 384 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2202.

□ 1420

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing Border Patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 20, 1996, amendment No. 18 printed in part 2 of House Report 104–483, offered by the gentleman from California [Mr. DREIER] had been disposed of.

It is now in order to consider amendment No. 19 printed in part 2 of House Report 104–483, as modified by the order of the House of March 19, 1996.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CHRYSLER

Mr. CHRYSLER. Mr. Chairman, I offer an amendment, as modified, made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. CHRYSLER: Strike from title V all except section 522 and subtitle D.

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. CHRYSLER] and a Member opposed, the gentleman from Texas [Mr. SMITH], each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. BERMAN], and I ask unanimous consent that he be able to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHRYSLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first start out by addressing some unfortunate distortions concerning our amendment. Our amendment does not increase immigration levels, and it does not touch the welfare restrictions in the bill. It does keep families together. Our amendment will simply restore the legal immigration categories that are defined under current law, strike the cuts in permanent employer-sponsored immigration, and keep refugees' admission at the current annual limit.

It is simply wrong that this immigration reform bill prohibits adult children, brothers, sisters, and parents from immigrating to the United States. That is right. Under this bill, no American citizen will be able to apply for a visa for their close family members. The excuse being used for the closing the door on the families of American citizens is that we need to give more family visas to former illegal aliens who were granted amnesty in 1986. Mr. Chairman, slamming the door on immediate family members of U.S. citizens in order to give former illegal immigrants more visas for their families is unconscionable.

I also have a difficult time with the bill's definition of family as only spouses, minor children, and parents with health insurance coverage. I believe that brothers, sisters, parents

without long-term health care coverage, and children over the age of 21 are all part of the nuclear family. In the interests of families and keeping families together, our amendment will restore the current definition of "family" to include spouses, children, parents, and siblings.

Mr. Chairman, in a country of 260 million people, 700,000 legal immigrants is not an exorbitant amount. There is simply no need to cut legal immigration, people who play by the rules and wait their turn, to 500,000. We are all immigrants and descendants of immigrants. In fact, 12 percent of the Fortune 500 companies were started by immigrants.

There are numerical caps on family immigration, per-country limits, and income requirements placed on sponsors. My amendment does not change any of these requirements.

In addition, title 6 in this bill will place restrictions on immigrants from receiving welfare benefits as well as increase the income requirement on sponsors to 200 percent of the poverty level. I fully support these requirements, and my amendment does not change these provisions in the bill.

Immigrants who go through all of the legal channels to come into this country should not be lumped into the same category as those who choose to ignore our laws and come into our country illegally. I agree with most of the illegal immigration reforms that are included in the bill, and I would like to vote for an immigration reform bill that cracks down on illegal immigration. But I cannot justify voting for drastic cuts in legal immigration because of the problems of illegal immigration. These are clearly two distinct issues that must be kept separate.

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

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment, and I yield 5 minutes of my time to the gentleman from Texas [Mr. BRYANT], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] will be recognized for 5 minutes.

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

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

Mr. Chairman, there are many reasons why over 80 percent of the American people want legal immigration reform, and there are many reasons why this legislation has attracted such widespread support, such as from organizations like the National Federation of Independent Business, the Hispanic Business Roundtable, the Traditional Values Coalition, United We Stand America, and, as of today, our endorsement by the United States Chamber of Commerce.

The reasons to support immigration reform and oppose this killer amendment are these: First, now is the time to reform legal immigration. Four times in the past 30 years Congress has acted to substantially increase legal immigration. There was the Immigration Act of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990.

The Commission on Immigration Reform has recommended a permanent legal immigration system of 550 admissions per year plus an additional 150,000 per year for 5 years to reunify close families. This bill is very close to those recommendations. In fact, it actually exceeds those recommendations and, for that reason, is very generous.

Second, this amendment hurts American families and workers. A fundamental problem in our current immigration system is that more than 80 percent of all illegal immigrants are now admitted without reference to their skills or education. Thirty-seven percent of recent immigrants lack a high school education, compared to just 11 percent of those who are native born. Experts agree that this surplus of unskilled immigrants hurts those Americans who can least afford it, those at the lowest end of the economic ladder.

The Commission on Immigration Reform said, "Immigrants with relatively low education skills compete directly for jobs and public benefits with the most vulnerable of Americans particularly those who are unemployed and under employed, and they total 17 million today."

□ 1430

The Bureau of Labor Statistics estimates that low-skilled immigration accounted for up to 50 percent of the decline in real wages among those Americans who dropped out of high school. The bill addresses this problem by reducing the primary source of unskilled immigration, eliminating the unskilled worker category in employment-based immigration, but the bill actually increases the number of visas available for high-skilled and educated immigrants. Mr. Chairman, this amendment eliminates these reforms. This is the last thing we need to do, hurt Americans who work with their hands and are struggling in today's economy.

Third, this amendment will continue the crisis in illegal immigration. This status quo amendment will continue to drive illegal immigration. The myth is that millions of people are waiting patiently for their visas outside of the United States. The reality is very different. Large numbers of aliens waiting in line for visas are actually present in the United States illegally. This amendment will do absolutely nothing to solve this problem. The backlogs will increase, as will the numbers of those backlogged applicants who decide not to wait and instead choose to enter the United States illegally. Meanwhile, we can expect the backlogs to continue to grow.

Setting priorities means making choices. The elimination of the category for siblings was proposed as early as 1981 by the Hessburgh Commission on Immigration Policy, and the elimination of all categories for adult children and siblings was recommended by the Jordan Commission.

Today, a 3-year-old little girl and her mother could be separated, a continent away, from the father living in the United States as a legal immigrant. Meanwhile, in the same city, in the same country, we would be admitting a 50-year-old adult brother of a U.S. citizen.

The amendment is immigration policy as usual. It is a decision not to make a decision, not to set priorities, and not to have a real debate over what level of immigration is in the national interest. These extended family members, more than any other, contribute to the phenomenon of chain migration, under which the admission of a single immigrant over time can result in the admissions of dozens of increasingly distant family members. Without reform of the immigration system, chain migration of relatives who are distantly related to the original immigrant will continue on and on and on.

We need to remember that immigration is not an entitlement, it is a privilege. An adult immigrant who decides to leave his or her homeland to migrate to the United States is the one who has made a decision to separate from their family. It is not the obligation of U.S. immigration policy to lessen the consequences of that decision by giving the immigrant's adult family members an entitlement to immigrate to the United States.

One point raised by the gentleman from Michigan I want to respond to. That is in regard to the question, Does the bill favor the families of former illegal aliens over the families of citizens. The answer is no. The backlog clearance provisions of the bill give first preference to those who are not relatives of legalized aliens. These will be the first family members under the backlog clearance.

Last, this amendment allows continued abuse of the diversity program. Currently, diversity visas are often given to illegal aliens, those who deliberately have chosen not to wait in line, but to break our immigration law. The diversity program has turned into a permanent form of amnesty for illegal aliens.

The bill eliminates the eligibility for illegal aliens and reserves diversity

visas to those who have obeyed our laws. It also raises the educational and skills standards for diversity immigrants so we are not admitting still more unskilled and uneducated immigrants.

Mr. Chairman, I want to close by saying to an overwhelming majority of Americans, we hear you. We understand why we need to put the interests of families and workers and taxpayers first. To the National Federation of Independent Business, the Hispanic Business Round Table, the United We Stand America, the Traditional Values Coalition, and the United Chamber of Commerce, thank you for our endorsement.

Mr. Chairman, today we have the opportunity of a generation. We have the opportunity to reform a legal immigration system, but to do so we must vote no on this status quo amendment, we must vote no to kill legal immigration reform.

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

Mr. CHRYSLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just say that the report that the gentleman referred to on the Bureau of Labor Statistics was done by a graduate student and it had a BLS disclaimer on it, and also the comment was made that "I think we made a mistake on this one."

Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON], the distinguished chairman of the Committee on Standards of Official Conduct.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Chrysler-Berman amendment. The case has not been made for reform of our legal immigration system. The backlog is the result of the past immigration reform effort and will be taken care of by the system. Any abuse of the welfare system by legal aliens will be taken care of by the strengthening of the sponsors obligations in this bill and the provision in the welfare reform bill.

Mr. Chairman, I rise in strong support of the Chrysler-Berman amendment, and I urge my colleagues to vote likewise.

Mr. Chairman, I appreciate the hard work and leadership of my colleague from Texas, LAMAR SMITH, and strongly support the provisions in the bill that would stem the flow of illegal aliens that now impose unfair financial burdens on many States.

Increasing the number of border patrol agents, improving border barriers, and cracking down on document fraud are all forceful steps in the right direction. In addition, limiting the number of public benefits available to illegal aliens—while still allowing emergency medical care and school lunches for children—should help States reduce the now truly overwhelming costs of providing public benefits for illegal aliens.

But while I agree that illegal immigration is a problem that must be addressed by Congress, I am not convinced that our legal immigration program needs reform, and I am concerned that our hard working legal immigrants have been unfairly criticized during debate on this issue. Most immigrants come to this country in search of a better life for themselves and their families, not to receive a welfare check. The strong work ethic of immigrants has fueled American economic strength throughout our history and will continue to do so. These immigrants deeply cherish the freedoms and opportunities of their adopted country, having left behind family, friends, and the familiarity of their native land to come here.

H.R. 2202 would significantly restrict the admission of parents of U.S. citizens, admit only a small number of adult children, and eliminate the current preference categories for adult children and brothers and sisters of U.S. citizens. Some say we need to do this because immigrants are more prone to use welfare benefits. Though there are areas of concern, particularly in regard to the elderly immigrant and the refugee populations, welfare use among working age immigrants is about the same as in the nonimmigrant population. It's especially illogical to reduce legal immigration on the grounds of welfare use, when other parts of the bill will address the matter by strengthening the obligation of sponsors to support immigrants and when our welfare reform bill will reduce access to benefits by limiting the eligibility for benefits of legal aliens and illegal immigrants.

You will also hear supporters of restricting legal immigration say that people enter the country legally with tourist and student visas and then overstay them. This is true and a legitimate problem—however, it has nothing to do with our family based immigration system. Those who overstay their visas are nonimmigrants, not family sponsored immigrants. Do we punish family members overseas who are patiently waiting to enter the country through legal methods because this country is not able to adequately track temporary visitors and students who have overstayed their time here? Of course we shouldn't. The provision that pilots a new tracking program to make sure that visitors return to their country of origin is far more appropriate.

Finally, you will hear that we must limit legal immigration in order to reduce the backlog of family-sponsored immigrants now waiting to enter this country. This backlog does exist and does need to be addressed but we do not need to eliminate the visas for the adult children and siblings of U.S. citizens in order to do so. The backlog is due to our one-time Amnesty Program in the 1980's overtime is will be cleared. We do not have to give out extra visas in the name of backlog reduction at the expense of the family-sponsored immigrants now on the waiting lists. These are people who have chosen to wait patiently for years in order to come to America through the proper and legal methods. Do we punish them by denying them admittance when their perseverance and values prove that they are just the kind of people who would thrive given the opportunities America has to offer?

I met with legal immigrants in my district who have been the best citizens a country could hope for—bright, hard working, and raising children who will continue in their footsteps. It pains and angers them to know that legal immigrants like themselves might not be able to reunite their families, see their siblings, their parents, or their adult children as their neighbors.

Finally, I want to acknowledge a teach in Connecticut named Jean Hill who was recognized in the 1995 Connecticut Celebration of Excellence Program for a lesson she taught in her elementary school class. It's a lesson from which we all could learn. Titled "We Came To America, Too" foreign students study the Pilgrim's voyage to America and then compare that experience to their own voyage to the United States and Connecticut. They learn that they are no different from our Nation's first immigrants—immigrants who went on to create the country we know today. We are a nation of immigrants, each with the potential to make this country a better place. So I ask my colleagues, when you find yourself swept up in the tide of antilegal immigration fervor this week—stop—remember your own heritage—and that we came to America, too.

Mr. BERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this debate is really about one's vision of America. I think it is fundamentally wrong to take the justifiable anger about our failure to deal with the issue of illegal immigration and piggyback on top of that anger a drastic, in 5 years, 40 percent cut in permanent legal immigration, a cause and a force that has been good for this country; 8 out of 10 Americans polled say, "Deal with the problem of illegal immigration before you touch legal immigration."

I hereby reaffirm my commitment to participate when the Senate, as they will, sends us over a legal reform mechanism, to participate and support legal reforms; not these drastic and draconian reforms, but reforms that deal with situations in the legal immigration system that can be changed. But do not make it part of this bill. Build a base for this. Legal immigration has been good for this country. Preserve that existing system. Do not tear it apart. Do not tear family unification apart.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, what is really at stake in the consideration of the Chrysler-Berman amendment is whether we are going to do anything meaningful with regard to numbers in this whole debate.

The fact of the matter is that legal immigration accounts for about 1 million people a year coming into the country. Illegal immigration, which we all want to stop, accounts for about 300,000 a year. If Members are concerned, as I am, about the fact that in about 4 years we are going to have twice as many people in this country as we had at the end of World War II, and by the year 2050 we are going to have 400 million people, it is conservatively estimated to be that, and we do

not want to see our country have that many people in it, and I do not, then we have to stand up and face the need to deal with the question of legal immigration, because that is where the numbers are.

If we do not, we will have skipped that opportunity to really deal with the problem, and we will then have a situation where there will be a bunch of Members going around there beating their breasts, talking about how tough they got on illegal immigrants, but they avoided the tough question where the interest groups are putting the pressure on everybody; that is, the question of legal immigration.

Mr. Chairman, I submit to the Members, that is not in the national interest. We will have made the decision, if we vote for the Chrysler-Berman amendment, not to set priorities, not to set levels of immigration in the national interest, and not to address the problem of chain migration, all of which were addressed in the Jordan Commission, which recommended significant cuts, bringing us back below the 1991 levels of legal immigration.

I would point out once again, from 1981 to 1985 we had about 2.8 million legal immigrants coming to the country. From 1991 to 1995, we had 5 million come into the country. We have to deal with the question of legal immigration, or admit to the country that we are afraid to act.

Mr. CHRYSLER. Mr. Chairman, I would just point out that the GAO proved that, on average, it takes 12 years for an immigrant to bring over the next immigrant.

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Kansas [Mr. BROWNBACK], the cosponsor of this amendment.

Mr. BROWNBACK. Mr. Chairman, I would like to recognize the gentleman from Michigan [Mr. CHRYSLER], the gentleman from California [Mr. BERMAN], and also the gentleman from Texas [Mr. SMITH], for the excellent work they have done on the issue of immigration.

Mr. Chairman, I would like to point out a couple of things. I rise in strong support of the Chrysler amendment. I think the bill as it is currently written would cut legal immigration far too far. According to the State Department, and I have a chart up here showing the numbers from the State Department, it would cut legal immigration a minimum of 30 percent, and maybe as much as 40 percent. That is simply too much.

The Chrysler amendment has broad support from the Christian Coalition to the AFL-CIO, from the Wall Street Journal editorial page to the L.A. Times. It has broad support because it just simply goes too far, the current bill does.

Mr. Chairman, the Senate has split this legislation already, legal and illegal immigration. We should pass this amendment, deal with illegal immigration aggressively, as the gentleman from Texas [Mr. SMITH] has dealt with illegal immigration very aggressively, and then take up the issue of legal immigration with the Senate bill.

Finally, I would just like to plead with my fellow Members, we are a Nation of immigrants. Congress should preserve this proud tradition and not threaten it. Ronald Reagan, in his final address to the Nation, spoke often and spoke then of America being a shining city on a hill, and in his mind it was a city that was teeming with people of all kinds, living in peace and harmony. Then he went on to say, "And if this city has walls, the walls have doors, and the doors are open to those with the energy and the will and the heart to get in. That is the way I saw it, that is the way I see it," is what Ronald Reagan said then. That is the way we should see it. Support the Chrysler amendment.

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

Mr. Chairman, I would simply point out that State Department speculation is fine, but facts are better. If individuals will look at the bill and add up the figures, they will see that we average 700,000 for each of the next 5 years.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in opposition to the amendment and in strong support of the reform of our legal immigration system contained in H.R. 2202.

The bill would allow an average of 700,000 legal immigrants annually for the next 5 years, then 570,000 per year. This is comparable to the average number of legal immigrants coming to this country every year since the 1965 Immigration Act was enacted—600,000. This doesn't close America's doors.

What it does do is put more priority on immigrants with skills that American employers need. We will continue to accept the same number of employment-based immigrants. It also puts more priority on admitting spouses and minor children of immigrants, thus reunifying nuclear families.

The reduction in immigration is primarily in the area of adult relatives of immigrants. Under current law, these all get preference over immigrants with skills but no relatives already here. This misallocation of priorities will be changed by the bill. In most cases those grown-up children don't continue to live with their parents. We just have to make a decision as to what is more important, reuniting 10 year olds with their parents, or 30 year olds? In some cases, a sibling will be brought to this country, go home and marry, thus reuniting a family that was never disunited.

On the other hand, this amendment will increase legal immigration to the United States by 500,000 over 5 years. This is not what the American people want. This amendment will keep all that is wrong with our current legal immigration system. We need to make changes. Let us make them now.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, No. 1, the last comment of the gentlewoman is simply inaccurate. The author of the bill knows that. There was a technical correction made in the rules, and this bill simply returns to existing law.

Second, the State Department says it is not 1 million people a year coming in now, it is 800,000 coming in through permanent legal immigration.

Third, the gentleman from Kansas [Mr. BROWNBACK] was right, and the gentleman from Texas [Mr. SMITH] is wrong. His bill will result in a cut of 30 percent, and a 40-percent cut in overall numbers.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise today to express my strong support for the Chrysler-Berman amendment. This amendment will repeal the antifamily, antigrowth provisions of the underlying bill.

While I support H.R. 2202's attempts to control illegal immigration, I believe that the issue of legal immigration should be addressed at a later time by separate legislation. The issues of legal and illegal immigration are separate and distinct issues, and should be addressed in separate bills.

As the bill is currently drafted, after a 5-year transition period, H.R. 2202 cuts legal immigration by 40 percent—a level unprecedented in the last 70 years. In one fell swoop, H.R. 2202 slashes family immigration by approximately one-third. In addition to arbitrarily reducing the number of family members admitted each year, the bill completely eliminates major eligibility categories. H.R. 2202 not only eliminates visa categories for adult children and siblings but would also unfairly wipe out the corresponding backlogs of visa applications. Individuals who have played by the rules, paid necessary fees, and waited patiently for as many as 15 years would be summarily rejected for legal immigration.

The bill also places nearly insurmountable obstacles for parents and adult children who are attempting to legally reunite with family members. H.R. 2202's restrictive family based immigration policies undermine American families and American family values.

In addition to my concerns regarding family based immigration, H.R. 2202 is an antigrowth bill. As our economy grows, the job base expands. Both the Wall Street Journal and the Washington Times editorial pages have noted

that the U.S. economy benefits from legal immigration. In fact, in a recent Cato Institute study, not one economist surveyed believed that reducing legal immigration would increase economic growth. In addition, not one economist believed that reducing the level of legal immigration would increase Americans' standard of living.

As drafted, H.R. 2202 is an antifamily and antigrowth bill. I urge Members to support the Chrysler-Berman-Brownback amendment so that we can address the issues of illegal and legal immigration thoroughly and responsibly through separate pieces of legislation.

□ 1445

Mr. BRYANT of Texas. Mr. Chairman, I yield myself 30 seconds, simply to say that I think it is extremely unfair and extremely inaccurate for the advocates of this amendment to describe the bill as antifamily. It is not antifamily.

What it does is recognize what the Jordan Commission observed, and that is that we have chain migration and we cannot continue forever allowing everyone who is allowed to come into the country legally to bring in brothers and sisters. That is really what is at stake here. The same recommendation was made in 1981 by Father Hessburgh's commission. It is not a radical proposal. What is radical is the idea of doing nothing, which is what they advocate, and letting the population increase to 500 million people in this country.

Mr. CHRYSLER. Mr. Chairman, I yield myself such time as I may consume.

Let me just add that I do not know anyone who does not consider their brothers and sisters extended family.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. CRANE], a cosponsor of the amendment.

Mr. CRANE. I thank the gentleman for yielding me the time, and I compliment him on his amendment.

Mr. Chairman, I think there are many good provisions of H.R. 2202 dealing with illegal immigration, and adding approximately 6,000 people to monitoring our borders certainly can address that problem. But what we are proposing in the current language, unless the Chrysler amendment is adopted, to me runs contrary to all our values.

Just stop and think where your ancestors came from. Why did they join the cosmic race here? It was for the same reasons that we enjoy being Americans. It is the land of opportunity and the home of the brave, and we enjoy a degree of personal liberty that is unprecedented. Looking at the historic figures, the first time we deviated from our traditional policy was with the Chinese Exclusion Act in 1882. We locked Chinese out for a decade. Then in 1924 we started establishing quotas and we discriminated against the Orient in that package.

This kind of thing is inconsistent with our historic tradition. Our percentage of immigrants in this country today is infinitely lower than it was for the first 150 years. I urge Members to support the Chrysler amendment.

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

Mr. Chairman, I just want to point out to some of my friends on the other side of the issue, they may not be aware that the new figures for the 1995 immigration levels are in. The 1995 level was 715,000. Under this bill we average 700,000 each for the next 5 years. I might concede a 2-percent reduction at most.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from California.

Mr. COX of California. Mr. Chairman, I just wanted to briefly ask the gentleman from Texas a question. That is, having listened to the comments of the gentleman from California [Mr. DOOLEY], with which I generally agree, that is, that kind immigration and illegal immigration are rather separate subjects and for various purposes deserve to be discussed separately. It is the case that this amendment merely splits the two so that they can be discussed separately, or is it rather the case that the effect of the amendment would be to strike out all of the parts of the bill for good that deal with legal immigration?

Mr. SMITH of Texas. Mr. Chairman, that is an excellent question by my friend from California. In point of fact the whole thrust behind this amendment is not to reform legal immigration. In fact, it is to kill any reform that we have in legal immigration. There is no separate legal immigration reform bill on the House side as there is on the Senate side. The gentlemen who have put forth this amendment to my knowledge have not proposed one amendment to reform legal immigration. I think that is very regrettable.

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

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I rise in strong support of the Berman-Chrysler amendment.

Proponents of H.R. 2202 have argued that it is profamily. On the contrary, this legislation would eliminate whole categories of family sponsored immigration.

Let me talk if I can for one moment about Mary Ward. Mary Ward emigrated to America at the turn of the century from County Down, Ireland. Mary Ward became a citizen in her late 50's and raised a family and worked as a domestic, passing on the very values that we cherish and honor in this Nation. Mary Ward was as patriotic as any American in this institution, and loved the opportunities that it brought to her family.

Our goal here should be to separate legal from illegal immigration. Legal immigration serves this Nation very well. We acknowledge that illegal immigration is a problem. But where I live there are thousands of Polish-Americans and Russian-Americans and Franco-Americans and Italian-Americans and Irish-Americans and Asian-Americans. They add to the fiber and fabric and strength of this country. They do not subtract from it. In many instances they are more patriotic and more loyal than those who have been here for decades and decades and decades, and we should not forget about that in this debate.

In our haste to address this crisis, let us not make the mistake of penalizing those who love the notion and idea that someday they might be called an American.

Think as you vote on this about Mary Ward from County Down, Ireland. Mary Ward was my grandmother.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BEILENSON].

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BEILENSON].

The CHAIRMAN. The gentleman from California [Mr. BEILENSON] is recognized for 4 minutes.

Mr. BEILENSON. Mr. Chairman, I thank the gentlemen for yielding me the time.

Mr. Chairman, I rise in strong opposition to the amendment.

Supporters of eliminating the bill's reductions in legal immigration argue that legal and illegal immigration are separate and distinct issues, and therefore ought to be dealt with in separate bills. But we all know that if these provisions are dropped now, the chances of the House acting on legal immigration reform this year are very slim indeed.

The fact is, legal and illegal immigration are related because they both affect the size of our country's population. And, we are letting too many people into our country.

What Congress does with regard to both types of immigration will determine how many newcomers our communities will have to absorb, how fierce the competition for jobs will be, and how much the quality of life in the United States will change in the coming decades.

Fueled by both legal and illegal immigration, the population of the United States is growing faster than that of any other industrialized country. By the end of this decade—less than 4 years from now—our population

will reach 275 million, more than double its size at the end of World War II. Unless we reduce our high rate of immigration—the highest in the world—our population will double again in just 50 years.

Middle-range Census Bureau projections show our population rising to nearly 400 million by the year 2050, an increase the equivalent of adding 40 cities the size of Los Angeles.

But many demographers believe it will actually be much worse, and alternative Census Bureau projections agree. If current immigration trends continue—and that's what we're debating here—our population will exceed half a billion by the middle of the next century—a little more than 50 years from now.

Immigration now accounts for half our—and that rate of growth—proportion is growing. Post-1970 immigrants, and their descendants have been responsible for U.S. population increases of nearly 25 million—half the growth of those years.

In other words, much of what demographers consider our natural growth rate is actually the result of the large number of immigrants in our country—and the great majority of them have come here legally.

As recently as 1990, the Census Bureau predicted that the population of the United States would peak, and then level off, a few decades from now. Since 1994, however, because of unexpectedly high rates of legal immigration, the Bureau has changed its projections, and now sees our population growing unabated into the late 21st century—when it will reach 700 million, 800 million, a billion Americans—unless we start acting now to lower our levels of legal immigration.

Those of us who represent communities where large numbers of immigrants settle have long felt the effects of our Nation's high rate of immigration. Our communities are already being overwhelmed by the burden of providing educational, health, and social services for the newcomers.

With a population of 500 million or more, our problems, of course, will be much, much greater. With twice as many people, we can expect to have at least twice as much crime, twice as much congestion, and twice as much poverty.

We will also face demands for twice as many jobs, twice as many schools, and twice as much food. At a time when many of our communities are already straining to educate, house, protect, and provide services for the people we have right now, how will they cope with the needs and problems of twice as many people or more?

Without a doubt, our ability in the future to provide the basic necessities of life, to ensure adequate water and food supplies, to dispose of waste, to protect open spaces and agricultural land, to control water and air pollution, to fight crime and educate our children, is certain to be tested in ways we cannot even imagine.

But however we look at it, our current rate of population growth clearly means that future generations of Americans cannot possibly have the quality of life that we ourselves have been fortunate enough to have enjoyed.

The reductions in legal immigration in this bill are very reasonable, and humane. They are based on the well-thought-out recommendations of the Jordan Commission, whose purpose was to develop an immigration policy that serves the best interests of our Nation as a whole. These proposed changes are designed to enhance the benefits of immigration, while protecting against the potential harms.

Reducing the rate of legal immigration, as the bill in its current form would do, constitutes a modest, but absolutely essential, response to the enormous problems our children and grandchildren will face in the next century if we do not reduce the huge number of new residents the United States accepts each year, beginning now.

I strongly urge Members to reject the Chrysler-Berman-Brownback amendment.

Mr. CHRYSLER. Mr. Chairman, I yield myself 10 seconds.

I would just like to point out that the Senate split their immigration bill, so there will be a separate legal immigration bill that will come before the House.

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

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Chrysler-Berman-Brownback amendment to separating the unique concerns of legal and illegal immigration.

Proponents of deep cuts in legal immigration are blurring this distinction in order to make it difficult for us to vote against sorely needed illegal immigration reform. They know that their cuts in legal immigration cannot pass on merit alone.

Immigrant bashers argue that America needs to take a time out and limit or provide a moratorium. In the 1920's, they say, we experienced unprecedented economic growth the last time the United States had such a policy.

Mr. Chairman, in response to those specious arguments: One, that was no time out. That was a policy based on xenophobia and racism.

Two, moreover, when our Nation endured an unprecedented depression in the 1930's, the same restrictive immigration policy was in place.

I am disappointed with the anti-immigration forces who have denied us a chance to address the restrictive asylum and humanitarian parole provisions that were included in H.R. 2202.

Accordingly, I urge my colleagues to support this important Chrysler-Berman-Brownback amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY], whom I understand is the only Member of Congress who can see the southern border from his home.

Mr. BILBRAY. Mr. Chairman, my mother happened to be the first Australian war bride to become a U.S. citizen. She emigrated in 1944. I have cousins who would love to emigrate to the United States right now. But let me tell Members, I am sworn to represent the people of my district here in America, and I am not sworn to represent my cousins in Australia or to represent certain businesses that would love to be able to bring my cousins in to work for them. I am sworn to represent the general population of the 49th District of the great State of California.

□ 1500

I think that we ought to be up front about this. Who are we serving here with the Chrysler amendment, who is going to benefit from this, and is it going to be the people of the United States?

Mr. Chairman, it is not only our right to have an immigration policy for the good of the American national interests, it is our responsibility as Members of Congress to make sure our decisions on immigration are for the good of America, and America first. In the words my mother said to me when I asked her loyalty between Australia and the United States, she said "America, America must take care of America first and that will help the rest of the world."

Mr. BERMAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, U.S. law does not allow you to petition for your cousins, your uncles, your nieces, your nephews. It would not under this bill, it does not under existing law, and it never has. Bogus arguments should be dispensed with quickly.

Second, the gentleman from Texas [Mr. BRYANT] says 1 million people a year come in, to show how bad it is. The gentleman from Texas [Mr. SMITH] says "I just got information, 715,000 a year come in. Our bill only cuts by 15,000."

The gentlemen from Texas [Mr. BRYANT] and [Mr. SMITH] are right about the number. What they do not say is that for the first 5 years, his bill allows 700,000, and it then has a massive 30 percent drop in legal immigration to far below that. That is the accurate story.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise today as the daughter of immigrants in favor of removing the poorly designed and unfairly restrictive legal immigration provisions from the bill before us. I strongly support and have cosponsored the tough measures in this legislation to crack down on illegal immigration. But, like most Americans, although not some that we have just heard from, I believe that legal immigration is the lifeblood of this country, enriching our Nation economically and culturally.

We should, of course, be open to reasonable reforms in our legal immigration policy, but H.R. 2202 goes too far. By the year 2002, as we have already heard, the bill will cut legal immigration by 40 percent, and the bill's cap on refugee admissions, which, fortunately, has already been removed, would effectively have ended our historical commitment to helping those who, like my father, who grew up in Nazi Germany, flee oppression and genocide.

H.R. 2202 includes important and effective tools for fighting illegal immigration. Let us not bind those changes to the unacceptable legal immigration cuts in title IV.

Mr. CHRYSLER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS], a cosponsor of this amendment.

Mr. DAVIS. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, first of all I want to commend the gentleman from Texas for taking on a tough issue. I rise reluctantly to oppose his position on this and support this amendment.

This amendment continues the current level of immigration. It allows children and the brothers and sisters of immigrants to apply for immigration. Otherwise they are barred for the most part.

This amendment does not affect the changes in this bill regarding immigrant eligibility for public benefits and it does not affect the provisions relating to illegal immigration, but family reunification has long been a principal purpose of U.S. immigration policy. This bill's provisions barring adult children in particular turns that principle on its head by ensuring that many families will never become whole.

Why would a child who turns 26 automatically be considered extended family and not allowed to immigrate under his parents' sponsorship? Many of these adult children are exactly the type of Americans this country needs. They help in their prime working years, working in many cases in family-owned businesses, helping them to prosper. They save, invest, and give back to their communities.

I see the pioneer spirit in this country alive and well in the shops in my district where you have much of this. They also help care for their elderly parents and reduce the elderly's use of social services.

Mr. Chairman, I ask approval of this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in opposition to the Berman-Chrysler-Brownback amendment to H.R. 2202.

This bill was drafted in response to concerns echoed across this Nation about the influx of immigrants in this country, both legal and illegal. However, a vote for this amendment is a vote to kill any attempt to pass legal immigration reform in the 104th Congress.

We are a country of immigrants. Our ancestors came here for the promise of a better life and a better place to raise their families. They wanted the American dream. This bill does not deny this dream to anyone. Contrary to what has been said about this bill, it maintains America's historic generosity toward legal immigration and places a priority on uniting families.

Our current system of legal immigration is clearly flawed. There is currently a backlog of 1.1 million spouses and young children of legal immigrants who are forced to wait years to join their families. H.R. 2202 provides for the highest level of legal immigration in 70 years, averaging 700,000 per year over the next 5 years.

People should not be fooled into believing the rhetoric that only illegal immigration needs reform. The unfortunate fact is that the majority of illegal immigrants in this country entered the country legally with tourist visas. But our Government gives them every incentive to stay here illegally after their temporary visa has expired. Just by virtue of being here, they are automatically entitled to generous Government assistance for health care, food stamps, and education benefits. Where is the incentive to leave?

We can put up bigger fences, hire more border patrol agents, and establish a fool-proof system to detect fraudulent documents. However, until we reform legal immigration, we will continue to face the same problems.

The Berman-Chrysler-Brownback amendment will kill legal immigration reform. H.R. 2202 fairly and generously reforms legal immigration, and I encourage all of my colleagues to vote "no" on this amendment.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, with respect to the population projections, I just want to remind everyone of the demographer Malthus, who looked at population projections in the early 19th century and concluded that by the end of the 19th century, there is no way in the world there would be enough food in the world to feed the people.

I have great faith in the capacity of technology and the economy to grow, and I believe that is going to deal with the particular issue of our future ability to handle the population.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA], my friend on the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I support the efforts of the Chrysler amendment to try to have a reasoned debate on legal immigration separate from the very impassioned debate on illegal immigration. I would urge Members to support that particular amendment.

Let me say that the whole issue here is about family-based immigration. That is all we are talking about here. In order for someone to be able to come into this country under the provisions being debated, you must have an American petition to have that particular individual come to the country. This issue of chain migration is a false one. By the time you have someone come into this country, it usually takes 12 to 13 years before that individual can then petition to have anyone who is an immediate relative—not a distant relative—come into this country. So this issue of chain migration is really a quarter century long before you see any additional relatives possibly having the chance to come in, if even that soon.

There is no chain migration. What we do have though, if we continue to go this course with H.R. 2202, is a lack of family-based immigration, where brothers, sisters, children, and parents will not have an opportunity to join their U.S. citizen relatives.

Mr. Chairman, I urge a "yes" vote on this particular amendment.

Mr. CHRYSLER. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I would just point out that there are provisions in the illegal portion of the bill dealing with the problems of visa overstayers and they are not entitled in title IV.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I rise in very strong support of the Chrysler amendment, because I deeply value the fundamental character of this Nation as a land of hope and opportunity and because I cherish our unique American heritage as a country of immigrants, united by shared values, a strong work ethic, and a commitment to freedom. Let us not tarnish that heritage or ignore our greatest strength, which is our people.

Our legal immigration system doubtless could use reform, and other titles of this bill will make some useful changes, but I do not believe the rush to do something about the very real problems of illegal immigration should cloud our treatment of people who play

by the rules and who come here legally and add to our human capital.

Should we crack down on illegal immigration? Yes. Absolutely. Let us, for example, not let welfare be a magnet for illegal immigrants to come here, and let us beef up our border patrols. But legal immigration is a separate and distinct issue. Let us split the issues of legal and illegal immigration and let each be determined upon its merits.

Mr. Chairman, I urge a vote for American family values, and I urge support for the Chrysler amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I think that there are two great political issues that face this country. One is welfare reform and the other is immigration reform. Unfortunately, the two of them are inextricably linked together. When you consider the fact that 21 percent of all immigrant households receive some form of assistance, when you consider that for the 12-year period between 1982 and 1994 that the applications for SSI by immigrant families increased some 580 percent compared with only a 49-percent increase for native Americans, then you have to say that the two are linked together. Unfortunately, if we do not address one, it is going to be almost impossible to address and solve the other.

So I would urge that we defeat the amendment that is before the House.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this amendment does not touch title VI of the bill. Title VI requires before any legal immigrant can participate in any variety of public benefit programs, including Medicaid, AFDC, SSI, that you have to deem the family sponsor's income. Our amendment does not touch that particular reform.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, the guiding principle in our Nation's immigration policy should be to reward controlled legal immigration and dissuade illegal immigration.

As an American-born son of legal immigrants, I can tell you this bill sends the wrong message. Instead of saying to potential immigrants that if you play by the rules, wait your turn, and follow the law, you will benefit by becoming a permanent resident, we say, we're going to treat you just about the same as an illegal immigrant.

The cuts in legal immigration hurt family reunification efforts and show the hypocrisy of a Congress that promotes family values.

Why does this family friendly Congress want to prohibit the adult sons, daughters, brothers, and sisters of U.S. citizens from entering the country? Legal immigration reinforces family structure, upholds family values, and benefits the Nation.

Creating a hardship for U.S. citizens by permanently separating them from their close family members does not promote family values. It disintegrates the fabric of American values and jeopardizes the Nation's future. We can fight illegal immigration and preserve family-centered legal immigration by supporting this amendment.

Mr. CHRYSLER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. Legal immigration is a basic building block in the cultural development of our United States. The family is an American tradition. When we talk about our families, we do not simply speak of our spouse or our young children. The tradition extends to our grown children, our parents, our brothers and sisters.

For years we have told new immigrants that if they play by the rules, their family members will be able to join them. Now, as many as 2 million people may be told that they are no longer qualified family members.

Having a visa petition approved may not be a guarantee that a person will actually receive the visa. However, there was an implicit act of good faith when INS approved the petitions and the people began their wait. To break faith with such a strong American tradition sends a strong message and does not address the real concerns of illegal immigration.

Our immigrant population strengthens the diversity upon which our great country is built. As a former immigrant and naturalized American, I urge us to stand up for our families, our traditions, and strike the cuts in legal immigration.

□ 1515

Mr. SMITH of Texas. Mr. Chairman, I just want to point out that the reason we have the record percentage, 21 percent of all legal immigrants on welfare today, is because we admit over 80 percent of all legal immigrants with absolutely no regard to their education or skill levels. That is the reason we have the problem.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I do not think there is any question that we need and must face both legal immigration reform and illegal reform. If we vote for this amendment today, we are going to kill legal immigration reform in this Congress.

Why do we need it? Why do we need to attack and change family unification principles that have been in the law for quite some time? I will tell my colleagues why, because the system is broken, because we have a backlog. Millions of close family ties, people who we would like to see be able to come over here have to wait up to 20 years to come over. The system is not working. The brothers and sisters cannot continue to be brought in under the kind of preference we have today and leave any room for seed immigrants, that is, those who can provide skills and special things we would like to see but who have no relatives here at all.

Why should just being a relative be the primary reason you get to come here? We have to have balance in our system. The current legal immigration system is imbalanced, out of whack. We need to change it.

Now, there is nothing draconian about the legal reforms we have here today. If we look at what happened in 1990, we increased legal immigration in a bill that passed this Congress and went and was signed into law by 40 percent. This bill reduces it by 20 percent. So we are kind of compromising.

Over the next 5 years under this bill we will add 3½ million new legal immigrants to this Nation which, except for the legalization years that we had right after 1986, will be the greatest increase in legal immigration in American history in the last 70 years.

This is a very generous legal immigration bill that the gentleman from Texas [Mr. SMITH] has crafted. But what it is doing is extremely important. It is trying to give us an opportunity which business and all of us should be pleased with to get more seed immigrants since almost none can come in today who have no family ties but who have skills and things they can offer America and should be allowed to come to this country and get rid of the backlog of those people who are close family relatives who really should come here, the children and spouses and so forth, instead of having the broken system we have today.

So I implore my colleagues to vote against the amendment. As well-meaning as it may be, it is not a good amendment. Keep legal immigration in this bill and allow it to exist, because a vote for this amendment kills legal immigration reform.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Of the 500 fastest growing companies in this country, 12 percent are headed by legal immigrants. They are, again, a source of economic strength, the creation of jobs, the growth of our economy.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, this amendment deals with striking the family immigration sections of the bill in order to address these issues in a

more seemly and deliberative manner, and I agree with that. If we are for family values, we need to value families; and that is what the Berman amendment would do. However, disapproval of the Berman amendment will also have implications for the business community.

I recently received a letter from a Mr. Yao, who lives in Mountain View, CA. I cannot read his whole letter, but I can excerpt from it. He is a senior scientist at his company, an American company, and is originally from China. When he started with the company, it was a very small company, but it has since experienced rapid growth and expansion. Its products are well received. In fact, the company received an award for outstanding achievement from the White House.

The major reason why the company has done so well is that Mr. Yao has designed all of the antennas that the company sells and in fact is the holder of a number of patents. However, a few years ago, he missed his daughter in China so much that he was going to take his patents and go home to China. However, the company, fearing to lose him and to lose their business, petitioned to make him a permanent resident so that his daughter could come here. He wrote to me to say that she is now 30 years old, and he is desperate to see her, but she cannot come for a visit because of the pending application.

Mr. Chairman, I guess the upshot is that, if the Smith bill passes without the Berman amendment, Mr. Yao can take his patents and go home to China. Then we can have the opportunity to compete with a Chinese company that he founds instead of dominating our economic adversaries abroad.

I think it is worth noting that one of the fastest growing companies in our country, Intel, was founded by an immigrant. Sun Microsystems was founded by immigrants. The Java computer technology that is taking off on the Internet was devised by an immigrant. We are shooting ourselves in the foot if we fail to adopt the Berman amendment, economically, and also hurting families.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the Bureau of Labor Statistics reports that the high level of immigration is responsible for 50 percent of the decline in real wages for America's lowest skilled workers, that is, those who did not complete high school. Yet, Members stand on the floor of the House and tell us that we have an obligation to continue a system of chain migration in which, when immigrants decide to bring their spouse and children and come to the United States, they also are allowed later to bring in their adult children and their brothers and their sisters.

Well, I submit that 20 years of experts recommending that we change this ought to give us a heads up about something, and that is simply this. If you do not want to leave your brothers and sisters and do not want to leave your adult children, then do not leave them. The American people have no obligation to tell all the people of the world that when you immigrate here you can bring family members other than one's spouse, minor children, and parents. We cannot continue to allow new arrivals to bring brothers and sisters and adult children with them as well, and expect to maintain a manageable population size.

What about our high school dropouts? What about our low-wage workers? It is not fair to continue driving down their wages with an immigration policy that disregards the interests of low skilled American workers.

Mr. CHRYSLER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the backlog the gentleman from Florida was referring to is the 1 million former illegal aliens that were granted amnesty in 1986. Giving extra visas to former illegal aliens instead of U.S. citizens is unconscionable.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Chrysler amendment and in support of legal immigration. America is a nation of immigrants. My grandfather came to America from Norway when he was 16 years old. Like most immigrants, he sought a better life for himself and his family. Three years after becoming a citizen, he was drafted, and served with distinction in the battle of the Argonne in World War I. And his story is one of only millions of immigrant stories, of hope and opportunity, and of service to our Nation.

If someone is in our country legally, and paying taxes, they should be able to receive the benefits that their tax dollars pay for.

Legal immigrants are hardworking, taxpaying contributors to our society. Legal immigrants most often have intact families, college degrees, and are working. Overall, immigrants generate $25 to $30 billion a year in tax revenues—far more than the cost of services they may consume.

There is a problem with illegal immigration in our country. We need to take strict steps to reduce and eliminate illegal immigration. But let's not destroy what has contributed to America's greatness for past centuries. Let's not treat legal immigrants as though they had broken the law, when they are law abiding.

In his farewell address to the Nation, President Ronald Reagan recalled his favorite metaphor of America as a shining city. President Reagan stated that "If there had to be city walls, the walls had doors and the doors were open to anyone with the will and heart to get here. That's how I saw it and see it still." I share Ronald Reagan's vision of immigration; the same vision that brought my grandfather to these shores and ancestors for generations to come.

Mr. SMITH of Texas. Mr. Chairman, first I want to say to my colleague, the gentleman from California [Mr. BERMAN], that I appreciate what he said about the ownership of businesses by immigrants, and I trust that he will feel better about the bill when I remind him that we are actually increasing the number of skilled immigrants whom we admit in the country under H.R. 2202. We want immigrants who are going to come here to work, to produce and contribute to our communities and to own and operate businesses.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. GALLEGLY], the chairman of the task force on immigration reform.

Mr. GALLEGLY. Mr. Chairman, as someone that has dealt with the issue of illegal immigration in this great House for the last 10 years, I have focused my energy on trying to find ways to stop the unchecked flow of illegal immigration.

Initially I was opposed to having legal and illegal immigration combined, but the more I have studied this issue, the more I realize that we cannot deal with one without the other. We are a very generous nation. We allow more people to legally immigrate to this country every year than all of the rest of the countries in the world combined. This bill continues to provide that ability for those to continue to immigrate here. I ask you to oppose this amendment and let us address the issue of immigration once and for all in a way that will stop illegal immigration and we cannot do it without addressing legal as well.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much, and I would like to place, Mr. Chairman, a personal face on this whole question of legal immigration.

I rise in support of the separation in this legislation of legal immigration from illegal immigration. Claudia Gonzales left her family in Houston as a teenager to care for her grandparents in Mexico. She rejoined her family in Houston at age 23 where she has begun a new job and is attending school.

Mr. Chairman, under this bill, legal residents would be prohibited from sponsoring their sons and daughters over the age of 21, hard-working sons and daughters. The adult children could be deportable or have no preferential treatment in gaining legal residency. Claudia's father said, who has lived here since 1967: I have worked

hard here and pay taxes. What am I going to say to my son 21 and my daughter who is 23?

Mr. Chairman, that is the real face of legal immigrants, hard-working taxpayers. I offered a bill that would have allowed parents to be brought here. Now we have a situation where parents and children cannot be united.

Mr. Chairman, I clearly think with all respect to those who worked so hard on this issue, we would do well to pay respect to hard-working legal immigrants and to acknowledge that it is now time to separate the legislation and treat illegal immigration separately.

Mr. Chairman, I rise today in support of the Chrysler-Berman-Brownback-Crane-Dooley-Davis amendment, which would strike the parts of title V—subtitles A, B, and C—that would virtually prevent American citizens from sponsoring their adult children, siblings, and parents; reduce America's support for refugees; and place additional experience requirements that will complicate companies' ability to hire skilled foreign scientists and engineers.

The current legal immigration system is specifically designed to strengthen families by reuniting close family members and fueling prosperity by attracting hardworking individuals. We must not abandon these principles. At a time when strong family bonds are more important than ever, restrictions in family based immigration will hurt legal immigrant families in America.

It is disturbing to think that Government policy will keep such families, even parents and their children, apart just because a child is older than 21 years of age. Energetic young people, about to enter the work force, are exactly the type of new Americans that complement the existing work force. Not only will they fuel our economy along with our existing population, but they will be here to care for their aging parents. Most Americans do not think that their children, at any age, are ever distant family members.

I recently read about a family in my hometown of Houston who would be affected if this legislation became law. Claudia Gonzales left her family in Houston as a teenager to care for her grandparents in Mexico. She rejoined her family in Houston at age 23 where she has begun a new job and is attending school. Under this bill, legal residents would be prohibited from sponsoring their sons and daughters over the age of 21. The adult children could be deportable or have no preferential treatment in gaining legal residency. Claudia's father, who has lived here since 1967, said: "I've worked hard here and paid taxes. What am I going to say to my son, who is 21, and my daughter, who is 23, if they have to leave this country? I will respect every single day the laws of this country. But this one would be unjust and I denounce this law that would hurt many families."

Similarly, barring entry of brothers and sisters of U.S. citizens because of the current backlog in that visa category is especially unfair to the citizens and their siblings who have followed the rules and waited patiently in line—some for 15 years or more.

H.R. 2202 imposes nearly insurmountable obstacles for U.S. citizens seeking to bring their own mothers and fathers to the United States. The legislation enables the U.S. Government to control and overrule the decisions of families by requiring that U.S. citizens purchase high levels of insurance for their parents and lowers the priority for the parents' visa category. This category will only receive visas if any are left over from other categories. The State Department projects that within 3 years after the law takes effect no visas will be available for parents.

In addition, H.R. 2202 would require citizens and legal residents to show that their income will be 200 percent above the poverty line in order to bring their parents, minor children, or spouses to the United States. More than 35 percent of Americans—over 91 million people—have incomes below 200 percent of the poverty line. The bill will have a devastating impact on American families who will be barred from living in the United States with their own husbands, wives, and children.

The centerpiece of U.S. immigration policy is, and should be, family reunification. It is consistent with our Nation's values when we allow U.S. citizens to reunite with their spouses, children—both minors and adults—their parents, and their siblings. This policy is good not only for the individuals involved, but for the Nation as a whole. Our policy of family reunification brings in energetic, committed new Americans who work hard, pay their taxes, and enrich the country economically and socially. There is little rationale for limiting opportunities for family reunification, when the end results are so positive for everyone involved.

Since when is America not big enough for the parents of its citizens? A recent CNN USA Today poll shows that immigrants come with strong family values and a strong work ethic. These are values we ought to be promoting, not undermining.

Proposed restrictions in employment-based immigration will hurt the U.S. economy. It is crucial that the American workplace reflects the international character of its customers and responds to both domestic and international competitive pressures. Achieving such a work force requires looking beyond the U.S. labor market. Employees, researchers, and professors possessing both innovative technical skills and multicultural competence ensures our economic viability in world markets.

Placing a cap on the number of refugees admitted to the United States ignores the leadership role of this country in providing protection and safe harbor to those fleeing political and religious persecution. Strict levels of refugee admissions ignore the changing and urgent nature of refugee situations. U.S. policy should maintain the flexibility to respond appropriately to emergency situations.

Mr. Chairman, today, and throughout history, immigrants have come to the United States in pursuit of the American dream, to make a better life for themselves and their children. They come to the United States to join the work force and their families, to educate their children and contribute to the communities where they live, their professions and the American economy. They enrich us with their diverse cultures and languages, and with their skills, education, business, and artistic talents. The United States, a nation of immigrants, has welcomed individuals from around the world who came here seeking better economic futures or fleeing political persecution. We must not abandon this history. I urge my colleagues to support their amendment.

Mr. CHRYSLER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank my good friend for yielding time to me and especially thank him for his leadership.

Mr. Chairman, I strongly support the Chrysler-Berman-Brownback amendment, which will help keep the focus where it belongs, on the real danger of illegal immigration, not on orderly legal immigration by close relatives of U.S. citizens. I am particularly troubled by the provision in the current bill that would cut off eligibility for so-called adult children unless they meet a series of new tests, including economic dependency. Ironically, supporters justify these restrictions by suggesting that we somehow protect nuclear families by excluding other relatives. Most Americans I think would be surprised, perhaps shocked comes closer to describe it, to know that if their 21-year-old daughter or son gets a job, he or she is no longer a member of your nuclear family and can never live with you again.

The present language in the bill also virtually eliminates the Attorney General's power to use the humanitarian parole to deal with compelling cases at the margins of our immigration laws. Most congressional offices have had to deal with cases in which an American family has adopted an orphan overseas or wishes to sponsor a relative for a sick family, only to run up against a brick wall. Humanitarian parole is gone.

Mr. Chairman, I urge support for the Chrysler amendment.

Mr. SMITH of Texas. Mr. Chairman, I just want to remind the gentleman from New Jersey that the bill actually has an additional 10,000 visas for humanitarian purposes that the Attorney General can disseminate.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a former practicing immigration attorney.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as he noted, I did practice immigration law, am proud of the fact I helped people from more than 70 countries immigrate to the United States during my career as an immigration lawyer, all law-abiding citizens and hard working. Many people here have noted how important it is that we maintain our Nation as a nation of immigrants. Most of us can go back just a few generations and find family members who immigrated to this country, my grandfather, my wife's parents.

Mr. Chairman, there is no question that with this bill, we are going to continue to do that, continue to be the

most generous nation on earth in terms of our immigration policy. But if this amendment is passed, it does not simply split legal immigration reforms, which are needed, both to help the immigration process and to limit it from illegal immigration, it will kill it outright. We have got to defeat this amendment because of the fact that our legal immigration process needs to be reformed.

We need to help immediate family members be reunified more quickly. Young married couples with young children, they need to be able to come here more quickly when one member qualifies for a visa than to have that separation taking place for years, as it does now. How do we pay for that? By breaking immigration chains that have very remote connections.

□ 1530

Now, my colleagues say, how can a brother or sister be a remote connection? The fact of the matter is it takes 20 years now for a member of a family to come to this country and go through the process it takes to petition for another member to come. So we are not talking about a situation where the family member got left behind last year and we want to bring them to this country. It is a matter of having to reform this process to be fair to everybody and fair to everyone in this country.

This chart shows the problem. First, the highest line shows the immigration trend over the next 55 years under current law. The second line shows the trend with the reforms in this bill. Forty million people is the difference involved there.

My colleagues, we need reasonable immigration reform. We will still be very generous. Oppose this amendment and support the bill.

Mr. BERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate can more appropriately be called debate over discrimination, not a debate over immigration. What we are seeing in collecting both legal and illegal immigrants is that we are going to treat legal immigrants as if they are illegal aliens. To me, this is no more than policy by prejudice and analysis by anecdote.

Mr. Chairman, I ask my colleagues to support the Berman amendment so we can differentiate between the two issues here.

I rise today in support of the Chrysler-Brownback amendment and in support of the generations of immigrants who have built this country into the great Nation that it is today.

This debate can be more appropriately called a debate over discrimination—not immigration. H.R. 2202 places drastic restrictions on legal immigrants—essentially treating them like second-class citizens who do not deserve the rights and privileges that are afforded native-born Americans.

This short-sighted action is a part of the unfortunate anti-immigrant fervor that has swept up this House and swept across the Nation. This is of great concern to me as the land of liberty, freedom, equality, and hope will have the image of being an unwelcoming closed nation. This is a troubling image—one that goes directly against the cornerstone principles of America.

It is a travesty that in an effort to curb illegal immigration, the authors of this bill have chosen to blatantly discriminate against those individuals who are in this country legally. Not only do the legal immigrant provisions make it extremely difficult for families to be reunited, but they also deprive parents and children of assistance should they fall upon hard times. Under this bill, more than one third of all Americans will be unable to sponsor a family member—simply because they are not wealthy enough. No longer will a grown child, a brother or sister be able to join their family here in the United States. Could any of you imagine being separated from family members so close? I certainly cannot.

These provisions will only hinder many new Americans who are trying to put the right foot forward and adapt to a new country. While I agree that measures must be taken to encourage individuals to stay off the welfare rolls, denying taxpayers assistance simply because they weren't born in this country is reprehensible.

In our rush to ensure that we are not allowing foreigners to sneak across our borders and live off the fruits of our labor, we have lost sight of what "America" means. Have we forgotten the foundation that this great Nation was built upon? The dreams, hopes, and aspirations that embody America were first envisioned by our forefathers who immigrated here in search of freedom and prosperity.

I am also deeply troubled at the tone that this debate has taken. Rather than looking broadly at the problem of illegal immigration, we have chosen to fixate on one source of our problem—our southern border. Have we forgotten that we have a border to the north? That we have two long coasts with many harbors and ports? Are not these open doors to Canadians? To Irish? But there is silence here, while the debate is filled with sound and fury over the menace to our south. This is not right. It is blind and unfair. It fans the flames of prejudice. It makes it possible for a bill to deal so callously with our legal immigrants.

My State of Rhode Island is enriched by the many people who have brought their cultures and traditions to this great Nation to build a life for themselves and for future generations. I am proud of these hard-working Americans, who each day go to work, pay taxes, and make their contribution toward creating a stronger United States.

The Chrysler-Berman amendment is a vote for equity for all Americans—new and old. It will ensure that hard-working, tax-paying legal residents of this country are treated with decency and fairness. We owe them at least this much.

Mr. CHRYSLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is important to restore the rights to U.S. citizens to petition for their brothers and sisters and adult children to come to America.

There are currently provisions to prevent immigrants from becoming public charges, and there are additional welfare restrictions in this bill. The amendment does not change these welfare restrictions.

In addition, the Senate split their immigration bill. So we will see legal immigration reform this year in the House.

I ask my colleagues to support this profamily amendment and vote "yes" for this amendment.

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

Mr. Chairman, I just want to point out to my friend, the gentleman from Michigan [Mr. CHRYSLER], who just spoke, that the reason we have the record-level 21 percent of all legal immigrants on welfare is because we do admit over 80 percent without any regard to skills or education.

The problem with this amendment is that it will continue the status quo. The bill tries to increase the percentage of individuals who are admitted on the basis of skills and education. This amendment would leave us right where we are, and over 80 percent would be admitted without any regard to that.

Mr. Chairman, I would like to cite some studies that have been done on the question of how legal immigrants, competition with legal immigrants, depresses wages and costs jobs, and I just do not see how the proponents of this amendment can ignore these studies when we know we are dealing with real lives and real hardship.

According to the Bureau of Labor Statistics, immigration was responsible for 50 percent of the decline in real wages for America's lowest scale workers, those who did not complete high school. A recent study by the Economic Policy Institute says that in the high-immigration States of Arizona, California, Florida, New York, and Texas, that men's wages were 2.6 percent and women's wages 3.1 percent below the average for other States that were not high-immigration States.

Dr. Frank Morris, the immediate past president of the Council of Historically Black Graduate Schools, said there can be no doubt that our current practice of permitting more than 1 million legal and illegal immigrants per year into the United States, into our already difficult low-skilled labor markets, clearly leads to both wage depression and the de facto displacement of African-American workers with low skills.

The Urban Institute says this. The immigration reduces the weekly earnings of less-skilled African-American men and women and also that group most clearly and severely disadvantaged by newly arrived immigrants is

other recent immigrants. A 10-percent increase in the number of immigrants reduces other immigrants' wages by 9 to 10 percent.

Finally, in a book by Julian Simon, the patrol saint of the open-borders proponents, he says this: "There is no doubt that workers in some industries suffer immediate injury from the addition of immigrant workers in these same categories."

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

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry. Could it please be indicated who has the right to close?

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] has the right to close.

Mr. BERMAN. And how much time is remaining?

The CHAIRMAN. The gentleman from California [Mr. BERMAN], has 2 minutes remaining; the gentleman from Michigan [Mr. CHRYSLER] has 30 seconds remaining, and the gentleman from Texas [Mr. SMITH] has 1 minute and 15 seconds remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in strong support of the Chrysler-Berman-Brownback amendment. It is a refreshingly bipartisan amendment, and that is because it is the right thing to do.

This bill is well intentioned. It talks about the legitimate problem, which is illegal immigration. Unfortunately, it goes too far because it tries to make changes in legal immigration. We do not have a problem with legal immigration, and as I listened to the debate, I have not heard one articulated.

The fact of the matter is we are all immigrants. We are all the descendants of immigrants, some voluntary, and some, like myself, on an involuntary basis. But the point is we all came to America.

America is a beacon to immigrants. But this bill would reduce legal immigration by 40 percent over 5 years, and yet there has been no rationale presented to justify why we should shut people out of our country, why we should pull families apart.

Why are we doing this?

This bill is not trying to increase immigration. I realize we cannot accept everyone, but there is no reason to significantly reduce the level of immigration.

There are those who want to suggest immigrants are a burden on our society. Not legal immigrants. They earn $240 billion, they pay $90 billion in taxes. They only consume $5 billion in benefits. Clearly, we need legal immigrants. We ought to vote for this amendment.

Mr. CHRYSLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to say that there is not a fixed number of jobs in America, as an American businessman for 25 years. Job totals have more than doubled from 1960 to 1995, so immigrants do not take jobs, jobs from natives and actually the bill does, indeed, cut legal immigration from 775,000 to 542,000 in 2002, and I think that is unconscionable because I think we are going to need all the workers we can get as we move into a growth opportunity that we are going to have in this country.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Abe Lincoln used to say calling a tail a leg does not make it one. No matter how many times you cite 21 percent of legal immigrants on welfare, it is wrong. Saying it a lot of times does not make it true.

The Urban Institute says 7 percent less than the average American who did not come here as a legal immigrant relies on welfare, 7 percent less than the average.

Second, you can cite a graduate student who is working at the Bureau of Labor Statistics for a survey, Manhattan Institute, a survey, top economists in the country of all ideologies and persuasions. Eighty-one percent said legal immigration is very helpful to the economy. The other 19 percent said it is slightly helpful to the economy. No one said it hurts the economy.

We have put together a coalition on this amendment, with the great work of my colleagues, the gentleman from Michigan [Mr. CHRYSLER] and the gentleman from Kansas [Mr. BROWNBACK] and the gentleman from California [Mr. DOOLEY] and the gentleman from Virginia [Mr. DAVIS] and the gentleman from Illinois [Mr. CRANE], that includes the AFL-CIO, the Leadership Conference on Civil Rights, the Christian Coalition, the Americans for Tax Reform, a whole slew of organizations that believe in economic growth, family values and family reunification.

I urge that the Committee of the Whole adopt this amendment.

Mr. SMITH of Texas. Mr. Chairman I yield such time as she may consume to the gentlewoman for New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong opposition to this gutting amendment. This amendment would destroy this bill's ability to reform our notoriously deficient immigration laws.

No one will argue that immigrants have not formed the backbone of our country. Immigrants from all over the world have helped make this great Nation what it is today. And, they will continue to bring America forward in the 21 century.

But, we can no longer espouse an open border/open port immigration policy. In the face of increasing corporate mergers, downsizing, and technological advancement, our economy cannot absorb greater numbers of immigrants, let alone provide jobs to those people who have been laid off or can't find work.

This is a gutting amendment that refuses to recognize the problems that legal immigration causes for our country and hard-working American taxpayers.

Over half of the 400,000 illegal aliens who come to the United States every year come here legally and overstay their visas. Over 80 percent of all admitted legal immigrants are low skilled and uneducated which has resulted in a drop of 50 percent in real wages for those who never graduate from high school. Legal immigrants receive $25 billion more in public benefits than they pay in taxes, including a 580 percent surge in their SSI payments over the past 12 years.

Mr. Chairman, these figures are startling and totally unacceptable. They are a direct result of our misguided immigration policies of 1986 and 1990 which first granted amnesty to 2.7 million illegal aliens, and second almost tripled employment-based visas and removed limits on family-related categories for immediate relatives.

Consequently, legal immigration and sponsorship have ballooned. They continue to drain our welfare system and slow our economy by taking away jobs from those already here. We can no longer idly sit by and watch this happen when our own citizens are living below the poverty level, without health care, without jobs.

That is why we must restructure our current legal immigration system now. H.R. 2202 does this fairly and sensibly: By offering preference to nuclear families—spouses, minor/dependent children up to age 25, and parents whose health care is prepaid—and highly skilled workers, by allowing entrance to at least 50,000 annual backlogged nuclear family members, and by keeping categories for refugees and diversity visas. Even with the bill's numerical limits, we will still be admitting 600,000 to 700,000 legal immigrants annually. Could anyone say that these levels are not generous? I think not.

Mr. Chairman, it is impossible to implement immigration reform without tackling legal immigration. Legal immigration feeds illegal immigration, and feeds on our welfare system. This amendment would not only gut this legislation, but it would perpetuate both of these problems. We cannot let this happen.

I urge my colleagues to oppose this amendment.

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

Mr. Chairman, Mark Twain said, "First you get your facts straight, then you can distort them all you want." I am afraid that we have heard some of that just a minute ago. In point of fact, when we consider both cash and noncash benefits, there is 21 percent, a record high percentage, of legal immigrants on welfare.

The point, though, of this amendment is, it is a motion to kill, it is not just a motion to strike. There is no

separate legal immigration reform bill on the House side, and, as I mentioned awhile ago, the proponents have not offered any amendments to try to improve our legal immigration system.

This amendment simply makes a bad situation worse. It will keep the status quo. It will keep the huge backlogs. It will keep the long waits, and, in fact, it will allow them to grow larger and longer.

Legal immigration drives illegal immigration. Today almost half of the illegal immigrants in the country today actually came over here on legitimate visa, typically tourist visas, and then overstayed, and that is the result of these huge backlogs and long waits, which is what the bill fixes and what the amendment ignores.

Also, Mr. Chairman, I have to say that one of the worst reasons to go back to the status quo is because we have a broken legal immigration system that depresses wages and costs jobs. The American people know immigration can hurt them because they have to compete with them. This amendment ignores the wishes of the vast majority of the American people: 83 percent want us to control immigration including a majority of African-Americans and Hispanics.

Mr. Chairman, I appreciate the fact that the National Federation of Independent Business, the Chamber of Commerce, United We Stand, Hispanic Business Roundtable and Traditional Values Coalition have all endorsed this bill.

Mr. LAZIO of New York. I rise today in support of the Chrysler-Brownback amendment which separates the issue of legal and illegal immigration. Without a doubt, we need to tackle illegal immigration in this country. Hundreds of thousands of illegal immigrants pour across our border every year, and quite frankly, people have a right to be angry. Illegal aliens are after all illegal and their presence is a reflection of the Federal Government's inability to address the problem. According to the INS, there are an estimated 4 million illegal aliens in the United States. New York's share of this figure is 449,000, or 13 percent. This bill gets tough on illegal immigration, and I commend Chairman SMITH for his hard work and diligence in tackling this issue.

But I remain unconvinced that we need to target those who play by the rules, work within the process, and legally immigrate to this country. Those who are illegal aliens are breaking the law. There are tens of thousands of family members who have obeyed the law and are within the legal immigration process who would have the door slammed in their faces should this provision remain in the bill.

I have heard many of my colleagues talk about how we are a Nation of immigrants, and then in the same breath argue that we need to cut the number of legal immigrants. Although it is argued that the decrease is modest, the question is whether it is really necessary. I have heard the argument that this reduction in legal immigration is profamily. But I find it ironic that many of the groups that I have heard from in New York that would be most affected, such as Irish, Italian, and Jewish groups, among others, have told me that this would divide families, not unite them.

Some have argued that legal family-based immigrants have less to contribute, and there is always the threat that they will become a public charge. But keeping families—including extended families—intact, is culturally and empirically, a way to keep people off the public dole, especially among many foreign cultures from which these individuals come. Besides, there are other provisions in the bill which address this without excluding these individuals.

As someone who grew up in the shadow of the Statue of Liberty, and, like most of us, is a descendant of immigrants, I believe that legal immigration enriches our country, rather than pulling it down. Those who have come to this country to make a better life for themselves, and their families, have given our Nation its strength and its unique character. It is simply unfair to punish those who follow the rules for the sins of those who do not. I urge a "yes" vote on this amendment.

Mr. MATSUI. Mr. Chairman, much of the debate that we have had over the last 2 days is a discussion of what steps we should take to address the serious illegal immigration problem facing our Nation. That is an important debate, and I welcome it. There may be differences in this Chamber about what steps will be most effective in addressing the problem of illegal immigration, but we are in agreement that we must act and act quickly.

We should complete the illegal immigration debate and send legislation to the President. I rise in strong support of the amendment being offered by Mr. CHRYSLER, Mr. BERMAN, and Mr. BROWNBACK because I firmly believe that we should separately address the far more controversial and questionable contention that legal immigration is having a negative impact on the United States. The House should affirm, as the Senate Judiciary Committee has, that it is absolutely inappropriate to view legal immigration as a part of the same problem as illegal immigration.

When we talk about legal immigrants, we are talking about individuals who have waited patiently to enter our Nation, who have come here and contributed a tremendous amount to our society, our economy, and our tax base. I would call my colleagues' attention to observations made by the chairman of the Federal National Mortgage Association, James Johnson, in assessing the results of a recent survey by the association. Mr. Johnson wrote the following about legal immigrants in the Wall Street Journal:

> [T]hey are optimistic about our Nation's future; and they are willing to work and save to buy a home. That desire translates into millions of American jobs—in homebuilding, real estate, mortgage banking, furniture and appliance manufacturing, and the dozens of other industries that are dependent on a strong housing market. They hold significant economic power which, if realized, translates into jobs for Americans and prosperity for our Nation. . . . Before Congress enacts legislation to further restrict immigration, it should consider what the costs of "people protectionism" are likely to be for neighborhoods, job creation and the democratic ideals upon which our Nation was founded.

While opponents of this amendment will argue that there is a demand for legal immigration reform, a prominent Republican pollster has found that 80 percent of Americans believe that we should address the problem of illegal immigration first. This polling also suggests that seven of every eight Americans oppose penalizing those who have played by the rules in applying to immigrate to the United States. Yet this bill would slam the door on many individuals who have done exactly that—applied for visas and waited as long as 17 years to legally enter the United States.

We ought to reserve judgment on the question of whether changes are warranted in our legal immigration policy until we have taken effective steps to address illegal immigration. Let us move forward with that work before taking radical and unwarranted steps such as denying our citizens the right to reunite with their siblings, adult children, or parents.

I thank Mr. BERMAN, Mr. CHRYSLER, and Mr. BROWNBACK for offering this important amendment, and I strongly urge all of my colleagues to support it.

Mr. REED. Mr. Chairman, I rise in support of this amendment. I do so as someone who believes strongly in immigration reform. In fact, I was one of three Democrats who voted in support of H.R. 2202 when it was considered by the Judiciary Committee.

However, I believe the House should address the very different issues of legal and illegal immigration in separate legislation.

I support reasonable restrictions on legal immigration: the United States has the right and responsibility to ensure that only those who are likely to become productive citizens may immigrate to our shores. I would not support this amendment if I thought it was an effort to derail these initiatives.

But the issues of legal immigration should not be considered in the context of the emotionally charged debate on illegal immigration. Addressing illegal immigration involves criminal laws, border enforcement, deportation issues, and workplace enforcement. The policy decisions to be made regarding legal immigration are completely different and by being thrown in with what is essentially a law enforcement debate have been, I believe, distorted.

For example, the House ought to consider more carefully the impact of redefining 'family member' for immigration purposes in a way that excludes parents of U.S. citizens, as well as most children over age 21. Most Americans do not believe that any of their children, regardless of how old they are, are distant family members. The bill arbitrarily denies millions of U.S. citizens who have played by the rules and waited in line, in many cases for as long as a decade after having paid fees and gotten applications approved, the opportunity to sponsor and reunite with an overseas family member.

Again, I am not an opponent of reducing the levels of immigration or of ensuring that immigrants who are admitted are able to support themselves.

But Mr. Chairman, legal immigrants pay their taxes and abide by our laws. They are integral parts of our communities. We should give them the respect they deserve and treat the issues of legal and illegal immigration separately.

Ms. PELOSI. Mr. Chairman, I rise in support of the Berman, Brownback and Chrysler amendment, which strikes the provisions in this legislation which reduce and restrict legal immigration.

I agree with my colleagues that we must curb illegal immigration responsibly and effectively. However, as the Berman, Brownback and Chrysler amendment recognizes, the issue of legal immigration is clearly distinct and separate.

Legal immigration is currently tightly controlled and regulated. Yet this legislation proposes the largest cut in immigration in nearly 70 years.

Lawful and orderly family reunification contributes to strengthening American families. Yet almost ¾ of the bill's reductions in the number of legal immigrants admitted come in family-related categories.

Provisions in this legislation make it impossible for legal immigrants to be united with some family members. Under this legislation, virtually no Americans would be able to sponsor their parents, adult children or siblings for immigration. Not all Americans subscribe to the restrictive definition of family imposed in the bill—nor should they.

America has long been a haven for refugees seeking freedom from political, religious and gender persecution. Yet this bill would cut in half our current ability to offer asylum to people in dire need.

Immigrants today who come to our country through legal means are not at all different from immigrants of generations past—our parents or grandparents. They should have every opportunity to reunite their families. They should have every opportunity to contribute to our economy and culture. They have played by the rules. They should not be punished.

I urge my colleagues to recognize the extraordinary benefits to our country of legal immigration and support the Berman, Brownback, and Chrysler amendment.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the Chrysler-Berman-Brownback amendment to H.R. 2202.

In its current form, H.R. 2202 dramatically reduces family-related immigration. About three-fourth of the bill's reductions in the number of legal immigrants come in the family-related category. It eliminates the current preference category for brothers and sisters of U.S. citizens. The bill limits the number of adult children immigrants admitted to include only those who are financially dependent upon their parents, unmarried, and between the ages of 21 and 25. It also allows parents of citizens to be admitted only if the health insurance is prepaid by the sponsor.

What practical effect will these provisions have on law-abiding Americans who want to reunite with members of their immediate nuclear family? According to this legislation, virtually no American would be able to sponsor their parents, adult children or brothers and sisters for immigration. If your only son or daughter turns 21 then he or she ceases to be a part of your "nuclear" family and would never be able to immigrate once he or she turns 26. If you have a brother or sister, they're not part of your nuclear family either. And if you cannot afford the type of health and nursing home care required in the bill then your mother and father are not part of your nuclear family either.

While the Chrysler-Berman-Brownback amendment would strike these provisions, I would point out that there is one area which it does not cover. Unfortunately, this amendment does not deal with the so-called 200% rule. Another title of the bill requires that an individual sponsoring an immigrant must earn more than 200 percent of the poverty line. This provision effectively means that about 46 percent of all Americans cannot sponsor a relative to enter the United States. The message this sends to all Americans is that in the future we will continue to be a Nation of immigrants, but only rich immigrants.

On Guam, we put a high premium on the role of families, which includes mothers, fathers, sons, daughters, and brothers. In our community, supporting families means helping them stay together. That's what we consider family values.

If this bill becomes law, it will have a definite practical effect on many families, particularly those of Filipino descent, on Guam. It will prevent many of them from reuniting with their brothers and sisters, even though in some cases they have waited for upwards of 10 to 15 years. Furthermore, it will shut out all future family reunification, even in categories that were not eliminated, for many immigrants on Guam because they do not earn over 200 percent of the poverty line or cannot afford to pay for their parents' health insurance.

In each of the cases of sponsoring families, you are talking about people who have played by the rules. They have worked through the system and petitioned to be reunited with their nuclear family. They have waited patiently. Now we will turn our backs on them.

These proposed restrictions and eliminations of entire categories is unwarranted and unnecessary. The Chrysler-Berman-Brownback amendment would strike these restrictions and restore the current system which supports family-based reunification.

I urge my colleagues to vote in favor of the Chrysler-Berman-Brownback amendment to restore the family categories and reject these arcane provisions. While I regret that it does not cover the 200 percent rule, I believe that its passage will make the bill better than what we have in the current bill.

Mr. KIM. Mr. Chairman, I rise in support of the Brownback-Chrysler-Berman amendment. As one of the few first generation legal immigrants in Congress, I am offended by the merging of the initiatives to combat illegal aliens with legal immigration reform. While I strongly support legislative efforts to both eliminate illegal immigration and substantially reform legal immigration, there is a significant difference between these two issues.

Illegal aliens have knowingly and willingly violated the law by entering the United States without permission. They defraud the taxpayer. On the contrary, legal immigrants have patiently waited, paid all the requisite fees and deposits, and followed all the rules and regulations for resettling in the United States. They will soon be proud, patriotic citizens. They dutifully pay their fair share of taxes. They join current citizens in totally opposing illegal aliens and their criminal actions. Thus, to consider the status of these two, totally opposite groups in the same bill is both unfair and an insult to legal immigrants.

The Brownback amendment gives this House the opportunity to deal with illegal and legal immigration issues separately—as they should be.

Without reservation, I strongly endorse the tough, anti-illegal immigration provisions in H.R. 2202. As a member of the Republican Task Force on Immigration Reform, I helped craft some of these very provisions and I am committed to enacting them into law and enforcing them in the field. Mr. Chairman, we have the votes to pass these important barriers to illegal immigration and thereby help stem the tide of illegal immigration that is engulfing my State of California. Let's do it now.

The Brownback-Chrysler amendment does not affect in any way our anti-illegal alien initiatives. Furthermore, I disagree and challenge the validity of the claims by critics of the Brownback-Chrysler amendment that it is nothing more than a back door attempt to scuttle legal immigration reform. From my perspective, it is not.

I agree fully with immigration Subcommittee Chairman Lamar Smith that our country's legal immigration system and priorities are in desperate need of reform. And, while I do not agree with every, single legal immigrant-related provision in H.R. 2202, overall I support the bill's priority for immediate family unification and I understand the need to slow down the current rate of immigration by reducing the number of annual visas. I am ready and willing to consider and pass comprehensive legal reform legislation today. It is needed.

But, I again stress, that we should deal with legal immigration independently of legislation combating illegal aliens so as to ensure that these two very different issues are not confused. The Brownback-Chrysler amendment affords us this opportunity and I urge its passage.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Chrysler, Berman, Brownback amendment and ask unanimous consent to revise and extend my remarks. This provision would enable the bill to be divided into separate legislation to deal with illegal and legal immigration reform. This is the key aspect to the immigration debate.

The greatest danger to an immigration debate in this country is the merging and confusing of issues concerning legal and illegal immigration. In truth they have nothing to do with one another. Legal immigrants strengthen America. They should not be linked with those who come here illegally.

Illegal immigration on the other hand is a matter that has reached enormous proportions and which Congress must pursue earnestly. I strongly support efforts to halt illegal immigration by strengthening our borders. I also strongly support increasing the number of border patrol agents along our borders and providing them with the resources needed to get the job done.

Those who enter this country illegally exert strain on our economy and Nation. As Representative of a border district, I am uniquely aware of the burden that illegal immigration poses on local communities. Illegal immigration must be curtailed but it is a mistake to link this important goal with legal immigration.

For these reasons, I urge my colleagues to vote in support of the Berman, Brownback, Chrysler amendment.

Mr. RICHARDSON. Mr. Chairman, almost all Americans realize the value of past immigration. They look with pride at their ancestors, who came to this country full of energy with empty pockets and were able to succeed and improved the quality of life of all Americans.

Yet, many people doubt the value of immigration today. Too many Americans wrongly believe that today's immigrants drain our economy and use far more welfare than native-born citizens. There is nothing further from the truth.

Today's immigrants come to this country with the same desire, energy, and enthusiasm to succeed and looking for opportunities, not guarantees.

I have one of these immigrants working in my office. A legislative fellow now on my office staff arrived in this country only 7 years ago without knowing English and with only a ninth grade education.

In only 5 years, this young woman managed to learn English, get a high school diploma and graduate from the School of Foreign Service at Georgetown University. She, like many of those immigrants who came to this country within the past 100-plus years, came with empty pockets and a tremendous desire to succeed and take advantage of the opportunities that America still offers.

The Chrysler, Berman, and Brownback amendment would keep the doors open to law abiding immigrants, who like the fellow in my office, come to this country not only looking for a better life, but also bring with them the desire and energy that has made America a great Nation.

Mr. PASTOR. Mr. Chairman, I rise in support of this pro-family, pro-immigration amendment.

The issues of legal and illegal immigration are not, and should not, be linked to one another. It is unfortunate that the anger, frustration, and misinformation over illegal immigration has been used to target hard-working, law-abiding, legal immigrants. Focusing our efforts on reducing illegal immigration is a responsible and proper undertaking. Slashing legal immigration, however, as H.R. 2202 does, is like fighting crime by imprisoning the innocent. While the Chrysler-Berman-Brownback amendment does not eliminate all the evils contained in this bill, it does strike some of the most blatantly xenophobic and anti-family provisions of the legislation.

The legislation, as you know, would reduce legal immigration by 40 percent over 5 years. Whole categories of legal immigration would be eliminated and excessive restrictions would be placed on the sponsors of legal immigrants. Under the bill, parents of U.S. citizens would no longer be able to migrate to the United States unless they are covered by health insurance and long-term health care policies, a requirement that is clearly beyond the means of many Americans. It is unconscionable that only the wealthy will be able to bring their parents into this country.

In addition, the bill guarantees that families of legal immigrants will forever remain divided. The unmarried adult sons and daughters of U.S. citizens and legal permanent residents are all but prohibited from joining their parents. Should brothers and sisters of U.S. citizens be able to migrate to the United States and live with one another? Not according to the sponsors of the legislation; under H.R. 2202, this category of immigration is completely eliminated. I ask the supporters of these provisions: Is America not big enough for the parents, children,and siblings of its citizens?

Mr. Chairman, though it has been said several times before, it must be said again. We are a Nation of immigrants. Ours is a proud, though not unblemished, history of providing hope and opportunity to people from all nations who are willing to work hard and abide by our laws. This bill turns that history on its head and does so by striking at one of our most cherished institutions—the nuclear family.

Legal immigrants have provided the United States with a rich return on its investment. Legal immigrants and foreign-born citizens work hard and contribute to the economy well beyond the cost of services that they consume. It is estimated that 77 percent of the foreign-born population is gainfully employed, compared to 74 percent of native-born Americans. In addition, immigrants generate $285 billion in income and pay more than $70 billion in taxes annually—$25 billion more than they receive in benefits. Legal immigrants and naturalized citizens also contribute immeasurably to the rich mixture of cultures and heritages that can only be found in the United States. I find strength and pride in this diversity, not fear and anxiety.

Mr. Chairman, H.R. 2202 is, without a doubt, a bill that is bad for America. The Chrysler-Berman-Brownback amendment removes some, but not all, of the draconian measures in the legislation. I urge my colleagues to support the amendment and oppose final passage of the bill.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. CHRYSLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 183, not voting 10, as follows:

[Roll No. 84]

AYES—238

Abercrombie
Ackerman
Allard
Andrews
Armey
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bunn
Camp
Campbell
Cardin
Chabot
Chapman
Christensen
Chrysler
Clay
Clayton
Clyburn
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crane
Danner
Davis
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hayworth
Hefner
Hilliard
Hoekstra
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran
Morella
Murtha
Myrick
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Studds
Stupak
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
White
Williams
Woolsey
Wynn
Yates
Young (FL)
Zimmer

NOES—183

Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bellenson
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bono
Brewster
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Deal
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hinchey

Hobson	Molinari	Shadegg
Hoke	Montgomery	Shaw
Horn	Moorhead	Shays
Hostettler	Myers	Shuster
Hunter	Nethercutt	Sisisky
Hutchinson	Neumann	Skaggs
Hyde	Ney	Skeen
Inglis	Norwood	Smith (TX)
Istook	Nussle	Smith (WA)
Johnson, Sam	Obey	Solomon
Jones	Oxley	Spence
Kasich	Packard	Stearns
Kingston	Parker	Stenholm
Kolbe	Petri	Stump
Largent	Pickett	Talent
Latham	Pombo	Tanner
Laughlin	Pomeroy	Tate
Leach	Quillen	Tauzin
Lewis (KY)	Ramstad	Taylor (MS)
Lightfoot	Riggs	Taylor (NC)
Lincoln	Roberts	Thornberry
Lipinski	Rogers	Traficant
Longley	Rohrabacher	Vucanovich
Lucas	Roth	Wamp
Martini	Roukema	Watts (OK)
McCollum	Royce	Weller
McCrery	Salmon	Whitfield
McDade	Saxton	Wicker
McKeon	Scarborough	Wilson
Metcalf	Schaefer	Wolf
Meyers	Seastrand	Young (AK)
Minge	Sensenbrenner	Zeliff

NOT VOTING—10

Collins (IL)	Rose	Waters
Johnston	Stark	Wise
Moakley	Stockman	
Radanovich	Stokes	

□ 1600

Mr. LUCAS, Mrs. CHENOWETH, and Mr. KASICH changed their vote from "aye" to "no."

Messrs. DE LA GARZA, McINTOSH, and WELDON of Florida changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mr. CHAIRMAN. It is now in order to consider amendment No. 20 printed in part 2 of House Report 104-483.

Does the gentleman from Texas [Mr. BRYANT] wish to offer this amendment?

Mr. BRYANT of Texas. Mr. Chairman, the preceding amendment having been adopted, the Bryant amendment as listed is rendered moot. I do not wish to offer it at this time.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part 2 of House Report 104-483.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER: Amend section 808 of the bill to read as follows:

SEC. 808. 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—

(1) 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; and

(2) by adding at the end of paragraph (2) the following: "For purposes of subparagraph (A), the ground of inadmissibility described in section 212(a)(9) shall not apply.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

(2) The amendment made by subsection (a)(2) shall take effect on the title III-A effective date (as defined in section 309(a)).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and a Member opposed, the gentleman from Texas [Mr. BRYANT], will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will close an immigration loophole opened 2 years ago by a rider to the fiscal year 1995 Commerce-State-Justice appropriations bill. This loophole, which was put into the bill by Senator KENNEDY, rewards many illegal aliens who are in the United States illegally. Let me repeat that. This only deals with people who are in the United States illegally by allowing them to apply for permanent resident status and remain here while their applications are pending. That was the loophole that was put into that bill by Senator KENNEDY.

While waiting for their applications to be adjudicated, these illegal aliens are considered PRUCOL, Persons Residing Under Color of Law. Those individuals that we are talking about are here illegally, but they are then eligible for several taxpayer-funded government benefits.

This loophole also has serious repercussions for the security of our Nation. Under the Kennedy loophole, certain people who sneak across our border or illegally overstay their visas can apply for permanent resident status at the local INS office. That is right, right here in the United States, in their local communities, at the local INS office.

Even these aliens who have flagrantly violated our immigration laws are now able to avoid an examination by the State Department officials in their home countries because they are applying to the INS here locally. In their home countries may be, however, the only place where information such as criminal records or terrorist activities can be found. Thus, the INS does not have the availability of that information when looking at this request, but the State Department would have had that information.

Allowing these lawbreakers to apply for permanent status in the United States, rather than having to return to their home countries to do so, circumvents a screening process that has been carefully established to protect our country's security. If the records are in their native countries, how can the INS employees whose job it is to look at this request thoroughly investigate the backgrounds of these illegal aliens?

Last year I asked the General Accounting Office to investigate the impact of this new law. During the first 5 months this loophole was in effect, nearly 80,000 illegal aliens used it to stay in the United States. INS officials anticipated that that number would double by the end of 1995.

This means that possibly as many as 160,000 illegal aliens now have access to public assistance benefits who otherwise would not have had access had this loophole not been snuck into the law. We must stretch even further our overstrained welfare system to cover these people who broke our law to come here in the first place.

This new provision of law is an absolute travesty. To reward those who have consciously violated our immigration law is an insult not only to the citizens of this country but to those persons in foreign countries who have obeyed our laws and are now waiting in line for their turn.

I hope Members will join the gentleman from Texas [Mr. SMITH] and myself in supporting this amendment to close this loophole which rewards people who have flagrantly violated our laws, people who are here illegally, and also puts our country at a security risk.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I rise in strong opposition to the Rohrabacher amendment.

Mr. Chairman, I guess to some extent I am a little mystified as to why this would even be proposed. Years ago before I ran for Congress, I taught immigration law, at the University of Santa Clara. At the time I pointed out to my students that the provision that this amendment would reinstate made absolutely no sense whatsoever.

The correction that is now part of current law makes a lot of practical sense. For people who are here, who entered the United States legally and who have become legal residents under the current law, there is absolutely no reason to force them to buy an airplane ticket, go to an American consulate overseas and then reenter the United States. The correction that the Rohrabacher amendment seeks to undo recognizes that.

I will give an example, a circumstance where this might happen. You have a student who legally enters the United States under an F visa to attend graduate school. The individual receives their Ph.D. in physics. They graduate, and for 2 days they are not

employed until they receive a temporary visa to do research in a high-tech Silicon Valley company. Later they fall in love and get married, and the U.S. citizen spouse decides to petition for the individual to make them a permanent resident.

Under the current law, you can pay a penalty fee to the U.S. Treasury and have your paperwork done here so long as you did not work in an unauthorized capacity. However, the Rohrabacher amendment would say, "No, no, you can't do that. Instead you have to buy an airplane ticket, go to the overseas consulate, get your visa there, and then come back."

There is no benefit to the U.S., there is no benefit to the integrity of our immigration laws. There is no benefit to anyone. There is no benefit to the U.S. citizen spouse, the company or anyone else. The only one who benefits are the travel agents and United Airlines. I would rather have the money go to the Immigration and Naturalization Service in the form of fees.

This has nothing to do with illegal immigrations. It has nothing to do with anything but having a sensible, pragmatic approach to having our immigration laws work smoothly.

I would add that for the business community in particular, they were strong advocates of this change in the law, because having an individual pulled out of a company to do paperwork abroad can disrupt the flow of important high-tech work, and when there is no good reason for the U.S. Government to do this, it makes no sense.

I strongly urge opposition to the Rohrabacher amendment.

Mr. ROHRABACHER. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] has the right to close.

Mr. ROHRBACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Texas [Mr. SMITH] joins me in supporting this amendment because it closes a loophole which, although it has been presented today by my colleague from California as being somewhat innocent, means that 160,000 illegal aliens who otherwise would have to go to their home countries in order to have their status readjusted now can remain in the United States.

What does that mean? What that means is during that time period when it may take years, maybe 5 or 6 years, those people are eligible for government benefits. The questions we have to ask ourselves, if someone did overstay their visa, even if it was a graduate student from a university, why should that person who violated our law be provided a status in which they would be able to partake from government benefits?

Also that graduate student, for all we know, is a criminal in his home country. The loophole that we are closing permits the State Department to thoroughly investigate the background of those people because they have those resources in the person's home country. For security's sake, for the sake of a strained budget, I would propose that we close this loophole.

□ 1615

Mr. BRYANT of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The Chairman. The gentleman from California [Mr. BECERRA] is recognized for 2 minutes.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me make sure I make this as clear as I can: Section 245(i) within the Immigration and Naturalization Act, which this amendment by the gentleman from California [Mr. ROHRABACHER] would repeal, does not permit anyone to gain lawful permanent residence who would otherwise be disqualified. So if you are someone who crossed over our border without documents, you cannot qualify for adjustment to status to be a permanent resident. This only applies in the cases where people would otherwise qualify. You cannot be eligible for this program unless you meet the criteria.

What this particular provision in the code currently does is it just takes away the fiction of having someone fly back home just to submit an application to the U.S. consulate office in that country of origin and then come back here, because the person will be entitled to come back. These are people who will be entitled to gain lawful permanent resident status.

Let me give you a quick example. If an engineer is working on a project that terminates prematurely, and this person cannot line up new employment immediately and fill out all the immigration paperwork quickly enough, the engineer would need to make a planned trip back home to the country of origin to get the green card that he or she is entitled to get. That would disrupt work, school, other things in lining up the new employment, but the person would ultimately qualify. What 245(i) was meant to do within the act was to take care of this situation.

We charge these particular individuals much higher sum to apply for permanent residency status. The reason we do that is we say to them rather than pay for the airline ticket to go back and submit paperwork to the consulate office, which is already overworked, give the money directly to the INS and let them use it immediately. That is one of the reasons why we got close to $100 million last year to do work for the INS, for border enforcement activities, for filling out paperwork for those naturalizing, and also helping people become U.S. citizens who are lawful permanent residents and have the right to be here.

This is a good provision in the law. It does not allow those who are crossing illegally to come in. This is not a good amendment. Defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 22 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMBO:

Subtitle B—Guest Worker Visitation Program

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Temporary Agricultural Worker Amendments of 1996".

SEC. 822. NEW NONIMMIGRANT H-2B CATEGORY FOR TEMPORARY AGRICULTURAL WORKERS.

(a) ESTABLISHMENT OF NEW CLASSIFICATION.—Section 101(a)(15)(H)(ii) (8 U.S.C. 1101(a)(15)(H)(ii)) is amended by striking "or (b)" and inserting "(b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States pursuant to section 218A to perform such agricultural labor or services of a temporary or seasonal nature, or (c)".

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended by striking "specified in this paragraph" and inserting "specified in this subparagraph (other than in clause (ii)(b))".

(c) DISQUALIFICATION IF CONVICTED OF OWNERSHIP OR OPERATION OF A MOTOR VEHICLE IN UNITED STATES WITHOUT INSURANCE.—Section 214 (8 U.S.C. 1184) is amended by adding at the end the following:

"(l)(1) An alien may not be admitted (or provided status) as a temporary worker under section 101(a)(15)(H)(ii)(b) if the alien (after the date of the enactment of this subsection) has been convicted of owning (or knowingly operating) a motor vehicle in the United States without having liability insurance that meets applicable insurance requirements of the State in which the alien is employed or in which the vehicle is registered.

"(2) An alien who is admitted or provided status as such a worker who is so convicted shall be considered, on and after the date of the conviction and for purposes of section 241(a)(1)(C), to have failed to comply with a condition for the maintenance of status under section 101(a)(15)(H)(ii)(b)."

(d) CONFORMING REDESIGNATION.—Subsections (c)(5)(A) and (g)(1)(B) of section 214 (8 U.S.C. 1184) are each amended by striking "101(a)(15)(H)(ii)(b)" and inserting "101(a)(15)(H)(ii)(c)".

SEC. 823. ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROCESS USING ATTESTATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 218 the following:

"ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROGRAM

"SEC. 218A. (a) CONDITION FOR THE EMPLOYMENT OF H-2B ALIENS.—

"(1) IN GENERAL.—No alien may be admitted or provided status as an H-2B alien (as defined in subsection (n)(4)) unless—

"(A) the employment of the alien is covered by a currently valid labor condition attestation which—

"(i) is filed by the employer, or by an association on behalf of the employer, for the occupation in which the alien will be employed;

"(ii) has been accepted by the qualified State employment security agency having jurisdiction over the area of intended employment; and

"(iii) states each of the items described in paragraph (2) and includes information identifying the employer or association and agricultural job opportunities involved; and

"(B) the employer is not disqualified from employing H-2B aliens pursuant to subsection (g).

"(2) CONTENTS OF LABOR CONDITION ATTESTATION.—Each labor condition attestation filed by or on behalf of, an employer shall include the following:

"(A) WAGE RATE.—The employer will pay H-2B aliens and all other workers in the occupation not less than the prevailing wage for similarly employed workers in the area of employment, and not less than the applicable Federal, State or local statutory minimum wage.

"(B) WORKING CONDITIONS.—The employment of H-2B aliens will not adversely affect the working conditions with respect to housing and transportation of similarly employed workers in the area of employment.

"(C) LIMITATION ON EMPLOYMENT.—An H-2B alien will not be employed in any job opportunity which is not temporary or seasonal, and will not be employed by the employer in any job opportunity for more than 10 months in any 12-consecutive-month period.

"(D) NO LABOR DISPUTE.—No H-2B alien will be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout or work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(E) NOTICE.—The employer, at the time of filing the attestation, has provided notice of the attestation to workers employed in the occupation in which H-2B aliens will be employed.

"(F) JOB ORDERS.—The employer will file one or more job orders for the occupation (or occupations) covered by the attestation with the qualified State employment security agency no later than the day on which the employer first employs any H-2B aliens in the occupation.

"(G) PREFERENCE TO DOMESTIC WORKERS.—The employer will give preference to able, willing and qualified United States workers who apply to the employer and are available at the time and place needed, for the first 25 days after the filing of the job order in an occupation or until 5 days before the date employment of workers in the occupation begins, whichever occurs later.

"(3) ESTABLISHMENT AS PILOT PROGRAM; RESTRICTION OF ADMISSIONS TO PILOT PROGRAM PERIOD.—

"(A) IN GENERAL.—The program under this section is deemed to be a pilot program and no alien may be admitted or provided status as an H-2B alien under this section except during the pilot program period specified in subparagraph (B).

"(B) PILOT PROGRAM PERIOD.—

"(i) IN GENERAL.—Subject to clause (ii), the pilot program period under this subparagraph is the period (ending on October 1, 1999) during which the employment eligibility verification system is in effect under section 274A(b)(7) (as amended by the Immigration in the National Interest Act of 1995).

"(ii) CONSIDERATION OF EXTENSION.—If Congress extends such verification system, Congress shall also extend the pilot program period under this subparagraph for the same period of time.

"(C) ANNUAL REPORTS.—The Comptroller General shall submit to Congress annual reports on the operation of the pilot program under this section during the pilot program period. Such reports shall include an assessment of the program and of the need for foreign workers to perform temporary agricultural employment in the United States.

"(4) LIMITATIONS ON NUMBER OF VISAS.—

"(A) IN GENERAL.—In no case may the number of aliens who are admitted or provided status as an H-2B alien in a fiscal year exceed the numerical limitation specified under subparagraph (B) for that fiscal year.

"(B) NUMERICAL LIMITATION.—The numerical limitation specified in this subparagraph for—

"(i) the first fiscal year in which this section is applied is 250,000; and

"(ii) any subsequent fiscal year is the numerical limitation specified in this subparagraph for the previous fiscal year decreased by 25,000.

"(b) FILING A LABOR CONDITION ATTESTATION.—

"(1) FILING BY EMPLOYERS—Any employer in the United States is eligible to file a labor condition attestation.

"(2) FILING BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—An agricultural association may file a labor condition attestation as an agent on behalf of its members. Such an attestation filed by an agricultural association acting as an agent for its members, when accepted, shall apply to those employer members of the association that the association certifies to the qualified State employment security agency are members of the association and have agreed in writing to comply with the requirements of this section.

"(3) PERIOD OF VALIDITY.—A labor condition attestation is valid from the date on which it is accepted by the qualified State employment security agency for the period of time requested by the employer, but not to exceed 12 months.

"(4) WHERE TO FILE.—A labor condition attestation shall be filed with such agency having jurisdiction over the area of intended employment of the workers covered by the attestation. If an employer, or the members of an association of employers, will be employing workers in an area or areas covered by more than one such agency, the attestation shall be filed with each such agency having jurisdiction over an area where the workers will be employed.

"(5) DEADLINE FOR FILING.—An employer may file a labor condition attestation at any time up to 12 months prior to the date of the employer's anticipated need for workers in the occupation (or occupations) covered by the attestation.

"(6) FILING FOR MULTIPLE OCCUPATIONS.—A labor condition attestation may be filed for one or more occupations and cover one or more periods of employment.

"(7) MAINTAINING REQUIRED DOCUMENTATION.—

"(A) BY EMPLOYERS.—Each employer covered by an accepted labor condition attestation must maintain a file of the documentation required in subsection (c) for each occupation included in an accepted attestation covering the employer. The documentation shall be retained for a period of one year following the expiration of an accepted attestation. The employer shall make the documentation available to representatives of the Secretary during normal business hours.

"(B) BY ASSOCIATIONS.—In complying with subparagraph (A), documentation maintained by an association filing a labor condition attestation on behalf of an employer shall be deemed to be maintained by the employer.

"(8) WITHDRAWAL.—

"(A) COMPLIANCE WITH ATTESTATION OBLIGATIONS.—An employer covered by an accepted labor condition attestation for an occupation shall comply with the terms and conditions of the attestation from the date the attestation is accepted and continuing throughout the period any persons are employed in an occupation covered by such an accepted attestation, whether or not H-2B aliens are employed in the occupation, unless the attestation is withdrawn.

"(B) TERMINATION OF OBLIGATIONS.—An employer may withdraw a labor condition attestation in total, or with respect to a particular occupation covered by the attestation. An association may withdraw such an attestation with respect to one or more of its members. To withdraw an attestation the employer or association must notify in writing the qualified State employment security agency office with which the attestation was filed of the withdrawal of the attestation. An employer who withdraws an attestation, or on whose behalf an attestation is withdrawn by an association, is relieved of the obligations undertaken in the attestation with respect to the occupation (or occupations) with respect to which the attestation was withdrawn, upon acknowledgement by the appropriate qualified State employment security agency of receipt of the withdrawal notice. An attestation may not be withdrawn with respect to any occupation while any H-2B aliens covered by that attestation are employed in the occupation.

"(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by the employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required by the H-2B program is unaffected by withdrawal of a labor condition attestation.

"(c) EMPLOYER RESPONSIBILITIES AND REQUIREMENTS FOR EMPLOYING H-2B NONIMMIGRANTS.—

"(1) REQUIREMENT TO PAY THE PREVAILING WAGE.—

"(A) EFFECT OF THE ATTESTATION.—Employers shall pay each worker in an occupation covered by an accepted labor condition attestation at least the prevailing wage in the occupation in the area of intended employment. The preceding sentence does not require employers to pay all workers in the occupation the same wage. The employer may, in the sole discretion of the employer, maintain pay differentials based on experience, tenure with the employer, skill, or any other work-related factor, if the differential is not based on a criterion for which discrimination is prohibited by the law and all workers in the covered occupation receive at least the prevailing wage.

"(B) PAYMENT OF QUALIFIED STATE EMPLOYMENT SECURITY AGENCY DETERMINED WAGE SUFFICIENT.—The employer may request and obtain a prevailing wage determination from

the qualified State employment security agency. If the employer requests such a determination, and pays the wage determined, such payment shall be considered sufficient to meet the requirement of this paragraph if the H-2B workers—

"(i) are employed in the occupation for which the employer possesses an accepted labor condition attestation, and for which the employer or association possesses a prevailing wage determination by the qualified State employment security agency, and

"(ii) are being paid at least the prevailing wage so determined.

"(C) RELIANCE ON WAGE SURVEY.—In lieu of the procedures of subparagraph (B), an employer may rely on other information, such as an employer generated prevailing wage survey and determination, which meets criteria specified by the Secretary by regulation. In the event of a complaint that the employer has failed to pay the required wage, the Secretary shall investigate to determine if the information upon which the employer relied complied with the criteria for prevailing wage determinations.

"(D) ALTERNATE METHODS OF PAYMENT PERMITTED.—

"(i) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate (described in clause (ii)), or other incentive pay system, including a group rate (described in clause (iii)). The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed. However, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

"(ii) TASK RATE.—For purposes of this subparagraph, a task rate is an incentive payment based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

"(iii) GROUP RATE.—For purposes of this subparagraph, a group rate is an incentive payment system in which the payment is shared among a group of workers working together to perform the task.

"(E) REQUIRED DOCUMENTATION.—The employer or association shall document compliance with this paragraph by retaining on file the employer or association's request for a determination by a qualified State employment security agency and the prevailing wage determination received from such agency or other information upon which the employer or association relied to assure compliance with the prevailing wage requirement.

"(2) REQUIREMENT TO PROVIDE HOUSING AND TRANSPORTATION.—

"(A) EFFECT OF THE ATTESTATION.—The employment of H-2B aliens shall not adversely affect the working conditions of United States workers similarly employed in the area of intended employment. The employer's obligation not to adversely affect working conditions shall continue for the duration of the period of employment by the employer of any H-2B aliens in the occupation and area of intended employment. An employer will be deemed to be in compliance with this attestation if the employer offers at least the benefits required by subparagraphs (B) through (D). The previous sentence does not require an employer to offer more than such benefits.

"(B) HOUSING REQUIRED.—

"(i) HOUSING OFFER.—The employer must offer to H-2B aliens and United States workers recruited from beyond normal recruiting distance housing, or a housing allowance, if it is prevailing practice in the occupation and area of intended employment to offer housing or a housing allowance to workers who are recruited from beyond normal commuting distance.

"(ii) HOUSING STANDARDS.—If the employer offers housing to such workers, the housing shall meet (at the option of the employer) applicable Federal farm labor housing standards or applicable local or State standards for rental, public accommodation, or other substantially similar class of habitation.

"(iii) CHARGES FOR HOUSING.—An employer who offers housing to such workers may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for utilities and maintenance, or such lesser amount as permitted by law.

"(iv) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering housing to such workers, at the employer's sole discretion on an individual basis, the employer may provide a reasonable housing allowance. An employer who offers a housing allowance to such a worker under 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.

"(v) SECURITY DEPOSIT.—The requirement, if any, to offer housing to such a worker under this subparagraph shall not preclude an employer from requiring a reasonable deposit to protect against gross negligence or willful destruction of property, as a condition for providing such housing.

"(vi) DAMAGES.—An employer who offers housing to such a worker shall not be precluded from requiring a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(C) TRANSPORTATION.—If the employer provides transportation arrangements or assistance to H-2B aliens, the employer must offer to provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed by the employer in the occupation at the place of employment who were recruited from beyond normal commuting distance.

"(D) WORKERS' COMPENSATION.—If the employment covered by a labor condition attestation is not covered by the State workers' compensation law, the employer must provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers' employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(E) REQUIRED DOCUMENTATION.—

"(i) HOUSING AND TRANSPORTATION.—No specific documentation is required to be maintained to evidence compliance with the requirements of subparagraphs (B) and (C). In the event of a complaint alleging a failure to comply with such a requirement, the burden of proof shall be on the employer to show that the employer offered the required benefit to the complainant, or that the employer was not required by the terms of this paragraph to offer such benefit to the complainant.

"(ii) WORKERS' COMPENSATION.—The employer shall maintain copies of certificates of insurance evidencing compliance with subparagraph (D) throughout the period of validity of the labor condition attestation.

"(3) REQUIREMENT TO EMPLOY ALIENS IN TEMPORARY OR SEASONAL AGRICULTURAL JOB OPPORTUNITIES.—

"(A) LIMITATIONS.—

"(i) IN GENERAL.—The employer may employ H-2B aliens only in agricultural employment which is temporary or seasonal.

"(ii) SEASONAL BASIS.—For purposes of this section, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

"(iii) TEMPORARY BASIS.—For purposes of this section, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

"(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the employment meets such requirement.

"(4) REQUIREMENT NOT TO EMPLOY ALIENS IN JOB OPPORTUNITIES VACANT BECAUSE OF A LABOR DISPUTE.—

"(A) IN GENERAL.—No H-2B alien may be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the job opportunity in which the H-2B alien was employed was not vacant because the former occupant was on strike, locked out, or participating in a work stoppage in the course of a labor dispute in the occupation at the place of employment.

"(5) NOTICE OF FILING OF ATTESTATION AND SUPPORTING DOCUMENTATION.—

"(A) IN GENERAL.—The employer shall—

"(i) provide notice of the filing of a labor condition attestation to the appropriate certified bargaining agent (if any) which represents workers of the employer in the occupation (or occupations) at the place of employment covered by the attestation; or

"(ii) in the case where no appropriate bargaining agent exists, post notice of the filing of such an attestation in at least two conspicuous locations where applications for employment are accepted.

"(B) PERIOD FOR POSTING.—The requirement for a posting under subparagraph (A)(ii) begins on the day the attestation is filed, and continues through the period during which the employer's job order is required to remain active pursuant to paragraph (6)(A).

"(C) REQUIRED DOCUMENTATION.—The employer shall maintain a copy of the notice provided to the bargaining agent (if any), together with evidence that the notice was provided (such as a signed receipt of evidence of attempt to send the notice by certified or registered mail). In the case where no appropriate certified bargaining agent exists, the employer shall retain a copy of the posted notice, together with information as to the dates and locations where the notice was displayed.

"(6) REQUIREMENT TO FILE A JOB ORDER.—

"(A) EFFECT OF THE ATTESTATION.—The employer, or an association acting as agent for its members, shall file the information necessary to complete a local job order for each occupation covered by an accepted labor condition attestation with the appropriate local office of the qualified State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if workers will be employed in an area within the jurisdiction of more than one local office of such an agency. The job orders shall remain on file for 25 calendar days or until 5 calendar days before the anticipated date of need for workers in the occupation covered by the job order, whichever occurs later. The job order shall provide at least the minimum terms and conditions of employment required for participation in the H-2B program.

"(B) DEADLINE FOR FILING.—A job order shall be filed under subparagraph (A) no later than the date on which the employer files a petition with the Attorney General for admission or extension of stay for aliens to be employed in the occupation for which the order is filed.

"(C) REQUIRED DOCUMENTATION.—The office of the qualified State employment security agency which the employer or association provides with information necessary to file a local job order shall provide the employer with evidence that the information was provided in a timely manner as required by this paragraph, and the employer or association shall retain such evidence for each occupation in which H-2B aliens are employed.

"(7) REQUIREMENT TO GIVE PREFERENCE TO QUALIFIED UNITED STATES WORKERS.—

"(A) FILING 30 DAYS OR MORE BEFORE DATE OF NEED.—If a job order is filed 30 days or more before the anticipated date of need for workers in an occupation covered by a labor condition attestation and for which the job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who apply to the employer and who will be available at the time and place needed for the job opportunities covered by the attestation until 5 calendar days before the anticipated date of need for workers in the occupation, or until the employer's job opportunities in the occupation are filled with qualified United States workers, if that occurs more than 5 days before the anticipated date of need for workers in the occupation.

"(B) FILLING FEWER THAN 30 DAYS BEFORE DATE OF NEED.—If a job order is filed fewer than 30 days before the anticipated date of need for workers in an occupation covered by such an attestation and for which a job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who are or will be available at the time and place needed during the first 25 days after the job order is filed or until the employer's job opportunities in the occupation are filled with United States workers, regardless of whether any of the job opportunities may already be occupied by H-2B aliens.

"(C) FILING VACANCIES.—An employer may fill a job opportunity in an occupation covered by an accepted attestation which remains or becomes vacant after expiration of the required preference period specified in subparagraph (A) or (B) of paragraph (6) without regard to such preference.

"(D) JOB-RELATED REQUIREMENTS.—No employer shall be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful job-related standards of conduct and performance, including failure to meet minimum productivity standards after a 3-day break-in period.

"(E) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirements of this paragraph. In the event of a complaint, the burden of proof shall be on the complainant to show that the complainant applied for the job and was available at the time and place needed. If the complainant makes such a showing, the burden of proof shall be on the employer to show that the complainant was not qualified or that the preference period had expired.

"(8) REQUIREMENTS OF NOTICE OF CERTAIN BREAKS IN EMPLOYMENT.—

"(A) IN GENERAL.—The employer (or an association in relation to an H-2B alien) shall notify the Service within 7 days if an H-2B alien prematurely abandons the alien's employment.

"(B) OUT-OF-STATUS.—An H-2B alien who abandons the alien's employment shall be considered to have failed to maintain nonimmigrant status as an alien described in section 101(a)(15)(H)(ii)(b) and shall leave the United States or be subject to deportation under section 241(a)(1)(C)(i).

"(d) ACCEPTANCE BY QUALIFIED STATE EMPLOYMENT SECURITY AGENCY.—The qualified State employment security agency shall review labor condition attestations submitted by employers or associations only for completeness and obvious inaccuracies. Unless such an agency finds that the application is incomplete or obviously inaccurate, the agency shall accept the attestation within 7 days of the date of filing of the attestation, and return a copy to the applicant marked 'accepted'.

"(e) PUBLIC REGISTRY.—The Secretary shall maintain a registry of all accepted labor condition attestations and make such registry available for public inspection.

"(f) RESPONSIBILITIES OF THE QUALIFIED STATE EMPLOYMENT SECURITY AGENCIES.—

"(1) DISSEMINATION OF LABOR MARKET INFORMATION.—The Secretary shall direct qualified State employment security agencies to disseminate nonemployer-specific information about potential labor needs based on accepted attestations filed by employers. Such dissemination shall be separate from the clearance of job orders through the Interstate and Intrastate Clearance Systems, and shall create no obligations for employers except as provided in this section.

"(2) REFERRAL OF WORKERS ON QUALIFIED STATE EMPLOYMENT SECURITY AGENCY JOB ORDERS.—Such agencies holding job orders filed by employers covered by approved labor condition attestations shall be authorized to refer any able, willing, and qualified eligible job applicant who will be available at the time and place needed and who is authorized to work in the united States, including H-2B aliens who are seeking additional work in the United States and whose eligibility to remain in the United States pursuant to subsection (h) has not expired, on job orders filed by holders of accepted attestations.

"(g) ENFORCEMENT AND PENALTIES.—

"(1) ENFORCEMENT AUTHORITY.—

"(A) INVESTIGATION OF COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in subsection (a) or an employer's misrepresentation of material facts in such an application. Complaints may be filed by any aggrieved person or organizations (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively. The Secretary shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) WRITTEN NOTICE OF FINDINGS AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in paragraph (2) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

"(2) REMEDIES.—

"(A) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or H-2B alien employed by the employer in the specific employment in question. The back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(B) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this section, the Secretary may assess a civil money penalty up to $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of H-2B aliens for a period of time determined by the Secretary not to exceed 1 year.

"(C) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a complaint, determines that an employer covered by an accepted labor condition attestation has—

"(i) filed an attestation which misrepresents a material fact; or

"(ii) failed to meet a condition specified in subsection (a),

the Secretary may assess a civil money penalty not to exceed $1,000 for each violation. In determining the amount of civil money penalty to be assessed, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

"(D) PROGRAM DISQUALIFICATION.—

"(i) 3-YEARS FOR SECOND VIOLATION.—Upon a second final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from the employment of H-2B aliens for a period of 3 years.

"(ii) PERMANENT FOR THIRD VIOLATION.—Upon a third final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from any subsequent employment of H-2B aliens.

"(3) ROLE OF ASSOCIATIONS.—

"(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf a labor condition attestation is filed by an association acting as its agent is fully responsible for such attestation, and for complying with the terms and conditions of this section, as though the employer had filed the attestation itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

"(B) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing a labor condition attestation on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under paragraph (2)(D), no individual member of such association may be the beneficiary of the services of an H-2B alien in an occupation in which such alien was employed by the association during the period such disqualification is in effect, unless such member files a labor condition attestation as an individual employer or such an attestation is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this section.

"(h) PROCEDURE FOR ADMISSION OR EXTENSION OF H-2B ALIENS.—

"(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

"(A) PETITIONING FOR ADMISSION.—An employer or an association acting as agent for its members who seeks the admission into the United States of H-2B aliens may file a petition with the District Director of the Service having jurisdiction over the location where the aliens will be employed. The petition shall be accompanied by an accepted and currently valid labor condition attestation covering the petitioner. The petition may be for named or unnamed individual or multiple beneficiaries.

"(B) EXPEDITED ADJUDICATION BY DISTRICT DIRECTOR.—If an employer's petition for admission of H-2B aliens is correctly filled out, and the employer is not ineligible to employ H-2B aliens, the District Director (or the Director's designee) shall approve the petition within 3 working days of receipt of the petition and accepted labor condition attestation and immediately (by fax, cable, or other means assuring expedited delivery) transmit a copy of the approved petition to the petitioner and to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(C) UNNAMED BENEFICIARIES SELECTED BY PETITIONER.—The petitioning employer or association or its representative shall approve the issuance of visas to beneficiaries who are unnamed on a petition for admission granted to the employer or association.

"(D) CRITERIA FOR ADMISSIBILITY.—

"(i) IN GENERAL.—An alien shall be admissible under this section if the alien is otherwise admissible under this Act and the alien is not debarred pursuant to the provisions of clause (ii).

"(ii) DISQUALIFICATION.—An alien shall be debarred from admission or being provided status as an H-2B alien under this section if the alien has, at any time—

"(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(II) has otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(E) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the petitioner not to exceed 10 months, or the remaining validity period of the petitioner's approved labor condition attestation, whichever is shorter, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless the original petitioner or a subsequent petitioner has filed an extension of stay on behalf of the alien.

"(F) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

"(i) IN GENERAL.—The Attorney General shall cause to be issued to each H-2B alien a card in a form which is resistant to counterfeiting and tampering for the purpose of providing proof of identity and employment eligibility under section 274A.

"(ii) DESIGN OF CARD.—Each card issued pursuant to clause (i) shall be designed in such a manner and contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual, and shall—

"(I) contain a fingerprint or other biometric identifying data (or both);

"(II) specify the date of the aliens authorization as an H-2B alien;

"(III) specify the expiration date of the alien's work authorization; and

"(IV) specify the alien's admission number or alien file number.

"(2) EXTENSION OF STAY.—

"(A) APPLICATION FOR EXTENSION OF STAY.—If a petitioner seeks to employ an H-2B alien already in the United States, the petitioner shall file an application for an extension of stay. The application for extension of stay shall be accompanied by a currently valid labor condition attestation.

"(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 2 years from the date of the alien's last admission to the United States as a H-2B alien, whichever occurs first. An application for extension of stay may not be filed during the pendency of an alien's previous authorized period of admission, nor after the alien's authorized stay in the United States has expired.

"(C) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien already in the United States in H-2B status on the day the employer files its application for extension of stay with the Service. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of receipt of the application. The employer shall provide a copy of the employer's application for extension of stay to the alien, who shall keep the application with the alien's identification and employment eligibility card as evidence that the extension has been filed and that the alien is authorized to work in the United States. Upon approval of an application for extension of stay, the Service shall provide a new employment document to the alien indicating a new validity date, after which the alien is not required to retain a copy of the application for extension of stay.

"(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF H-2B ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility card, together with a copy of an application for extension of stay, shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility card shall be acceptable.

"(3) LIMITATION ON AN INDIVIDUAL'S STAY IN H-2B STATUS.—An alien having status as an H-2B alien may not have the status extended for a continuous period longer than 2 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which an H-2B visa is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if its lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

"(i) TRUST FUND TO ASSURE WORKER RETURN.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of providing a monetary incentive for H-2B aliens to return to their country of origin upon expiration of their visas under this section.

"(2) WITHHOLDING OF WAGES; PAYMENT INTO THE TRUST FUND.—

"(A) IN GENERAL.—Employers of H-2B aliens shall—

"(i) withhold from the wages of their H-2B alien workers an amount equivalent to 25 percent of the wages of each H-2B alien worker and pay such withheld amount into the Trust Fund in accordance paragraph (3); and

"(ii) pay to the Trust Fund an amount equivalent to the Federal tax on the wages paid to H-2B aliens that the employer would be obligated to pay under the Federal Unemployment Tax Act and the Federal Insurance Contributions Act.

Amounts withheld under clause (i) shall be maintained in such interest bearing account with such a financial institution as the Attorney General shall specify.

"(3) DISTRIBUTION OF FUNDS.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(i), and interest earned thereon, shall be paid by the Attorney General as follows:

"(A) REIMBURSEMENT OF EMERGENCY MEDICAL EXPENSES.—To reimburse valid claims for reimbursement of emergency medical services furnished to H-2B aliens, to the extent that sufficient funds are not available on an annual basis from the Trust Fund pursuant to paragraphs (2)(A)(ii) and (4)(B).

"(B) PAYMENTS TO WORKERS.—Amounts paid into the Trust Fund on behalf of a worker, and interest earned thereon, less a pro rata reduction for any payments made pursuant to subparagraph (A), shall be paid by the Attorney General to the worker if—

"(i) the worker applies to the Attorney General (or the designee of the Attorney General) for payment within 30 days of the expiration of the alien's last authorized stay in the United States as a H-2B alien;

"(ii) in such application the worker establishes that the worker has complied with the terms and conditions of this section; and

"(iii) in connection with the application, the worker tenders the identification and employment authorization card issued to the worker pursuant to subsection (h)(1)(F) and establishes that the worker is identified as the person to whom the card was issued based on the biometric identification information contained on the card.

"(4) ADMINISTRATIVE EXPENSES AND EMERGENCY MEDICAL EXPENSES.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(ii), and interest earned thereon, shall be paid by the Attorney General as follows:

"(A) ADMINISTRATIVE EXPENSES.—First, to the Attorney General, the Secretary of Labor, and the Secretary of State in amounts equivalent to the expenses incurred by such officials in the administration of section 101(a)(15)(H)(ii)(b) and this section.

"(B) REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES.—Any remaining amounts shall be available on an annual basis to reimburse hospitals for emergency medical services furnished to H-2B aliens as provided in subsection (k)(2).

"(5) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this subsection.

"(j) INVESTMENT OF TRUST FUND.—

"(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgement, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the price; or

"(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(4) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Attorney General) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and a Senate document of the session of the Congress to which the report is made.

"(k) REIMBURSEMENT OF COST OF EMERGENCY MEDICAL SERVICES.—

"(1) IN GENERAL.—The Attorney General shall establish procedures for reimbursement of hospitals operated by a State or by a unit of local government (or corporation owned or controlled by the State or unit) for the reasonable cost of providing emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services) in the United States to H-2B aliens for which payment has not been otherwise reimbursed.

"(2) SOURCE OF FUNDS FOR REIMBURSEMENT.—Funds for reimbursement of hospitals pursuant to paragraph (1) shall be drawn—

"(A) first under subsection (i)(4)(B), from amounts deposited in the Trust Fund under subsection (i)(2)(A)(ii) after reimbursement of certain administrative expenses; and

"(B) then under subsection (i)(3)(A), to the extent that funds described in subparagraph (A) are insufficient to meet valid claims, from amounts deposited in the Trust Fund under subsection (i)(2)(A)(i).

"(l) MISCELLANEOUS PROVISIONS.—

"(1) APPLICABILITY OF LABOR LAWS.—Except as provided in paragraphs (2), (3), and (4), all Federal, State, and local labor laws (including laws affecting migrant farm workers) applicable to United States workers shall also apply to H-2B aliens.

"(2) LIMITATION OF WRITTEN DISCLOSURE IMPOSED UPON RECRUITERS.—Any disclosure required of recruiters under section of 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) need not be given to H-2B aliens prior to the time their visa is issued permitted entry into the United States.

"(3) EXEMPTION FROM FICA AND FUTA TAXES.—The wages paid to H-2B aliens shall be excluded from wages subject to taxation under the Federal Unemployment Tax Act and under the Federal Insurance Contributions Act.

"(4) INELIGIBILITY FOR CERTAIN PUBLIC BENEFITS PROGRAMS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), any alien provided status as an H-2B alien shall not be eligible for any Federal or State or local means-tested public benefit program.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the following:

"(i) EMERGENCY MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services).

"(ii) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

"(iii) SHORT-TERM EMERGENCY DISASTER RELIEF.—The provision of non-cash, in-kind, short-term emergency disaster relief.

"(m) CONSULTATION ON REGULATIONS.—

"(1) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Agriculture, and the Attorney General shall approve, all regulations dealing with the approval of labor condition attestations for H-2B aliens or enforcement of the requirements for employing H-2B aliens under an approved attestation.

"(2) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary of Agriculture on all regulations dealing with the approval of petitions for admission or extension of stay of H-2B aliens or the requirements for employing H-2B aliens or the enforcement of such requirements.

"(n) DEFINITIONS.—For the purpose of this section:

"(1) AGRICULTURAL ASSOCIATION.—The term 'agricultural association' means any nonprofit or cooperative association of farmers, growers, or ranchers incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any agricultural workers.

"(2) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

"(3) EMPLOYER.—The term 'employer' means any person or entity, including any independent contractor and any agricultural association, that employs workers.

"(4) H-2B ALIEN.—The term 'H-2B alien' means an alien admitted to the United States or provided status as a nonimmigrant under section 101(a)(15)(H)(ii)(b).

"(5) QUALIFIED STATE EMPLOYMENT SECURITY AGENCY.—The term 'qualified State employment security agency' means a State employment security agency in a State in which the Secretary has determined that the State operates a job service that actively seeks to match agricultural workers with jobs and participates in a multi-State job service program in States where significant supplies of farm labor exist.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(7) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen, a United States national, or an alien, who is legally permitted to work in the job opportunity within the United States other than aliens admitted pursuant to this section."

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218 the following new item:

"Sec. 218A. Alternative agricultural worker program.".

At the end of section 308(g)(10), add the following:

(H)(i) Section 214(l)(2), as added by section 822(c), is amended by striking "241(a)(1)(C)" and inserting "237(a)(1)(C)".

(ii) Section 218A(c)(8)(B), as inserted by section 823(a), is amended by striking "deportation under section 241(a)(1)(C)(i)" and inserting "removal under section 237(a)(1)(C)(i)".

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. POMBO] and a Member opposed will each control 30 minutes of time.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that I believe accomplishes two very important goals. First, and most important, my amendment creating a pilot guest worker program makes H.R. 2202 a better bill—a more effective bill—that will strengthen our ability to curb illegal immigration. Second, my amendment will ensure that should H.R. 2202 create shortages in the availability of seasonal, agricultural labor, that non-Americans can be used—on a temporary basis—to pick the crops and manage the herds. This is in everyone's best interest.

Contrary to some of the rhetoric on this issue, my amendment supports and enhances immigration control. The increased employer sanctions already in H.R. 2202 for hiring illegals—coupled with strong incentives to leave this country when the growing season ends—creates a vast improvement over current law. Added to that is the mandatory withholding of 25 percent of the worker's salary to be returned to his country of origin and collected when he returns. Even now, without the sanctions in H.R. 2202 or the incentives to leave in my amendment, very few alien agricultural workers overstay their visas. We can expect even this small number to drop under my proposal.

This pilot program represents a substantial improvement over current law and provides numerous sanctions and incentives to stem the tide of illegals coming to America.

At the same time, this pilot program would allow non-Americans to provide the farm and ranch labor when—and only when—we cannot find Americans to do it. Every consumer enjoys lowcost food benefits from this.

My amendment accomplishes this not through loopholes or underenforcement of law, but rather by creating a workable program addressing a real shortage of Americans able and willing to provide seasonal farm and ranch labor, accompanied with strict control and enforcement.

I also want to reiterate that this program would only be used if there is a shortage in American labor. If all those who say that there will be no shortage of workers are right—then this program will never be used and that's fine. But should these people be wrong, my amendment provides an insurance policy against fields of rotting, unharvested crops, which inevitably raises food prices.

Finally, this amendment will not cost one American job. Any American who wants to do this work must be given the opportunity—as is already the case with the H2–A program.

Currently, the only program designed to address this shortage of farm and ranch labor is the H–2A program. Anyone familiar with that program can speak of its shortcomings and constraints, and why it is largely unworkable for the agricultural needs of many States. It is my hope that the pilot program in my amendment can serve as the model for replacing the current H–2A program.

My amendment is supported by an unprecedented coalition of nearly 70 State and Federal agricultural organizations including the American Farm Bureau, National Cattlemen's Association, National Council of Agricultural Employers, and many others. I urge my colleagues to support this pilot program as both an important tool to fight illegal immigration and as an insurance policy against unharvested food, closed farms and higher food costs. Please vote "yes" on the Pombo-Chambliss amendment.

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

The CHAIRMAN. Is there a Member opposed to this amendment?

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. GOODLATTE] is recognized for 30 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield 15 minutes of my time to the gentleman from California [Mr. BERMAN], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a Committee on Agriculture member, I too have heard the concerns of agriculture employers who call the current H–2A guest worker program unworkable and thus understand that my colleagues want to give the growers a program that works. I agree that growers need some relief and must be able to depend on a reliable source of foreign workers.

But the Pombo-Chambliss amendment takes the completely wrong approach. We should not create an entirely new, untested, massive guest worker program when we have a program already. Let us fix the H–2A program instead.

The Pombo-Chambliss amendment creates an institutionalized program which could bring up to 250,000 aliens into our country per year.

The Goodlatte compromise amendment is based on hearings held on the H–2A program in both the Committee on Agriculture and Committee on the Judiciary. It will cap the number of visas available for H–2A workers at 100,000. Seventeen thousand guest workers are currently coming into the United States under the H–2A program. That allows for a very substantial increase. It pays for workers' way home, it protects American workers by making sure that guest workers do not adversely affect wages and working conditions of American workers, and it will also require that growers actively recruit for U.S. workers before they can get guest workers. It lifts the burdensome regulations on growers, such as the 50 percent rule and the 3–4 guarantee, and cuts 33 percent off the application processing time for the H–2A certification.

Take a lesson from the history books. The Bracero Program was the beginning of our illegal immigration problem we are attempting to curb in H.R. 2202. Hundreds of thousands of braceros became accustomed to the American standard of living and wages. Once the Bracero Program ended, many braceros resorted to coming to this country illegally. That trend continues today.

Supporters of the Pombo-Chambliss amendment claim unless we create a massive new guest worker bureaucracy, the illegal immigration patterns begun with the Bracero Program will simply grow. How can it get any worse? National organizations representing the growers have on the record stated that at any given time, at least 50 percent of their work force is comprised of illegal aliens. If we enact the H–2B program in the Pombo-Chambliss amendment, we will simply take the inroad we have made in H.R. 2202 to cut illegal immigration and throw them away.

This program will let in 250,000 unskilled foreign workers a year. That is four times the number of skilled workers we are going to admit. We are limiting the number of visas for family reunification. What is the point if we create this new program? This flies in the fact of evidence that there is now a great surplus of domestic farm workers. In the agriculture counties of California, there has been a 10 to 20 percent unemployment rate even in the summer months of peak demand by growers. The research director of the U.S. Commission on Agricultural Workers, which was evenly balanced with grower representatives, stated that there is and has been for many years an overall agricultural labor surplus in the United States and there will not be a labor shortage in the future. H.R. 2202's employment verification system is voluntary. Agriculture employers do not have to use it unless they choose to.

Even if the 25 percent of the seasonal labor force which is presently illegal were to magically disappear, there will still be no shortage. The U.S. Commission on Immigration Reform, headed by the late Barbara Jordan, recently found that if the supply of illegal farm workers dried up tomorrow or if growers chose to stop hiring illegal workers, the supply of work-authorized farm workers is ample, even in peak harvest months.

Let me talk about some of the specific problems with the Pombo-Chambliss H-2B program. This program would gut protections for guest workers and U.S. workers. It is an attestation program. The current H-2A system is a certification program. Under a certification procedure, an employer has to prove to the Secretary of Labor that it has met certain conditions before the Secretary will permit the entry of an alien worker.

With an attestation program, such as the one set up by Pombo-Chambliss, there are no controls on the number of foreign workers a grower brings in until after the growing season is over. The Secretary will permit the entry of an alien worker based on the employer promising it will meet certain conditions in the future. Only if an interested party, such as a union, complains to the Secretary that the employer is not fulfilling an attestation, will the Secretary initiate an investigation.

This type of program invites abuse. It has no practical provision for enforcement. In addition, no mechanism for enforcement exists for its recordkeeping and other requirements. Guest workers cannot be expected to leave the United States and return home when their work contracts end. The program that currently exists, that previously existed, has taught us that lesson. The lure of American jobs at much higher pay than available back home is just too great. Once settled and plugged into their job networks, they will then encourage their families and friends to come illegally and join them. We must stop this trend from continuing. Let us fix the H-2A program, not create an immigration nightmare.

Mr. Chairman, I urge my colleagues to oppose the Pombo-Chambliss amendment.

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

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. BRYANT], the ranking member of the subcommittee.

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this should be an easy decision for all of us. This is an amendment that proposes to allow 250,000 foreign workers to come into the country to do work that could be done by American workers.

We have already been through this once. In 1986 we faced this situation, and many will remember that we at that time granted amnesty to what ultimately were, I think, 1.1 million people that had become workers on whom growers principally in southern California were dependent.

It was the hardest vote and the most difficult decision of the entire bill. We did it because it was the right thing to do. We should not be in a position to have to do it again. That is exactly where this amendment is going to lead us.

Second, we have got to get away from this idea that we have the obligation or the need to bring foreign workers into the country in order to deal with our economic needs. The fact of the matter is, there is a surplus of seasonal farm workers, and in fact even now 50 percent of seasonal farm workers live in poverty. There is a surplus of these folks. There are thousands of them available.

Mr. Chairman, I submit to the authors of the amendment and to those listening to this debate that there is not any credible study that indicates there is a need to bring in 250,000 people to do work on our farms in this country, and I urge Members to vote against it.

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It will clearly, in my view, lead to not only making life more miserable for folks that do very tough work at very low wages already by, in effect, reinstating the old bracero program, but it also will lead to increased illegal immigration because we are not being realistic if we expect guest workers to leave at the end of every worker contract. That simply is not going to happen. They are going to stay here.

In fact, the terms of the amendment allow them to stay as long as 2 years if their initial stay is extended and to do so legally. We have got to start sticking up for American workers. We have an American work force that can do this work. Maybe they do not want to do it at dirt-level wages. Maybe they need to have their wages raised. But we have the people to do this work.

We ought not to pass this amendment. We ought not to vote in favor of letting 250,000 people come into the country to do work that ought to be done and can be done and will be done by American workers.

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. DE LA GARZA], the ranking Democrat on the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, under ordinary circumstances, I would be interested in supporting an amendment of this nature, but the way that we have handled this bill throughout the day, I must oppose it. One cannot say to people, you cannot bring your mother, you cannot bring your father, you have to speak English, you cannot come, we do not want you, get the dickens out of this country, but if you come to work temporarily when we can withhold 25 percent of your wages, when we can tell you if you have insurance for your car and not have insurance for your car, then you can come and work.

I can get all the workers we want in my congressional district, and they are good hard workers. But in the spirit in which we are dealing here today, to me it is insulting, it is demeaning. These will be indentured servants in the United States of America, indentured to individuals who will withhold under law 25 percent of their pay, maybe or maybe not get housing or be charged for housing or forced to buy it at the ranch store or the company store.

It is bad as it is, but I cannot accept all of the other things that are coming through. We are almost to the point where I am tempted to offer an amendment that anyone who is a descendant of a foreigner has to go back to the country of origin. That is about what we are up to. We even might want to change my name from GARZA to CRANE. It has gotten to the point where it is now ridiculous.

If we have problems with population, we work on the numbers, work on the numbers legitimately. I do not have any objection if we are overpopulated. But let me say to my California friends, if not one more alien comes to California, by 2012 California is more than 50 percent Asian and Hispanic. So, listen to that; 12, 15 more years, more than 50 percent, no matter what else is done. So I would think that we would be interested in seeing what we can do legally.

Mr. Chairman, if my colleagues are interested in numbers, I am with them. We have to work on that. But saying they are going to be terrorists, they are going to come blow the countryside apart, they are going to come and destroy the Government, they are only talking about Mexico and Central America, and they have to admit that. They have to admit that.

Anyone that does not look like, I do not know, the gentleman from California [Mr. POMBO] and I look alike. But maybe like the gentleman from California [Mr. BERMAN] then his is OK. If he looks like Mr. POMBO and me, he is not OK, throw him out, send him back. I cannot support this under this, the way that we are handling it.

Mr. POMBO. Mr. Chairman, I thank the former ranking member, and I do agree with many of his sentiments. I hope in the future we do have a chance to work on this.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in support of the Pombo-Chambliss amendment to H.R. 2202 to establish a pilot program to allow temporary, and I want to underline temporary, guest workers into this country to help out in the agricultural industry. This amendment is carefully constructed to allow only guest workers into this country after, after a series of steps have been taken to find domestic workers to fill agricultural jobs.

In addition, the bill provides strong incentives for guest workers to return

to their native homeland by withholding 25 percent of their wages until they return home. In addition, the number of workers allowed in this country has a capped span of 3 years.

Mr. Chairman, I just would like to point out how important this is to my district on the central coast of California and give an example of how this is important to a farm in my district. The Logoluso Farms in my district is located in Cuyama, a very isolated area. They farm 1,100 acres of Fuji apples and they are going to need at least 600 workers at peak harvest time.

Now they are very concerned as to where the labor is going to be coming from because their farm, their acreage, is located some 60 miles away from the nearest small town. A temporary guest worker program that mandates strict labor conditions be met along with adequate housing facilities is a safety valve needed in case the labor supply cannot be met domestically. Most importantly, there are strong incentives here in this amendment, and I would just ask that my colleagues vote in favor of this amendment.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I thank the gentleman from California for yielding me the time.

Mr. Chairman, my district consists of approximately 18,000 farms. Most of these farms engage in the production of cucumbers, sweet potatoes, tobacco, and peanuts, very labor-intensive work. Roughly 80 percent of the produce in my district is harvested by seasonal migrant workers. Throughout our Nation, as in North Carolina, seasonal workers have helped labor-intensive farm commodities to become the fastest growing sector of the U.S. agricultural world.

However, farmers in the South are having a very difficult time finding people to do farm work. If it was not for the migrant workers, our farmers would not be able to harvest their crops. We need to guarantee our farmers an ample supply of legal workers. The Pombo-Chambliss amendment creates a workable solution to this important issue. It admits temporary workers by creating a 3-year pilot program with an annual cap on the number of workers admitted.

Congress is trying to control illegal immigration, not destroy the work force of the American farmer. Please support the Pombo amendment.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, H.R. 2202 provides comprehensive reform of our immigration laws but ignores an irrefutably broken H-2A program. This H-2A program has failed to provide temporary migrant farm workers when domestic workers are unavailable. The Pombo-Chambliss amendment is an essential part of illegal immigration control. It admits workers temporarily and provides guarantees they will return home and not remain. Twenty-five percent of the workers' wages are withheld until they return to their home countries. Future participation is barred if workers don't return home on time. This program has a users' fee that pays for the government administrative costs.

The Goodlatte amendment tinkers with a broken H-2A program rather than fixing it, but in fact makes a bad program worse.

First and foremost, we must assure an adequate work force during harvest. Without this Pombo amendment, our cucumber, sweet potato, tobacco and other farmers could be out of business, meaning a tremendous loss of food and jobs in the Second District of North Carolina—something we can't afford. Therefore, Mr. Speaker, I strongly urge my colleagues to vote "yes" on Pombo and "no" on Goodlatte.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, before I yield to the gentleman from North Dakota, I just want to point out that in the gentleman from North Carolina's district, rural unemployment is now 9 percent.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY], a member of the Committee on Agriculture.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me the time.

The statistic just quoted shows exactly what this bill is about. This bill is not about desperately needed workers to fulfill jobs. This is about having a cheap supply of labor to hold wages down. There have been some in favor of immigration reform that want to have it both ways: Crack down on immigration, triple fence the border, but by golly, do not disrupt our ability to get that cheap supply of unskilled labor up from south of the border. They want to have it both ways, but you cannot have it both ways.

Mr. Chairman, I am reminded a bit of how the French chose to construct their defense in anticipation of World War II. They constructed an invincible line called the Maginot Line, and it was to withhold any German attack. The Germans flanked the Maginot Line and of course rendered the defense useless. We build triple fences, our Maginot Line against immigration, and we are going to provide the transport. We ourselves are going to allow the transport of unskilled workers up from Mexico around the fences and on to farms where they can wander off and become a continuing part of the illegal immigration problem this country has had an experience with.

Make no bones about it, the Pombo amendment blows a hole in everything we are trying to do to crack down on illegal immigration and that will even more be the case when the other immigration reforms take effect under the law. Already we see under the guest worker program overstays represent 12 percent of the program, meaning 12 percent of the workers stay longer than they are authorized to under the program. That will only increase if this amendment should be incorporated into this law.

Mr. Chairman, in addition, we have a revenue estimate today from the Congressional Budget Office that shows a loss in revenue of $23 million and an increase in direct spending of $67 million if the Pombo amendment is enacted. This amendment would cost us at a minimum $90 million a year while compounding the illegal immigration, unskilled worker problem in our country. Please join me in voting down this amendment.

AMENDMENT OFFERED BY MR. CONDIT TO THE AMENDMENT OFFERED BY MR. POMBO

Mr. CONDIT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. CONDIT to the amendment offered by Mr. POMBO.

In section 823(a), in the section 218A(a)(3)(B) of the Immigration and Nationality Act inserted by such section, add at the end the following:

"(iii) CONSEQUENCES OF PERMANENT EXTENSION.—If the Congress makes the program under this section permanent, Congress shall provide for a two-year phase out of admissions (and adjustments of status) of nonimmigrants under section 101(a)(15)(H)(ii)(a). In the case of such a phase out, the Attorney General and the Secretary of Labor shall provide for the application under this section of special procedures (in the case of occupations characterized by other than a reasonably regular workday or workweek) in the same manner as special procedures are provided for under regulations in such a case for the nonimmgrant workers under section 101(a)(15)(H)(ii)(a).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. CONDIT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

PARLIAMENTARY INQUIRIES

Mr. BECERRA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BECERRA. Mr. Chairman, at this time we are moving on to the amendment by the gentleman from California [Mr. CONDIT], in which case 5 minutes will be accorded to both those supporting and those opposing.

My parliamentary inquiry is, what happens to the time that had been allotted for the Pombo amendment? Does

that remain at the end of the debate of the Condit amendment?

The CHAIRMAN. All remaining time would be reserved on the Pombo amendment that is currently pending.

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, as I understand the amendment from the gentleman from California, it is an amendment to the Pombo amendment.

The CHAIRMAN. The gentleman is correct.

Mr. BERMAN. Under the rule, an individual opposed to the amendment has 5 minutes of time to control; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. BERMAN. So this will be 5 minutes in addition to the remaining time on the Pombo amendment.

The CHAIRMAN. The gentleman is correct.

The Chair recognizes the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me commend the gentleman from California [Mr. POMBO] and the gentleman from Georgia [Mr. CHAMBLISS] for their efforts in this issue. They both have demonstrated leadership, and my amendment to their amendment is a friendly amendment and it is pretty straightforward.

□ 1645

It simply says and assures that should the pilot guest worker program established by this amendment gain permanent status, that we will be left with only one guest worker program. As it stands right now, if the Pombo amendment passes, Pombo-Chambliss, it will create two guest worker programs. I do not believe that is the intent of the Committee on Agriculture, nor is it the intent of the author of the amendment to create two programs.

So basically what it does, simply, whenever it becomes permanent, it will be one program, and it will encompass all the people that need to be serviced under a guest worker program.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

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

Mr. POMBO. The gentleman is correct. The intention of the amendment, because it is a pilot program and is a temporary program, if it were to be made a permanent program, the repeal of the H-2A program so that we would have one program, would be the intention of the committee. And I would support the gentleman's amendment and accept it.

Mr. CONDIT. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member opposed to the amendment offered by the gentleman from California?

Mr. BERMAN. Yes, Mr. Chairman, I rise in opposition to the amendment to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not intend to call for a rollcall vote on this amendment. It is the Pombo amendment, with or without the Condit amendment, that I seek to defeat.

Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, today we are here to debate immigration reform. Most people agree that immigration reform needs cutting back on the number of illegal immigrants entering this country. Some would go further to say that it means cutting the number of legal immigrants entering this country. Never mind the problems each of us may have with the bill, at least we can debate these issues on the merits. But this amendment, the Pombo amendment before us, flies in the face of the purported goals.

The gentleman from California [Mr. POMBO] is offering an amendment that would open a back door to allow 250,000 foreign agricultural workers into this country.

What is the power behind this amendment?

It is agribusinesses. Agribusinesses want to circumvent the market system by carving out a giant government loophole in the immigration system, and while everybody knows that there is no shortage of labor in this country, agribusinesses insist that there is.

In simple terms, agribusiness is saying that this immigration bill goes too far. It is saying that it does not want to pay fair wages for legal farm workers. Agribusiness is saying that bringing a quarter of a million foreign agricultural workers into this country will help control illegal immigration. This is tantamount to saying that one can put out a fire with gasoline. We cannot have it both ways, my colleagues.

For too long the U.S. Government has granted select agricultural growers a privilege which few other industries have. Many of us remember the old Bracero program, which brought in and contracted Mexican workers to come here and work. I saw that program in action. As a young man, I went to the Central Valley in California, and I picked crops, and I saw the squalor and the deprivation in which these people worked and had to live.

Mr. Chairman, we cannot commit this mistake again in this country. It would be scandalous. It would be insidious.

Instead of allowing to bring in foreign workers with virtually no rights, agricultural employers should turn to market methods for recruiting American workers. It is simple, it is simple to recruit them. Just offer American workers adequate pay, decent wages decent working conditions, and let us stop the deception that we are seeing here with this amendment.

Mr. Chairman, I urge my colleagues to not repeat those mistakes of history and vote "no" for the Pombo amendment.

Mr. CONDIT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Come on, folks. The operative word in the gentleman from California's statement that he just spoke was "was." He is talking about yesterday.

I know it is not useful sometimes, or even politic, to deal factually with amendments in front of us on this floor, but this is not the re-creation of a guest worker or Bracero program from 20 or 30 years ago. We can relive the problems, if my colleagues want to, in a kind of a nostalgic way and talk about Wilga, and talk about workers rights, but, come on. This is 1996.

Let us take a look at what is the Pombo amendment actually requires.

No. 1, we got to give preference to U.S. workers. Now, unemployment figures have been cited in various counties. Let me tell my colleagues unemployment figures and willing workers are two different things. Sometimes they are night and day. But if people are willing to work, they have got a job. We do not go without jobs. Our problem is we have difficulty sometimes finding willing workers, especially in peak harvest periods when, for example, in a 7-day period in Fresno County more than 50,000 people are needed to pull those what were grapes, now sun-dried into raisins, down onto the ground, put them on clean paper, and in a very short period of time prepare that product for market. I say to my colleagues, you need labor when you need it in the agricultural arena.

Starvation wages? The Pombo amendment says,

> You have to pay at least the prevailing wage in the occupation area, at least the prevailing wage, and you have to pay it the same to the U.S. worker and the alien. You have to provide comparable transportation, U.S. worker and alien. You have got to cover all of the alien workers, as you do U.S. workers, with Workmen's Comp, comparable insurance. You have to go through a whole series of procedures. You have got to guarantee these aliens don't replace striking workers. You have got a procedure here that says these workers will receive every opportunity that workers who otherwise would be working will receive with one additional factor, they can only be here 10 months, a portion of their wages are withheld, that portion that's withheld is paid interest, and that pot of money, which is the reason these people came here in the first place, that pot of money is available to them if they go home on time. If they don't go home on time, they lose the pot of money

I heard a figure in which 12 percent of these individuals move away from those jobs. Guess what percent of the workers who run across the border and risk their lives in freeway traffic, what percent of those folks go home when the job is up? The answer is zero, 100 percent of those people do not.

Without a responsible program to allow people who want to work to come in to work when the work is needed we are going to have more illegals. The Pombo amendment is a creative, positive 1996 respective amendment, and I ask for its adoption.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield I might just point out that in Kern County, the base county of the gentleman from California who just spoke, I wonder what the 13.6 percent unemployed people in that county will say about this effort to go.

Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, this is a powerfully bad program that should not be enacted. I find it ironic that we are hearing for the last 2 days how terrible it is that we have all these people coming into our country, we do not want these people in our country, we do not want these people who cannot pass an English test to come to our country. But we do want them if they will be cheap labor, we do want them if it is going to be easy for us to send them home like they are widgets at the end of a period of time.

Mr. Chairman, that is not how this country should act. That is not how this country should operate.

Let us look at the people who are going to be coming to work in this program. These are people who are coming here for a better life. They would not be coming here if they were not doing better economically, and the proponents of this program are saying at the end of this time they are just going to go home. Well, Mr. Chairman, I do not think they are just going to go home because they came here to have a better life, and then we are going to have more problems with more people in prison, we are going to have more problems with more people on welfare because they are still going to have a better life, even if they are living in the underground in the United States, many times, than in their old communities.

Now people say that we need this. I find it ironic that the proponents of this program who are pushing so hard do not want to rely on the time-tested notion of using the free market. This is a capitalistic society. If there is a shortage of workers, and we hear people talking about unemployment rates of 13 percent, 9 percent, I will tell my colleagues how we can get more workers: Pay them more. Pay them more money, and they will come. That is how we have done it for hundreds of years.

Let us continue to do it, Mr. Chairman, Let us not have this program. Let us defeat this program and help American workers.

Mr. CONDIT. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. DEUTSCH].

The CHAIRMAN. The gentleman from Florida is recognized for 30 seconds.

Mr. DEUTSCH. Mr. Chairman, I rise today to speak in favor of this amendment. I represent a district that provides most of the tropical foliage for the United States. Without passage of the Pombo-Chambliss amendment, the immigration bill will severely hurt U.S. agricultural producers in south Florida. This bill will make it tougher to hire workers during peak harvesting periods.

Some of my colleagues will argue that this amendment hurts American workers by allowing employers to hire illegal immigrants. This is simply not true. In fact, the Pombo-Chambliss amendment requires an employer to give preference to U.S. workers for a minimum of 25 days before the position can be offered to an immigrant. Moreover, no aliens can be employed at a position which is open due to strikes or labor disputes.

Let us be clear. This amendment helps the American economy. And it does not sacrifice our desire to stem the tide of illegal immigrants. It allows agricultural producers to hire guest workers only when there is a temporary shortage of American workers. It requires employers to withhold 25 percent of the guest workers pay until they return home. Finally, those immigrants that violate this program can be deported and prevented from participating with this program in the future. This amendment does not weaken the immigration bill. Rather, it enhances the effectiveness of this bill and helps the American economy.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR], a member of the Committee on Agriculture.

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment. I represent a lot of agriculture, 2.4 billion dollars' worth of agriculture, and what we do in agriculture is we honor labor, and this Congress honors labor. We are always talking about productivity and how great American workers are. We have done that with the autoworker industry and the aerospace industry, and we ought to be doing it more with farm labor supply. We have got 18-percent unemployment in most rural counties in America.

This is not an issue about labor shortage. This is an issue about wages. If my colleagues think people will not go out and do hard work, just look at all the people that flee to Alaska when they can catch salmon and have to work all day and night to do it because the wages they get out of that process is very high.

I urge my colleagues to really honor American labor. Honor farm productivity by not allowing 250,000 foreigners to come in and say to this country, "You can't do your own work." We produce quality agriculture in America, we can do it with our own labor. We do not need a foreign supply. Vote "no" on the Pombo amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Chairman, am I to understand that there is no time left in opposition to the Condit amendment?

The CHAIRMAN. The gentleman is correct.

There is no time left on the Condit amendment only.

Mr. BERMAN. That is the Condit amendment which amends, but does not improve, the Pombo amendment?

The CHAIRMAN. It is the amendment that amends the Pombo amendment.

The question is on the amendment offered by the gentleman from California [Mr. CONDIT] to the amendment offered by the gentleman from California [Mr. POMBO].

The amendment to the amendment was agreed to.

□ 1700

Mr. POMBO. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to say today that I do support the Pombo amendment, because we have a problem today in agriculture. We have a problem with illegal immigrants working in our agriculture. The most conservative estimates are 50 to 60 percent of those working in our fields today across this Nation are in this country illegally. That was confirmed by the Jordan Commission. Most of them have their families, one, two, three, four members here, most of which are living on public subsidies.

Mr. Chairman, we are here today and we have been here for the past 3 days debating legislation that will significantly reduce the number of illegal immigrants in this country. All this amendment says is that if we can prove that there is a need for temporary guest labor to keep the crops from rotting in the fields, then we will allow a limited number of workers into this country to prevent that from happening, based on the following provisions:

One, it must be proven that there is no domestic labor available to fill these jobs. Also, the employer must assume all financial responsibility for any and all benefits that would be a burden to the taxpayer. Further, temporary workers could not bring family workers along with them. Further, the program must provide a strong, positive verification provision through the use of biometric data, and it must include strong financial incentives for the workers to return to their homeland after the job is done, in the form of withheld wages.

Mr. Chairman, these are the elements that the Pombo amendment provides for. We know the existing H-2A program is unworkable. If it were not, we probably would not be here today. We can do better. We must do better. The Pombo amendment provides for that. I urge my colleagues to support this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

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

Mr. Chairman, this amendment will have a devastating impact on immigration policy. It will lead to increased illegal immigration. It would lawfully admit a quarter of a million individuals who otherwise would be called illegal aliens. If Congress is serious about reducing illegal immigration, we will reject this amendment.

The legitimate and understandable needs of American fruit and vegetable growers will be met by the Goodlatte amendment, which we will consider in just a few minutes. This amendment would worsen our illegal immigration crisis by letting in 250,000 unskilled guest workers in the first year alone. Guest workers are not going to leave when their work ends. This is a lesson to be learned from guest worker programs around the world. The lure of American jobs at significantly higher pay than in the homelands is just too great.

There will be no labor shortage in the future. Some growers are concerned that the employment eligibility quick-check system in this bill will reveal their farm workers to be illegal aliens, but we have made the verification system voluntary. If growers do not want to use it, they do not have to use it. Under a voluntary system, any rationale for a new guest worker program simply vanishes.

Even if part of the seasonal agricultural labor force that is presently illegal were to disappear, there would still be no shortage. The bill contains a backlog reduction program that will add substantial numbers of new permanent residents who are likely to go into agricultural work. The program will provide approximately 500,000 visas for spouses and children of permanent residents, to eliminate the current 1 million-plus backlog.

Supporters of the amendment seem to forget that we already have an agricultural guest worker program. It is called the H-2A program. I know that growers have had concern about the workability of the program, but the Goodlatte amendment will address every concern the growers raised at hearings we have had on the H-2A program. The current guest worker program does not provide a grower with foreign guest workers unless he or she has shown that there are no available American workers.

The amendment that we are considering requires no recruitment on the part of the growers. One of the most fundamental principles of immigration law is that foreign workers should not displace qualified American workers. That would be violated by this amendment. The current guest worker program should be improved. We know that. That is exactly what the Goodlatte amendment will do in just a few minutes.

Mr. Chairman, I urge my colleagues to defeat Pombo and support the Goodlatte amendment. It does meet the legitimate needs of growers without striking at the heart of our efforts to reduce illegal immigration. Vote "no" on the Pombo amendment and "yes" on the Goodlatte amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. BECERRA], from the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we are in a situation where we just finished a day and a half worth of debate, where we were talking about eliminating about 300,000 visas for U.S. citizens to be able to bring in their family members, their parents, their children, their brothers, their sisters. Now we are dealing with an amendment that says, "Let us bring in 250,000 imported foreign workers to do work in our fields."

Mr. Chairman, probably the worst part about this amendment is the following: In 1992, the rural unemployment rate in the United States was 11 percent. It was even higher for young people working in rural areas. It was close to 19 percent. A substantial number of those that are employed in rural areas, about 40 percent, earned wages below the poverty threshold for a family of four. Real wages for rural workers have declined between 1979 and 1992 by over $1 an hour.

The rural unemployment rate is even more pronounced in those areas and in those counties with high concentrations of migrant and seasonal agricultural workers, the same kind of people that we want to import from other countries. Even during the peak months of agricultural labor demand, we still see very high rates of unemployment.

During July 1995, which is a very high, peak time of year for agricultural work, in California, in 19 of the biggest counties of California dealing with agriculture, 17 of those 19 counties had double-digit unemployment rates. Only two of those counties did not have unemployment rates in the rural areas below 10 percent. One county had an unemployment rate exceeding 32 percent. Yet, most of these folks that we are talking about importing in to do agricultural work would go into those areas of California with these high rates of unemployment.

Mr. Chairman, one other very disturbing aspect of the Pombo amendment. It would dispense with any requirement that the Government verify that growers are in fact experiencing labor shortages, and that the growers have made a good-faith effort to recruit domestic American workers. This amendment would simply ask that growers self-attest that they made efforts to recruit locally, without any independent verification. This amendment should be defeated.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I stand in strong support of the Pombo amendment. The main arguments against this amendment are that supposedly there are a lot of workers in America who will be displaced by guest workers, and that they will be displaced by the intent of providing lower wages.

The fact, again, is that the Pombo amendment requires that American workers get first crack at the job. It requires that they must get that crack without having to compete against guest workers. Employers must list job opportunities with the job service and give qualified U.S. workers the first preference for the first 25 days. There is no incentive to use guest workers if there are U.S. workers available.

What about the issue of wages? The fact is that farm work is one of the highest paying low-skill, entry-level occupations in the United States. The average hourly wage for field and livestock workers in 1995 was $6.12 per hour, almost $2 above the minimum wage. The average for piece rate workers was $7.30 per hour. The fact is that since the Immigration Reform and Control Act was passed in 1986, farm wages have outperformed nonfarm wages 35 to 27 percent. Mr. Chairman, this is a good amendment, and it will help.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LoBIONDO. Mr. Chairman, I rise in strong support of the Pombo amendment to create a 3-year agriculture guestworker program.

Mr. Chairman, by all accounts the current guestworker program needs to be reformed because it is not working for farmers or for guestworkers. And it is clear that this immigration bill will reduce the number of foreign workers available to farmers. As the Agriculture Committee Report on the Pombo amendment states, "Without an adequate guestworker program, illegal immigrants fill the void. The Department of Labor estimates that 25 percent of the 1.6 million agricultural workers are illegal aliens."

Let me repeat: Without an adequate guestworker program, illegal immigrants fill the void.

The new H-2B program created by the Pombo amendment will fix the problems with the current program and help eliminate the use of illegal aliens in agriculture. And by requiring growers to hire U.S. citizens if they are available, this program will not displace American jobs.

Some opponents have characterized this amendment as nothing but a benefit to agri-business. This is simply not the case. I represent numerous family growers with small farms in southern New Jersey. These growers depend on short-term labor, but the present program is difficult and cumbersome to use. The small, family growers in southern New Jersey and around the country need a new guestworker program.

Mr. Chairman, let's not pretend we are cracking down on illegal immigration by opposing the Pombo amendment. This amendment will help to reduce the number of illegal farm workers by creating a workable program for Americas farmers.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today in support of the Pombo amendment, and against the Goodlatte amendment.

For those Members who see the Goodlatte amendment as a compromise on the guest worker program, don't be fooled.

The Goodlatte amendment is another Band-Aid fix to the H-2A program—and fails to provide growers with a workable system for hiring temporary workers.

The current H-2A program is a program only a bureaucrat could love.

Like most government-run programs, it's too complex—time-consuming—and inflexible for the real world.

Our produce industry in eastern and southern Oregon will be devastated if they don't have the ability to hire farm workers in a timely manner.

As we begin to crack down on immigration, our growers need a program that will strike a balance between their needs—and those who fear that a guest worker program will lead to more illegal immigration.

The Pombo amendment strikes that balance.

I urge my colleagues to support the Pombo amendment, and oppose the Goodlatte amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Pombo-Chambliss amendment. This amendment is vital to the success of immigration reform.

Without this amendment immigration reform could have the unintended consequence of causing a widespread labor shortage for American agriculture.

That in turn could cause the industry to lose valuable markets to foreign competition and could cause hardships to millions of American consumers by raising the cost of the food they buy.

The Pombo-Chambliss amendment creates a new H-2B guest worker program that is farmer friendly, while respecting our need to control immigration.

Simply put, it would allow workers to enter our country on a temporary basis and return to their country when their term of employment is over.

The provision cuts paperwork and administrative costs dramatically.

Mr. Chairman, my State of Idaho is representative of much of the Nation on this issue.

Even though Idaho is a Northwestern State, guest workers provide an essential source of labor for our agricultural industry.

The president of the Idaho Farm Bureau Federation wrote me an impassioned plea for this amendment, Mr. Chairman.

He argues that without the Pombo-Chambliss amendment, the Farm Bureau cannot support H.R. 2202.

This amendment is also strongly supported by such agriculture groups as the Western Range Association, the Idaho Cattlemen's Association, and the Idaho-Oregon Fruit and Vegetable Association.

The Pombo-Chambliss amendment is essential to making H.R. 2202 good law. I urge a yea vote.

Mr. Chairman, I include for the RECORD the letter from the Idaho Farm Bureau Federation.

The letter referred to is as follows:

IDAHO FARM BUREAU FEDERATION,
Boise, Idaho, March 15, 1996.

Re Pombo amendment—nonimmigrant H2-B category for temporary agricultural workers.

Hon. HELEN CHENOWETH,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN CHENOWETH: Thank you for your letter of March 6 and the opportunity to respond to Congressman Pombo's amendment to H.R. 2202.

H.R. 2202 does three things that could adversely effect the number of agricultural workers in this country. This legislation will significantly increase interior enforcement seeking to find illegal aliens at their places of employment, increase border interdiction, and impose some sort of employment eligibility verification.

It is imperative that a temporary alien worker program be included in H.R. 2202. This can be accomplished with the adoption of the Pombo amendment. The temporary alien worker program, coupled with the verification process already outlined in H.R. 2002 will help assure agricultural employers that they and their employees are complying with the law. The three year pilot program established by Rep. Pombo's amendment will help meet the administrative and labor supply needs of the agricultural industry.

The Idaho Farm Bureau Federation can support H.R. 2202 with the inclusion of the Pombo amendment. It is of utmost importance that the Pombo amendment be included in original form, without amendment. Without the Pombo amendment, the Idaho Farm Bureau Federation will oppose H.R. 2202 or any immigration reform legislation that does not consider the needs of our industry.

Thank you very much for your time and consideration in this matter.

Sincerely,

V. THOMAS GEARY,
President.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I could not disagree more with my respected colleague, the gentleman from Texas [Mr. SMITH]. I joined with my colleague in cosponsoring his bill, but we badly need the Pombo amendment. I will tell the Members why. We will never have an effective program to contain illegal immigration without having an effective, reasonable, and legitimate program for temporary guest workers in this country. I quote from statistics prepared for none other than Senator EDWARD M. KENNEDY in 1980, a report at his request when he chaired the Senate Committee on the Judiciary. This report reads the following: "Illegal immigration was brought to a halt in the mid-1950's by a greatly increased law enforcement effort on the part of the U.S. Government, combined with a subsequent expansion of the bracero program as a substitute legal means of entry."

□ 1715

Without question the Bracero program was also instrumental in ending the illegal alien problem of the mid 1940's and 1950's. It should be noted that throughout its duration, and particularly during the 1950's, one of the major arguments used in support of the Bracero program was that it offered an alternative and therefore at least a partial solution to the illegal alien problem. The other part of the solution was effective law enforcement, which

this Smith bill does do. Here is the graph. Here it shows what happened. We went from over 1 million apprehensions of illegals in 1954 to where it was brought down in 1959 to just over 45,000.

Mr. Chairman, history shows this program works. We need to incorporate this into the Smith bill to give us the maximum protection against illegal immigration. Today the Labor Department's own statistics say that 25 percent of the seasonal agricultural workers self-identify as illegals. The INS will tell you that indeed it is much higher. Support the Pombo amendment. Oppose the Goodlatte amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Pombo-Chambliss amendment.

One of the promises I made to the farmers in Kentucky's second district was to help relieve the regulatory burden the Federal Government has placed on them.

Mr. Chairman, this amendment will cut paperwork, save farmers money and better control illegal immigration.

Our farmers must be able to obtain the needed and legal work force to competitively compete in the growing world market, so they can continue to provide the safe and abundant supply of food and other agricultural products Americans have come to expect.

I challenge anyone here to tell a Kentucky farmer there are enough domestic workers. Again and again farmers tell me that one of the biggest problems they face is a willing and qualified work force. These jobs are mostly seasonal, temporary, and there simply are not enough domestic workers to do the hard work for short periods that are still a big part of agriculture production needs.

It is important to note this amendment requires employers to give preference to U.S. workers who apply for these jobs, ensuring that domestic workers are not displaced.

I urge my colleagues to vote "yes" on the Pombo-Chambliss amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I want to respond briefly to my good friend from California [Mr. DOOLITTLE] and the comments he made a while ago. Actually the chart that he showed shows the exact opposite, if I may say so.

At the beginning of the Bracero program we had an increase in the number of illegal aliens coming into the country. The decrease that was caused was not by the Bracero program. It was by President Eisenhower instituting what was then called Operation Wetback that effectively sealed the border. It had nothing to do with the Bracero program. The reduction in illegal aliens was because of the President's policy at that time. The Bracero program at the beginning of it actually increased the number of illegal aliens coming in, because more people were encouraged to come and try to get into the country.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in reluctant opposition to the amendment of my good friend from California [Mr. POMBO] to create a new guest worker program. At a time when our focus is on reducing immigration levels, the Pombo amendment attempts to allow an additional 250,000 nonskilled temporary workers to help the agricultural industry because they feel there will not be a sufficient work force once this legislation becomes law.

We know that there is currently a surplus of agricultural workers in this country. We know that half of the illegal aliens currently working in this country remain here past their visa time. We know that the work force has helped to drive down the wages to agricultural workers to the point where most low-skilled U.S. citizens simply cannot afford to take these jobs.

Knowing this, do we fix these problems by creating another program out of fear of what could happen? Or do we reform our current H-2A program to create a compromise solution while continuing to address a problem that actually has happened?

The problem is that our immigration system is broken. Our agricultural workers' wages are down because the system is broken. The last thing we should do now is bring in more temporary agricultural workers who will not want to leave.

We do not want to create more problems for farmers with the INS. I think the Pombo amendment will do that. We do not want to create more problems for our farmers with legal aid. We do not want more conflict with the local job market.

Local people in your community will not be hired if there is a flood of foreign workers who wages may sound high, but far too often the foreman, the person in charge of bringing in these workers, often takes much of that money away from the workers.

I urge a "no" vote on the Pombo amendment and an "aye" vote on the Goodlatte amendment.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in support of the Pombo amendment.

Mr. Chairman, I rise today to express my support for the Pombo-Chambliss amendment to H.R. 2202. As a representative from one of the leading agricultural production regions in the United States, I am concerned with the potential impact of H.R. 2202 on the agricultural labor force.

Measures in H.R. 2202 to control illegal immigration through effective border and interior enforcement and improving the employment verification system could significantly reduce the work force currently entering the United States illegally and working with false documentation, I support those efforts.

At the same time, we must recognize that the agricultural industry in the United States has historically been faced with a need to supplement the domestic work force, especially during peak harvesting periods. Agricultural employers estimate that between 50 and 70 percent of the seasonal work force find employment using fraudulent employment eligibility documents. if provisions included in H.R. 2202 are enacted, agricultural growers could be facing a severe shortage of skilled seasonal workers during peak employment periods.

History has shown that the current H-2A program has been a regulatory and bureaucratic nightmare, rendering the program unusable for the vast majority of agricultural employers. Thus agriculture has no reliable means for ensuring an adequate supply of temporary and seasonal workers if the border and interior enforcement measures included in this legislation are really effective in controlling the entry of undocumented workers.

An adequate supply of skilled seasonal labor is necessary to maintain the competitiveness of U.S. labor intensive agriculture, and to maintain the jobs and livelihood of hundreds of thousands of farmers, U.S. farm workers, and workers in related industries. I urge you to support the Pombo-Chambliss amendment.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I think it is time to talk about illegal immigration when we talk about the Pombo amendment. We have talked a lot about that in these last few days. Now we are talking about bringing in a quarter of a million agricultural workers a year, and we are saying that that will do nothing to increase illegal immigration. That is a ludicrous idea.

As someone who worked in the immigration field for many, many years, I have been thinking as I have heard the rhetoric today, who are these people? Not the farmers, but who are the people that will leave their families behind for months at a time, come to America, work very hard in hot fields, picking crops for very modest wages? Who are these people?

These are people who are desperate for a better way of life and they do not plan to go home. They will send their money back to their families so their families will have something to live on.

I do not have anything against these people. I admire their courage. But I also know they will not go home.

The 25 percent of the wages that would be withheld from these individuals is probably less than what they would pay to a coyote to come across the border today. So to think that we are somehow going to be remedying the problem of illegal immigration by bringing in a quarter of a million desperate agricultural workers a year is absolutely ludicrous.

Those who would say with a straight face that we are doing something about illegal immigration in a bill that contains the Pombo amendment should have red faces indeed. I urge everyone to oppose the amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of this amendment which will ensure a steady supply of labor for one of the most important sectors of our economy.

The issue before us today is quite simple: The illegal immigration provisions in the underlying bill could create a shortage of labor in the agricultural sector of our economy. This must not be allowed to happen and the gentleman from California's amendment is, in my view, a reasonable attempt to ensure the continued survival of labor-intensive agriculture.

Mr. Chairman, a series of joint hearings held late last year made it clear that agriculture had legitimate concerns which had not yet been addressed. In responding to these concerns, this amendment installs a workable mechanism for importing needed labor. It caps the number of program participants, and permits the entry of legal temporary farm workers only when American workers cannot be found. Producers are required to pay a decent wage and ensure humane treatment and living conditions for their workers.

The House must understand, Mr. Chairman, that the competitiveness of U.S. agriculture—especially the fruit and vegetable industry—depends on a reliable labor supply. It is also important to note the thousands of U.S. jobs that depend on the continued success of these industries. We should accept the amendment offered by the gentleman from California and provide agriculture the labor it needs to survive.

Mr. POMBO. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 15 seconds to respond to the last speaker.

The Center for Immigration Studies just released a study by Wallace Huffman, professor of economics and agricultural economics at Iowa State University, finding that the complete elimination of the supply of illegal labor, and we know we are not going to accomplish that with any of the legislation we have here, but the complete elimination would only result in a 1 percent increase in U.S. imports of fruits and vegetables.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, a lot has been said about this amendment, how we are going to deter illegal immigration. But the motive, Mr. Chairman, is greed. That is the motive, greed. Right now with undocumented people, we are keeping the wages on the fields low. Once they are gone, we want to bring in guest workers to keep the wages low. It is greed, Mr. Chairman.

Today we hear how these guest workers will be treated, housing, decent wages. Mr. Chairman, in practical terms, the industry is going to get around it by hiring labor contractors who will not give the guest workers the time of day. They will abuse them, they will use them and send them back.

Mr. Chairman, it is a bad amendment and I would ask for a "no" vote.

Mr. BERMAN. Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the Pombo-Chambliss temporary guest worker amendment. First, I want to thank my colleague from California and my neighboring colleague from Georgia for addressing this issue.

Currently there is a shortage of farm labor in many parts of this country. This is definitely the case in my home State of Georgia. A major reason for this shortage is clear. The U.S. Government's welfare system has lowered the work ethic in many areas of the labor market and has almost ruined the farm labor. As a result of this shortage, farmers are forced to import laborers from other countries.

Until we break the cycle of dependency on the Federal Government, their will continue to be a great need for seasonal agricultural labor. American farmers should not be forced to bear the burden of misguided social programs. In fact, Mr. Chairman, farmers tell me it is difficult for their paycheck to compete with that of the welfare check.

This guest worker amendment offers a viable remedy. It establishes a process through which farmers can acquire legal immigrant labor when no domestic workers are available. Bear in mind that under this amendment, farmers must still look to the domestic market labor first.

This amendment will provide a means to track and ensure the return of imported laborers, something the existing program does not do. Additionally, the number of immigrants brought in is based on need, which will vary from year to year.

Further, the amendment extends work visas for a maximum of only 10 months and the program bans aliens who overstay from future participation. As an additional incentive, 25 percent of the laborer's paycheck is withheld until they return home.

On another point, Mr. Chairman, the recent farm bill removes many restrictions on how much farmers will be able to plant. As a result, farm production will dramatically increase over the next few years, creating a greater need for farm labor than ever before.

I urge my colleagues to support the Pombo-Chambliss amendment. It will help the farmers throughout this country obtain labor because they do not have the labor force today to draw from.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

□ 1735

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California for yielding me time.

Mr. Chairman, I support the Pombo-Chambliss amendment, but, you know, it is not my first choice and it is not the first choice of the farmers in Georgia. The first choice of the farmers in Georgia are American workers, and the Pombo-Chambliss amendment will not change that a bit. American workers will still get the first crack at these jobs.

But, sadly, if you ate fresh fruit or vegetables today at lunchtime, whether you were in New York, Washington, DC, New Jersey, or Georgia, those vegetables probably were picked not by a migrant worker, but probably by an illegal alien. The Pombo-Chambliss amendment responsibly addresses this problem by allowing guest workers to come over here, but, unlike the current broken system, it withholds some of their pay, so that when they return home, then they get the rest of it.

This is a responsible choice, but, again, it is a second choice. The first choice of the American farmers is the same choice as the American people, and that is welfare reform.

In Glennville, GA, a small town in the First District that I represent, an onion farmer told me recently that he pays $9 an hour for people to pick Vidalia onions, but he cannot get Americans to do the work because they make too much money enjoying the public largesse that we call welfare reform.

We have a President who was elected, among other reasons, because he promised to end welfare as we know it. Well,

so far he has not submitted a welfare reform bill, and he has vetoed the only one that came across his desk.

I believe that the choice of the American farmers is still going to be American workers. Then they want welfare reform. But in the absence of that, support the Pombo-Chambliss amendment, because it is our only chance to assure an abundant food supply and having it picked today and on your plate fresh tonight at dinner time.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I simply would point out that in San Joaquin County, the home county of my friend from California, the author of the amendment, unemployment is 12.2 percent. In the counties of the gentleman from Georgia [Mr. KINGSTON], who just spoke, rural unemployment is 19.3 percent, 11.9 percent, 10.4 percent, and 10.3 percent.

Mr. Chairman, I yield one minute 45 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, this amendment must be rejected because it simply is ludicrous on its face.

The American public watching this debate must wonder if we have lost our minds. We spend a day-and-a-half trying to decrease illegal immigration into the country. We have spent months trying to reform the welfare system. The entire country is worried by wage anxiety and their jobs.

Now we have an amendment on the floor that allows you to drive down wages of American workers, allows you not to employ American workers who are desperately looking for jobs, and undermines the idea of taking able-bodied Americans and putting them to work and taking them off of welfare. That is what this Pombo amendment does.

For the employer, they self-certify. They say, "I cannot find anybody; bring my workers from Mexico or some other country." We know in a highly regulated program that those people overstay their visa six times what tourist or education visas overstay.

We are asking for illegal immigrants. The notion that somehow you are going to say to people, "Well, just go home," we have people now who risk their life, pay thousands of dollars to come here, with no job. Now we bring them here with a job for 10 months, we pay them, and we say, "By the way, would you mind going home?"

Have you lost your mind? Have you simply lost your mind with respect to what is a concern of the American public? Are you so deep into the agribusiness corporations of this country that you cannot see what bothers Americans when they see unemployment rates of 19 percent? Our Central Valley runs double digit unemployment rates around the year, and you want to bring in people to take away their jobs?

We have people in the gentleman's district and Mr. DOOLEY's district and my district and Mr. CONDIT's district sitting on the streets looking for work. Your answer is to say open the borders, to say, "Come here, we will pay your way, and we will hope you go home?"

"We hope you go home?" No, this is unacceptable.

Mr. POMBO. Mr. Chairman, I yield myself one minute to respond to my colleague from California.

Mr. Chairman, it is very interesting that the gentleman is so concerned about the unemployment in my districts, after he stole all the water from my farmers. It is very interesting that all of a sudden he is interested in the unemployment in my district, when he tries to shut down my farms through the Endangered Species Act or Clean Water Act. All of a sudden he is interested in the unemployment in my district.

I am sure that the gentleman misspoke when he said that we were going to hope that they go home. They are required to go home. And if he wants to know what the American people are really angry about, I think it is partly what has gone on on this floor today.

We have got half these guys down here who want to give them welfare, who want to give them anything that they want, but if they want to come in and work, oh, we do not want that. We do not want anybody to come in and work. But if they want welfare, if they want free education, if they want free medical care, all of that, hey, that is all right. That is fine. But if they want to work, oh, no, no, no, this program is crazy.

Now, we are talking about good, decent people who want a job and want to come in and work, and there is nothing wrong with that.

Mr. BERMAN. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thought the whole purpose of this bill was to cut down people coming into this country. I voted against NAFTA because I did not want to send American jobs to Mexico. Unfortunately, the majority voted to send American jobs to Mexico. But the only thing worse than NAFTA is bringing in a bunch of Mexicans to take American jobs.

Now, that is what this is all about. If you are for your folks, vote against it. If you are for those folks, vote for the Pombo amendment.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the coauthor of this amendment, the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I rise today and urge my colleagues to support the Pombo-Chambliss amendment, which establishes a pilot program for temporary agricultural workers in this country. This amendment would allow farmers all over the country to harvest their crops using a workable program.

The farm labor shortage is not a California problem, it is not a Georgia problem, it is a nationwide problem. In the Southeast alone we have seen increased production of fruits and vegetables in the last 10 years. This has greatly impacted the farm labor situation in my State. These seasonal crops are handpicked crops: Peaches, tomatoes, other vegetables, tobacco.

In the past, the farm labor consisted of generations of family members living on the farm and working on the farm. Those family farms are disappearing. Therefore, the labor pools are disappearing. Farmers desperately need workers who are willing to work seasonally. But to use this program, this legislation requires that the farmer first look to the American people for those workers. If they can find American workers to do the work, they must hire Americans. But, unfortunately, that is not the case. They are simply not able to find those workers.

This amendment solves other problems, too. No. 1, it is temporary. They can work for no more than 10 months at a time. Second, it circumvents a crop disaster by allowing farmers to plant and harvest their crops in a timely manner. Third, and most importantly, it requires that the guest workers that are allowed in legally, that are now coming in illegally, to return home in order to get the 25 percent of their paycheck that is withheld. We do this with the understanding that those workers must go home.

Why is this amendment needed? The reason is very simple: The current system simply does not work, and that is why we need a new system put in place that will allow our farmers a strong supply of workers to harvest their crops.

Now, the gentleman from California [Mr. THOMAS] hit this on the head a little bit earlier. Folks, this is 1996. We have talked about old programs that do not work anymore or old programs that cause problems. This is 1996. If those folks who have gotten up here and have read these figures that some bureaucrat in Washington put together, and I am sure I am fixing to hear in my home county there is an unemployment in the rural areas of x percent, let me tell you, if those same folks that believe those figures will go home and talk to their farmers, like I do every weekend when I go to Colquitt County or Bacon County or Berrien County or Bleckley County, those farmers are the ones that I care about and they are the ones that tell me I cannot get my crops harvested without using these workers.

Now, if as the opponents of this bill suggest, that there is a large pool of

workers out there to draw from, then the provisions of this bill will not take effect, and I do not understand why they oppose it on that basis. If there are American workers that want to go to work, the farmers must put them to work. But first of all, in my State the Georgia Department of Labor must certify that there is a shortage of workers in the rural areas where the application for the provisions of this bill are asked to take effect.

If there is a shortage declared, only then may this bill come into effect. And even then there must be a notice posted that this bill, there are workers coming in to perform this certain agricultural work. If there are farmers that come in and say hey, I see where in the case that the gentleman from Georgia [Mr. KINGSTON] referred to, that the farmer is willing to pay me $9 an hour to pick onions, that job must go to an American worker. But I can tell you, folks, you are sticking your head in the sand if you think that American workers are out there to do the work.

Please pass this bill. It is a good bill. It is going to make this program workable.

Mr. BERMAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California is recognized for 1 minute and 45 seconds.

Mr. BERMAN. Mr. Chairman, the arguments we just heard in this Chamber are the same arguments that were given to justify slavery before the Civil War. If we could find American, or in that case, free people, to do the work, we would not need to rely on slaves.

Let me tell you, this is the most audacious amendment I could imagine on this bill, because this is an amendment that in the name and in the context of trying to do something meaningful about illegal immigration, creates a program which is going to result in the most massive entry of guest workers who every economist in agriculture will tell you are one-way immigrants. The overstay rate, even in the highly, tightly regulated H-2A program is six times as high, six times as high, as the overstay rate for tourists, students or people here on other nonimmigrant visas.

You are opening up a blatant, massive loophole in a serious effort to try and do something about illegal immigration. And what for? Rather than figuring out the ways to the reform of the welfare system, through the utilization of the 1.1 million agricultural workers legalized in 1987, through the recruitment, the training, the effort, private and public, to help agriculture get more U.S. workers doing this particular work.

The unemployment rates in these counties are astoundingly high. There is a massive surplus. The Department of Labor says at any given time, 190,000 agricultural workers are unemployed, 12 percent unemployment rates at the peak season in agriculture.

Please defeat the Pombo amendment. Do not undermine this bill like that. Do not destroy American jobs like that.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California is recognized for 2 minutes.

Mr. POMBO. Mr. Chairman, I would just like to conclude by saying that this program that we are trying to adopt is needed. There is a shortage of legal labor in America today. But if my colleague is correct and there is no shortage of labor, then this program will never be used, because they would have to certify that there is a labor shortage, that there is no domestic workers who are able and willing to do the work.

□ 1745

They would have to certify that they could not find domestic workers to do the work. They would have to meet all Federal, State, and local labor laws in order to employ people under the guest worker program.

We have heard a lot about illegal immigration. This is not illegal immigration. This is a legal and controlled program. We have heard about the H-2A program. The H-2A program does not work, or else there would not be the need to install this type of a program.

The gentleman from Virginia [Mr. GOODLATTE] is going to bring up an amendment shortly here today to try and change the H-2A program to work, and, quite frankly, his effort fails miserably. It makes it worse than it currently is. It is not an alternative to our amendment. We have heard a lot about the 250,000 figure. That was not my amendment. That was the Goodlatte amendment that the gentleman put on in the Committee on Agriculture.

My effort was to try to develop some type of a formula that would ensure that we not have any more come in under the Guest Worker Program than was absolutely necessary.

In short, in closing, Mr. Chairman, I would just like to say we do have a problem in this country. We have a serious problem with immigration in this country. But what makes people angry, what makes people mad is those people who illegally come into the country or legally come into the country and take advantage of it, who have never provided anything and take advantage of that service.

What this program is saying is that we want to take care of our domestic issues and we want to reward those who work.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I believe the gentleman from California [Mr. BERMAN] is absolutely correct. This is an audacious amendment to this bill. Just an hour ago, we defeated the legal reforms in this legislation. We took them all out that would have had some modest reduction in legal immigration, and now what do we have? We are going to go the opposite direction and add 250,000 new workers in this country.

The gentleman is correct, the amendment that he offered in the Committee on Agriculture had no limit. I offered an amendment to put the 250,000 cap on it. Before that it had no limit. It could have had half a million new workers, as one of the people from California who testified in the committee indicated would occur. We would have a half a million new workers. We could have a million new workers. This undercuts the rights of the American people and we cannot accept an amendment like this.

We have a program right now, the H-2A program for agricultural workers. It allows no limit. It has 17,000 participants. The gentleman from California [Mr. POMBO] and others have complained that it is not an effective program. I have offered six modifications of that program, so many that I am sure the gentleman from California [Mr. BERMAN] thinks I have offered too many. Yet, the gentleman says my amendment makes it worse. It does not do that. It improves the program considerably.

There has been, unfortunately, material circulated that claims that we add to the burden of farmers with regard to the three-quarter rule. We do not do that. We improve the three-quarter rule to say that, if you bring workers into the country under the current program and they work less time than contracted because of weather conditions or pests, that they do not have to be paid for that portion of the time. My amendment improves the current law and makes it workable.

We do not need an amendment that increases the number of people authorized to work in this country by the enormous amount that this program or before it was modified to even higher amounts. We need to reform immigration, not open it wide open. We have very high unemployment in many, many rural areas in this country. We need to also take into account the fact that with welfare reform we are going to be asking millions of Americans to leave the welfare rolls and to take work.

Mr. Chairman, now is not the time to increase immigration. Now is the time to defeat this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in strong support of the Pombo-Chambliss amendment to implement an effective guestworker program

Mr. Chairman, my constituents in central Washington State are no different from the great majority of Americans who support immigration reform. But my constituents realize that our biggest industry—agriculture—must be protected.

The fact of the matter is that agriculture is a seasonal business. Pruning, thinning, and harvesting all have their time throughout the year. These activities are labor intensive. And the labor required has historically been migrant labor. To not recognize this basic fact places a huge burden on the largest industry in Washington State.

The Pombo-Chambliss amendment addresses this concern and, at the same time transfers the enforcement burden to the Department of Labor to correct what was a shortcoming of the 1986 Immigration Reform and Control Act.

At the same time, in conjunction with a strengthened Border Patrol, the Pombo amendment would reduce illegal immigration by providing incentives for seasonal workers to comply with our immigration laws.

I strongly support this commonsense proposal, and encourage my colleagues to vote "yes" on the Pombo-Chambliss amendment.

Mr. CLAY. Mr. Chairman, I rise to oppose the Pombo-Chambliss amendment.

This amendment seeks to establish a new agricultural guestworker program, not in place of the existing temporary agricultural worker program, but in addition to it.

Recently, the bipartisan commission on immigration reform, chaired by our former colleague, the late Barbara Jordan, studied the issue of introducing a new agricultural guestworker program and reached an unambiguous conclusion.

The Commission believes that an agricultural guestworker program, sometimes referred to as a revisiting of the "bracero agreement," is not in the national interest and unanimously and strongly agrees that such a program would be a grievous mistake.

The amendment before us would increase illegal immigration, reduce employment opportunities for U.S. citizens, and depress the wages and working conditions of U.S. farmworkers.

The current H–2A program includes preferences for and protections of U.S. workers. This amendment substantially weakens those protections by providing an alternative means of bringing in foreign workers, regardless of whether a true labor shortage exists.

Current law ensures that foreign workers are not brought into the United States for the purpose of undermining the wages and working standards of U.S. agricultural workers. The Pombo-Chambliss amendment would ensure that foreign workers will be brought in for just that purpose.

Current law requires employers to provide housing and transportation to agricultural workers, areas where the documented abuse of migrant workers has been greatest. This amendment effectively wipes out those protections.

It is hard to imagine a more nefarious proposal. I urge its defeat.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Pombo/Chambliss amendment modifying the agriculture guestworker program to allow more guestworkers to enter the country. It does not make sense that a bill which aims to limit immigration would endorse a program that loosens immigration restrictions.

There is no evidence of a shortage of agricultural workers in the United States. Almost half of the farmworkers in the U.S. currently cannot find work in agriculture. This amendment makes it easier to hire alien temporary workers than under current law, which would make that unemployment problem worse.

This amendment very clearly promotes the unemployment of American agricultural workers and the exploitation of foreign agricultural workers. It will result in denying jobs to U.S. farmworkers, decreasing wages and unsafe working conditions. The amendment provides weaker worker protection than the current H–2A program.

Under this amendment, employers would no longer be responsible for housing for guestworkers. Since affordable farmworker housing, especially in my home State of California, is in short supply, we would be ensuring an increase in homelessness.

The Pombo/Chambliss amendment is not fair to the American farmworker or the foreign worker. I urge my colleagues to vote against this amendment.

Mr. RICHARDSON. Mr. Chairman, this amendment is a big paradox.

The main purpose of the Immigration in the National Interest Act of 1995 is to reduce, specifically, illegal immigration and secure jobs for Americans. Yet, the Pombo/Chambliss amendment does exactly the opposite. It exacerbates the very problems that this bill is trying to correct.

This amendment would modify the current temporary agriculture worker program known as H–2A to make it easier for agricultural companies to bring in hundreds of thousands of new, exploitable workers to harvest the Nation's crops.

This will increase illegal immigration, will increase unemployment of American workers and will exploit guestworkers.

According to immigration experts, past guestworker programs, like the bracero program, led to today's illegal immigration problems since it permitted the so-called braceros to establish networks that allowed them to continue their employment after the termination of their contract.

Furthermore, this amendment does not protect American farmworkers from the stagnation and decline in prevailing wages caused by the presence of foreign workers.

In addition, this amendment does not ensure that American workers are recruited before employers seek foreign help. Instead, it removes the statutory regulation to locate qualified U.S. workers before employers are allowed to hire foreign workers.

The amendment would also hurt foreign farmworkers since it has no requirement for growers to provide transportation, housing, and written contracts to the guestworkers.

In short, there is absolutely no reason to support this amendment which would increase illegal immigration, deny jobs to U.S. farmworkers, degrade working conditions and allow abusive treatment of foreign workers.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. POMBO], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 9, as follows:

[Roll No. 85]

AYES—180

Armey	Fawell	Metcalf
Baker (CA)	Fazio	Mica
Baker (LA)	Fields (TX)	Miller (FL)
Ballenger	Forbes	Montgomery
Barr	Fox	Moorhead
Barrett (NE)	Funderburk	Morella
Bartlett	Gallegly	Myers
Bass	Gekas	Myrick
Bevill	Gillmor	Nethercutt
Bilirakis	Gilman	Neumann
Bishop	Goodling	Norwood
Bliley	Gordon	Nussle
Boehner	Graham	Packard
Bonilla	Greenwood	Parker
Bono	Gunderson	Paxon
Boucher	Gutknecht	Payne (VA)
Brewster	Hamilton	Peterson (FL)
Browder	Hancock	Pickett
Brownback	Hansen	Pombo
Bryant (TN)	Hastert	Pryce
Bunn	Hastings (WA)	Quillen
Bunning	Hayworth	Riggs
Burr	Hefner	Roberts
Callahan	Heineman	Rose
Calvert	Herger	Salmon
Camp	Hilleary	Sanford
Campbell	Hobson	Saxton
Canady	Hoekstra	Schaefer
Chambliss	Houghton	Seastrand
Chenoweth	Hutchinson	Shadegg
Christensen	Inglis	Shuster
Chrysler	Johnson (CT)	Sisisky
Clinger	Jones	Skelton
Coble	Kelly	Smith (MI)
Coburn	Kim	Smith (WA)
Collins (GA)	Kingston	Solomon
Combest	Knollenberg	Souder
Condit	Kolbe	Spence
Cooley	LaHood	Spratt
Cox	Latham	Stearns
Cramer	LaTourette	Stump
Crane	Laughlin	Tanner
Crapo	Lazio	Tauzin
Cremeans	Lewis (CA)	Taylor (NC)
Cubin	Lewis (KY)	Thomas
Cunningham	Lightfoot	Thornberry
Deal	Lincoln	Tiahrt
DeLay	Linder	Upton
Deutsch	Livingston	Vucanovich
Dickey	LoBiondo	Walker
Dooley	Longley	Walsh
Doolittle	Lucas	Watts (OK)
Dreier	Manzullo	Weller
Dunn	McCollum	White
Ehlers	McCrery	Whitfield
Emerson	McDade	Wicker
English	McHugh	Wolf
Ensign	McInnis	Young (AK)
Everett	McIntosh	Young (FL)
Ewing	McKeon	Zeliff

NOES—242

Abercrombie	Borski	de la Garza
Ackerman	Brown (CA)	DeFazio
Allard	Brown (FL)	DeLauro
Andrews	Brown (OH)	Dellums
Archer	Bryant (TX)	Diaz-Balart
Bachus	Burton	Dicks
Baesler	Buyer	Dingell
Baldacci	Cardin	Dixon
Barcia	Castle	Doggett
Barrett (WI)	Chabot	Dornan
Barton	Chapman	Doyle
Bateman	Clayton	Duncan
Becerra	Clement	Durbin
Beilenson	Clyburn	Edwards
Bentsen	Coleman	Ehrlich
Bereuter	Collins (MI)	Engel
Berman	Conyers	Eshoo
Bilbray	Costello	Evans
Blute	Coyne	Farr
Boehlert	Danner	Fattah
Bonior	Davis	Fields (LA)

Filner	Lantos	Roemer
Flake	Largent	Rogers
Flanagan	Leach	Rohrabacher
Foglietta	Levin	Ros-Lehtinen
Foley	Lewis (GA)	Roth
Ford	Lipinski	Roukema
Fowler	Lofgren	Roybal-Allard
Frank (MA)	Lowey	Royce
Franks (CT)	Luther	Rush
Franks (NJ)	Maloney	Sabo
Frelinghuysen	Manton	Sanders
Frisa	Markey	Sawyer
Frost	Martinez	Scarborough
Furse	Martini	Schiff
Ganske	Mascara	Schroeder
Gejdenson	Matsui	Schumer
Gephardt	McCarthy	Scott
Geren	McDermott	Sensenbrenner
Gibbons	McHale	Serrano
Gilchrest	McKinney	Shaw
Gonzalez	McNulty	Shays
Goodlatte	Meehan	Skaggs
Goss	Meek	Skeen
Green	Menendez	Slaughter
Gutierrez	Meyers	Smith (NJ)
Hall (OH)	Miller (CA)	Smith (TX)
Hall (TX)	Minge	Stenholm
Harman	Mink	Stockman
Hastings (FL)	Molinari	Studds
Hefley	Mollohan	Stupak
Hilliard	Moran	Talent
Hinchey	Murtha	Tate
Hoke	Nadler	Taylor (MS)
Holden	Neal	Tejeda
Horn	Ney	Thompson
Hostettler	Oberstar	Thornton
Hoyer	Obey	Thurman
Hunter	Olver	Torkildsen
Hyde	Ortiz	Torres
Istook	Orton	Torricelli
Jackson (IL)	Owens	Towns
Jackson-Lee (TX)	Oxley	Traficant
	Pallone	Velazquez
Jacobs	Pastor	Vento
Jefferson	Payne (NJ)	Visclosky
Johnson (SD)	Pelosi	Volkmer
Johnson, E. B.	Peterson (MN)	Waldholtz
Johnson, Sam	Petri	Wamp
Kanjorski	Pomeroy	Ward
Kaptur	Porter	Watt (NC)
Kasich	Portman	Waxman
Kennedy (MA)	Poshard	Weldon (FL)
Kennedy (RI)	Quinn	Weldon (PA)
Kennelly	Rahall	Williams
Kildee	Ramstad	Wilson
King	Rangel	Wise
Kleczka	Reed	Woolsey
Klink	Regula	Wynn
Klug	Richardson	Yates
LaFalce	Rivers	Zimmer

NOT VOTING—9

Clay	Johnston	Stark
Collins (IL)	Moakley	Stokes
Hayes	Radanovich	Waters

□ 1808

Messrs. PARKER, HEFNER, PICKETT, LAZIO of New York, and EWING changed their vote from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as recorded.

The CHAIRMAN. It is now in order to consider amendment No. 24, printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLATTE: After section 810, insert the following new section (and conform the table of contents accordingly):

SEC. 811. CHANGES IN THE H–2A PROGRAM.

(a) PLACING RESPONSIBILITY FOR CERTIFICATION WITHIN THE INS.—Section 218 (8 U.S.C. 1188) is amended—

(1) by striking "Secretary of Labor" and "Secretary" each place either appears (other than in subsections (b)(2)(A), (c)(4), and (g)(2)) and inserting "Attorney General"; and

(2) by amending paragraph (3) of subsection (g) to read as follows:

"(3) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the purpose of enabling the Attorney General and the Secretary of Labor to make determinations and certifications under this section and of enabling the Secretary of Labor to make determinations and certifications under section 212(a)(5)(A)(i).".

(b) REDUCTION IN TIME REQUIRED FOR POSITIVE RECRUITMENT.—Section 218 (8 U.S.C. 1188) is amended—

(1) in subsection (b)(4), by adding at the end the following: "The employer shall not be required to engage in positive recruitment for more than 20 days.", and

(2) in subsection (c)(1), by striking "60 days" and inserting "40 days".

(c) ELIMINATION OF 50 PERCENT RULE.—Section 218 (8 U.S.C. 1188(c)(3)) is amended by amending subparagraph (B) to read as follows:

"(B) An employer is not required, in order for its labor certification to remain effective, to provide employment to United States workers who apply for employment after the end of the required period of positive recruitment.".

(d) PERMITTING HOUSING ALLOWANCE.—Section 218(c)(4) (8 U.S.C. 1188(c)(4)) is amended by inserting "(A)" after ".—" and by adding at the end the following:

"(B) In lieu of offering housing under subparagraph (A), an employer may provide a reasonable housing allowance, but only if housing is reasonably available in the area of employment.".

(e) MODIFIED ¾ RULE.—Section 218(c)(3) (8 U.S.C. 1188(c)(3)) is amended by adding at the end the following new subparagraph:

"(C) An employer, in order for its labor certification to remain effective, shall guarantee to offer an H–2A worker at least 8 hours of employment in each of at least ¾ of the workdays in which the task (or tasks) for which the H–2A worker was hired to perform are being performed. The employer is not required to guarantee to offer an H–2A worker employment in any portion of the total periods during which the work contract and all extensions thereof are in effect.

(f) CAP.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended)

(1) by striking "or" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

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

"(B) under section 101(a)(15)(H)(ii)(a) may not exceed 100,000, or".

(g) EFFECTIVE DATE.—The H–2A amendments made by this section shall apply to applications for certification filed on or after October 1, 1996, and to fiscal years beginning on or after such date.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. GOODLATTE] and a Member opposed each will be recognized for 15 minutes.

The Chair recognizes the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, many of the Members from agricultural areas noted problems with the H–2A agricultural worker program that currently exists.

□ 1815

Mr. Chairman, this amendment is an amendment to the current guest worker program, the H–2A program. My amendment will significantly improve it. I have listened to the concerns of the growers who have come to speak to me and have streamlined the guest worker program that now exists to make it more grower-friendly.

Unlike the changes proposed by the gentleman from California [Mr. POMBO] to the guest worker program, my amendment does not create a new program. It fixes the current one. In addition, it works within the spirit of the bill by fixing the number of aliens allowed into the country at 100,000. Why do we have a 100,000 cap? Because even though only 17,000 workers used this program last year, we are making significant improvements to the program, and want to make sure that we do not have an unreasonable number of people utilizing this program from outside of the country.

In recent years, about 17,000 farm workers have been granted visas each year under the H–2A guest worker program. The Goodlatte amendment provides for an increase to 100,000 workers. This will more than meet any needs of fruit and vegetable growers that are not being met by domestic farm workers.

Many fruit and vegetable growers assert that the big problem with the H–2A program is that the Department of Labor administers in bad faith, intending to make it unworkable and unattractive to growers. My amendment transfers the certification process from the Department of Labor to the Immigration and Naturalization Service. This move will ensure that the fundamentally sound H–2A program is administered fairly.

Growers also complain that it takes too long to get workers under the current H–2A program. They must file applications at least 60 days before the date of employment. My amendment slashes this period by 33 percent and creates a 40-day application period. it will ensure growers the workers they need when they need them.

The Goodlatte H–2A guest worker compromise amendment modifies the three-quarter guarantee to answer the concerns of growers. Under the current H–2A guest worker program, growers must pay guest workers for 75 percent of the agreed work contract period, and under 20 CFR section 655, they must pay an average of at least 8 hours of work a day for that 75 percent period, even if the harvest is cut short by weather or pests. A copy of this three-quarter guarantee regulation is available to those who would like to see it, because there has been a suggestion

that we make the three-quarter requirement more onerous. Actually, we make it better.

The Goodlatte amendment requires that the grower pay his guest workers for three-quarters of the time the harvest actually takes. This ensures that growers hit by setbacks are not further burdened. Under Goodlatte, they will still have to pay for 8-hour workdays, just as they do now, but for a fewer number of days if their harvest period is shortened.

The Goodlatte amendment will prevent growers from having to pay guest workers for days that they do not work if the contract period is cut short. My amendment repeals the unfair 50-percent rule. Fruit and vegetable growers have told me that the H-2A program's 50-percent rule is patently unfair. The rule requires a grower to hire any domestic farm workers who apply for work under the H-2A guest worker program, as long as they have completed half their work contract period, even if the grower already has all the workers needed. My amendment repeals this rule.

My amendment also allows growers to pay a housing allowance. Fruit and vegetable growers want to be allowed to pay actual housing. The Goodlatte amendment permits housing allowances. If housing is reasonably available in the area, guest workers will not be forced into homelessness.

Mr. Chairman, I urge Members to support this amendment. It addresses the concerns of the agriculture community, but does not allow our borders to open for one segment of the economy. The Goodlatte amendment controls illegal immigration while providing our fruit and vegetable growers with the labor they need to harvest their produce. I urge the adoption of this amendment.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition to the Goodlatte amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 15 minutes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, earlier today I expressed my vehement opposition to the Pombo amendment. I rise now to voice my strong opposition to the Goodlatte amendment.

The proponents of this amendment would have us believe that it addresses the problems contained in the Pombo amendment and therefore, it is a more moderate, more acceptable proposal. In short, it's being sold as Pombo "Lite."

Don't be fooled by the packaging. The Goodlatte amendment is just as bad as Pombo and maybe worse.

Mr. Goodlatte is seeking to make it easier for agribusiness to bring foreign workers into the United States. Simultaneously, the amendment would eliminate, I repeat, eliminate essential worker protections that exist under current law.

The Goodlatte amendment would eliminate the requirement for employers to seek qualified U.S. workers through State employment services.

The Goodlatte amendment would eliminate the requirement to provide housing for their foreign workers. Employers, who are now required to provide housing for their workers, would only be required to give a housing allowance. But only if housing is reasonably available in the area.

Don't you believe it.

I've worked in the labor camps that these guestworkers would be herded into. Yes, that was some years ago, but conditions have not changed. They don't have running water or indoor plumbing, they crowd dozens of workers into unheated hovels. In short, the growers literally enslave these workers to reduce their overhead and increase their profits. Just how long do you think these guestworkers will endure these squalid conditions before they escape to seek a better life? How long do you think it will take for these hardworking and industrious guestworkers to find that there are better paying jobs and better conditions under which to work?

It's time to treat agribusiness like the other industries—make it compete for labor and pay fair wages to U.S. farmworkers.

I urge my colleagues to vote no on this misguided amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

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

Mr. Chairman, I urge my colleagues to support the Goodlatte amendment. We already have an agricultural guest worker program. It is called the H-2A program. The Goodlatte amendment makes needed changes. It ensures a program that works for farmers and yet one that retains the bedrock protections for American workers.

The Goodlatte amendment responds to the complaints from fruit and vegetable growers and the complaints that they have lodged against the H-2A program. There is a widespread belief among growers that the Department of Labor administers the program in bad faith, intending to make it so unworkable that it will not be used. The Goodlatte amendment transfers the upfront certification process from Labor to the INS. This move will ensure both that growers get the workers they need, and that program abuse will not go uncorrected.

Mr. Chairman, growers complain about the time it takes to get H-2A workers, that they must file applications at least 60 days before the date of need. The Goodlatte amendment cuts this period by 20 days. It ensures growers will get the workers they need when they need them.

Growers believe the current 50 percent rule is unfair. The rule requires a grower to hire any domestic farm workers who apply for work until the H-2A guest workers have completed half their work contract period, eve if the grower already has all the workers needed. The Goodlatte amendment repeals this rule.

Growers also complain about the H-2A program's three-quarters rule. This rule requires that they pay guest workers for 75 percent of the agreed work contract period, even if the harvest is cut short by weather or pests. The Goodlatte amendment requires that a grower pay his guest workers for three-quarters of the time the harvest actually takes. This assists growers hit by setbacks while protecting guest workers.

Fruit and vegetable growers want to be allowed to pay guest workers a housing allowance instead of having to build actual housing. The Goodlatte amendment permits housing allowances if housing is reasonably available in the area. This ensures that guest workers will not be forced into homelessness.

The Goodlatte amendment sets a ceiling of 100,000 guest workers per year. In recent years, about 17,000 to 19,000 aliens have been granted visas under the H-2A program. This ceiling is large enough to meet the needs of farmers who want to replace illegal workers with legal workers. By keeping the requirement of recruiting and hiring U.S. workers first, the Goodlatte amendment would meet the needs without undermining U.S. immigration policy and harming domestic workers.

Mr. Chairman, I urge my colleagues to vote yes on the Goodlatte amendment. It is good for guest workers and it is good for growers.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would ask the gentleman from California [Mr. TORRES] whether or not his vehement opposition to Pombo is stronger than his strong opposition to Goodlatte.

Mr. TORRES. Mr. Chairman, will the gentleman yield?

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

Mr. TORRES. Mr. Chairman, I would say to the gentleman, a little bit.

Mr. CONYERS. I would ask the gentleman, a little bit what?

Mr. TORRES. A little bit more.

Mr. CONYERS. The gentleman objects to the Pombo amendment more

than the Goodlatte amendment, or the Goodlatte amendment more than the Pombo amendment?

Mr. TORRES. Mr. Chairman, I object to both of them. I think it is an equal state. Goodlatte has new packaging. It is Pombo Lite.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BERMAN], a member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for yielding me 3 minutes.

Mr. Chairman, I am glad the ranking member did not ask me that question, because the gentleman from Virginia [Mr. GOODLATTE], the sponsor of this amendment, was eloquent and effective in his opposition to the Pombo amendment, and I am very grateful for this.

Mr. Chairman, the problem with his amendment here, because I know it was well-intentioned, because I know how he wants to handle these issues, but the problem is that it fundamentally erodes and existing requirement in the H-2A program that U.S. workers have priority. We can debate whether that makes sense or not, but to me, when we get rid of the 50-percent rule, we get rid of the requirement that a U.S. worker who comes for a job gets priority over the guest worker coming from the foreign country.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, the difference between the current H-2A program and the Pombo amendment is that the H-2A program requires an independent third party to certify whether there is a need for the workers. That is the big objection to the earlier legislation that we just defeated.

The difference here is that we have to have an independent party, the U.S. Government, certify that workers are needed. If they certify they do not have them, what difference does it make whether or not there is a 50-percent rule? It is unfair, if an independent party says there are not sufficient workers available, to tell a grower that they cannot use more than 50 percent labor.

Mr. BERMAN. Reclaiming my time that I so generously yielded the gentleman, Mr. Chairman, the way the gentleman has written this amendment, first of all, Mr. Chairman, the gentleman is absolutely right; one major difference is that that was a self-attest anticipation. "Growers, say certain things, get workers." This requires an independent, no longer Department of Labor, if I recall correctly, but an independent Government certification.

But the gentleman cuts off the growers' obligation to recruit U.S. workers 20 days before the season even begins. When you are dealing with migrant workers, they know the patterns of labor in this area. They come into an area to get hired just as you get into the peak harvest season. By eliminating the obligation to hire U.S. workers 20 days before the start of the growing season, and we do not need to be doing that, we are wiping out, in effect, the priority for U.S. workers. That is the problem I have.

Under the existing situation, that priority still exists. The Department of Labor certifies whether or not there will be a need, but if U.S. workers show up, U.S. workers have priority. I think U.S. workers should have priority in these kinds of programs.

In addition, Mr. Chairman, the fundamental change the gentleman is making, right now they have to provide housing for farmworkers. By giving this allowance, the gentleman knocks out the housing requirement. He makes an assumption there will be housing available.

□ 1830

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from California.

Mr. Chairman, I agree with the gentleman 100 percent that U.S. workers should have the priority in every instance. But the fact of the matter is that while we still require them to actively recruit and we should require them to actively recruit U.S. workers, it has to be done in such a fashion that once that recruitment period is over, there is a reasonable amount of time to get the paperwork processed and get workers there when they have actively recruited and have not been able to get those workers.

My amendment simply requires that they have a little more time, 20 more days, to get that paperwork processed and get the workers there. We have had many instances, in fact some of the people on the other side of the last amendment spoke about the fact that they go through the process, by the time all the work is done they are halfway through the harvest season and they do not get the opportunity to get the workers when they need them.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. Mr. Chairman, I will be very quick. What do you do? All right, you have made a recruitment, you do not think you have workers available, it has been certified by the Government. As you are approaching your harvest season, 150 U.S. workers coming from the earlier crop show up. Are these people turned down because 10 days from now they will be getting some foreign guest workers? Do they turn these U.S. workers down and say, "No, no job available for you because I've already gotten approval to bring in 100 foreign guest workers?"

It is all how you want to balance this thing. When you are dealing with people who make on an average of $5,000 a year, they are our lowest paid workers, I think we have been tilting so heavily on the side of agribusiness that this is one little protection they have. Do not eviscerate that. That is my problem with your amendment.

Mr. GOODLATTE. Mr. Chairman, I respect that, but, reclaiming my time, let me say two things.

First of all, given the fact, as we have heard all day here, that there is a need for workers, those workers are going to find employment.

Second, if you have already entered into a contractual relation with somebody to have somebody come and do some work because you have established that you could not find a U.S. worker, what are you going to do when those people arrive?

That is the bottom line. You have got to have an arrangement in advance. You have got to give U.S. workers the maximum opportunity to have an opportunity to apply for the job. But then once they apply and you hire them, and you still have a need for additional workers and you enter into a contractual relationship, you have got to be able to enter into that contract and have a reasonable amount of time to get that processed before they come.

That is all we are asking with that amendment. It is eminently fair, both to the U.S. workers who can also enter into contracts and get the priority, but if they do not, then the farmer has the opportunity to get the work in a timely fashion, so that they get it and get the crop harvested. That is all we are asking for. It is eminently reasonable and I would think the gentleman would accept it.

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

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, we have a guest worker program. It is now called the H-2A program, it used to be called the H-2 program. It has certain conditions. This year, 17,000 agricultural workers came in under those requirements.

The difference between 17,000 and it shooting up in the case of your amendment to the 100,000 cap is the balance and retention between the potential for domestic workers. The moment you cut off the requirement to hire 20 days before the season starts, in every situation what you will find is the department saying, "Since I can't promise them X number of workers when that season starts, I'm going to have to grant his petition.

The only thing that keeps this process honest is the requirement to continue to recruit, to prioritize and hire

U.S. workers if they show up, and to hire them at any point 50 percent through the season. Fifty percent through the season was done for the benefit of the growers. Once the guy had been there for 50 percent of the time, do not displace him because somebody now showed up. Let them finish the entire season.

You are taking what was done for the benefit of the growers and you are totally repealing it, and that is the big problem I have with your amendment.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the fact of the matter is, as the gentleman well knows, we put a cap on this program to make sure that there was a limitation because of the fact that with only 17,000 using it right now, we know that there are far more people than that out there who would utilize it, who are utilizing illegal immigrants right now. Therefore, we wanted to make sure that we had every encouragement on growers to have every effort made to recruit U.S. workers. And they are going to have to make every effort to recruit U.S. workers if, as they say, they use a half a million illegal immigrants right now.

So the 100,000 cap is, I think, a very, very stringent cap, but also we have to make the program usable within that cap. Obviously, with 17,000 legal workers and a half a million illegal workers, we do not have a reasonable program right now. So let us modify the program, make some improvements, and still protect U.S. workers.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the one problem with the amendment that my friend from Virginia has not discussed is that it eliminates the requirement to provide workers with free housing. The H-2A employers must provide or pay for housing for their workers. This amendment replaces the housing provision with a housing allowance but, quote, only if housing is reasonably available in the area of employment, end quote.

I find that restrictive, onerous and another sop to the growers, who probably would rejoice in having us revisit this measure as we did in 1986.

I think that we have got a problem here. It is tough enough to get Americans to do this kind of labor, and to make it harder for them to get under the program by the eliminations or restrictions around the recruiting process I think is not good. I will not say it is un-American, but it sure does not help the few Americans that want to work in this very onerous area.

Remember, the pay is bad, the conditions are horrible, the work is temporary. Maybe that is why we have to bring in people to work on it. So the few Americans that are willing to work in this field, I would encourage them to do so.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Chairman, the important thing to note here is that only in places where housing is widely available do we allow a grower to issue a housing allowance instead of to provide the housing itself. That is only a matter of flexibility, not only for the grower but also for the worker. Because if you are providing them with an allowance, they then have the opportunity to choose the housing they want rather than the place that the grower might choose for them and assign to them. I think it makes far more sense to give that kind of flexibility for the benefit of both the worker and the grower.

Mr. CONYERS. I appreciate that. I have heard this kind of argument that we know what is best for the workers. They do not want this. Their organizations that support them do not want it. But really if they need it, they would be happy to have it.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. Our real difference is you say 17,000 guest workers, half a million illegal immigrants working in our fields. Got to do something. I say we legalized 1.1 million agricultural workers in 1986. We have double-digit unemployment in almost every rural county in America, astronomical unemployment in the areas that most want this, Western agriculture, and what we need to do is the government working with agriculture, welfare reform, going back to the people who left the fields and who know how to pick.

This is honorable work. There are Americans who will do this work if they do not have alternatives, and if there is decent pay and good working conditions. This should be our focus, not trying to figure out how to do this guest worker thing where they really do not go back. I mean, huge numbers we lose. That is the problem. I think that should be our focus.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not disagree with anything the gentleman says. The fact of the matter is, though, the difference between 500,000 and 100,000 is 400,000 people. There is plenty of room there to work on welfare reform and improving opportunities for U.S. citizens, and we certainly want to do that.

The problem is, and you have acknowledged earlier that the current H-2A program does not work well and, as a result, reforms are needed. We disagree on exactly what those reforms should be, but if we have a program and it only utilizes 17,000 people but there are a half a million out there working illegally, it seems to me that some reform of that program is in order.

I would appreciate the gentleman working with us on making the program work a little better, and in return I am giving you something that I would hope that you would want, and that is a cap on the program. There is no cap on the H-2A program right now. If Government works with agriculture to make this program work better without these amendments, we would have a program that had no limit on it. Let us have a good compromise that puts a cap on it but makes it more workable.

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

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

Mr. BERMAN. Mr. Chairman, if we had a verification system in this bill that went into effect immediately, I think the gentleman's request would be incredibly reasonable.

We have the most voluntary and ephemeral verification system left in this bill now. Do we think tomorrow there are not going to be any more undocumented workers employed in agriculture? They are not vanishing. There is no system for them to vanish.

There is no meaningful verification in this bill. The gentleman tried to get it but he lost, and I voted with him. We both lost. So when you do that verification, come back to me and I will talk to you about a good transition guest worker program.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Why am I suspicious? The gentleman from Virginia [Mr. GOODLATTE] is a wonderful human being with whom I have enjoyed a great relationship. But there are little problems. Housing eliminates the requirement to provide workers with free housing. Then he explains, "It's for the workers' benefit, JOHN," not to worry.

Reduces the required time to recruit domestic workers. "That will help Americans, so don't worry about that."

Eliminates the 50-percent rule. "No problem," he says.

Eliminates the three-fourths guarantee. Good explanation for it.

What I am beginning to think, this is a great solution in search of a problem. And I will tell the gentleman, there is another little nervous provision in here from my point of view. The certification of the workers goes from the Department of Labor to the Immigration and Naturalization Service.

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Does that raise a red light with anybody in this body besides me? One other person, a few more.

Look, INS is particularly unqualified to make labor certifications. They are looking for people who do not belong here. So these things, I would say to the gentleman from Virginia [Mr. GOODLATTE], make me reluctant to be enthusiastic about this amendment. As a matter of fact, it does not lead me to the strong opposition of the gentleman from California [Mr. TORRES], or the vehement opposition that he had on Pombo, but I cannot support it. I think that the arguments presented by our resident expert on the Committee on the Judiciary, the gentleman from California [Mr. BERMAN], are overwhelming and persuasive.

Mr. Chairman, I urge defeat of this amendment.

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

Mr. GOODLATTE. Mr. Chairman, may I ask the gentleman from Michigan if he has any other speakers?

Mr. CONYERS. No, sir, I do not.

Mr. GOODLATTE. Mr. Chairman, as the gentleman from Michigan has the right to close, I yield myself such time as I may consume to conclude.

Mr. Chairman, let me say to my good friend from Michigan that I am disappointed, because it seems to me that we have lost all opportunity here to find a middle ground, to try to work together to improve a program that we both agree is a bad program. We worked together to make sure that we did not have an out of control program that allowed 250,000 new workers in the country, but now here we have an opportunity to make the program work a little better so that growers have the opportunity to meet their needs when they truly can justify them, when they can have an independent certification by a Government agency that the need exists and in exchange we put a cap on the program of 100,000 workers.

It seems to me that is fair to everybody involved, and that is what I strove to do. In fact, my offering this amendment I think was very careful in making the case that the other amendment was not needed. So it disappoints me that the gentleman would attack these modest reforms we are making, including one that simply says for both the worker and the grower, hey, why have a specific grower tell the worker where they have got to live? That is crazy. If there is adequate housing in the area, allow the worker to choose their own housing by giving them a housing allowance. It does not eliminate the requirement to give them free housing. It simply says when it is done, they both can have a little flexibility in the process.

So I think these modifications are needed by our agricultural industry in this country. I think these modifications are very reasonable and workable, and I think that this is a vast improvement over the current program. I would urge the Members of the House to support it. Let us not both defeat the amendment and leave a failed nonworkable program out there. Let us do the reasonable thing in the middle, which is to take the current program, reform it, and make it better.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 1½ minutes.

Mr. CONYERS. Mr. Chairman, more sneaking reservations continue to crop up. Let me call the attention of the gentleman from Virginia [Mr. GOODLATTE] to the fact that the growers like this idea. If the gentleman had only contacted the National Council of Loraza that represents the workers, they would have come back to you, we would not have to do what I am going to propose now.

Because of his integrity and our close working relationship on the committee, why do we not work together, as the gentleman says, and he withdraw this amendment, and I promise him, with all the good faith I can muster, that I and the gentleman from California [Mr. BERMAN], will sit with him and try to work out the program?

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. Mr. Chairman, I would just say, we have had this conversation. I am for trying to streamline and deal with the problems and the impediments that exist in the existing H-2A program. The administration is committed to doing that. There would be ample opportunity in the conference committee to work out a program that would be good for agriculture and be good for workers and be supported bipartisanly.

In all fairness, the gentleman from Virginia [Mr. GOODLATTE], did not discuss with us his proposal. I asked my friend, the chairman of the subcommittee, if he would involve me in alternatives to the Pombo amendment, but he did not, so we were sort of left out in the cold.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I would be very anxious to work with the gentleman on making this amendment better, but I would encourage him to support the amendment, and then we can work together to improve it.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I urge opposition to this amendment.

Mr. THOMAS. Mr. Chairman, 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 out of every 8 dollars of farm production expenses. For the labor-intensive fruit, vegetable and horticultural section, labor accounts for 35 to 45 percent of production costs.

The labor-intensive fruit, vegetable and horticultural specialties sector accounted for more than $23 billion of agricultural sales in 1992, an increase of 32 percent for 5 years earlier. The competitiveness of U.S. agriculture depends upon the continued availability of hired labor at reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other countries for market share in both U.S. and foreign commodity markets.

U.S. farmers are producing for global markets and competing at world market prices. More than one-third of U.S. fruit and vegetable production is now exported. On the other hand, about one-quarter of our fruit and vegetable consumption is now imported. If the labor supply is restricted and production costs rise, U.S. growers will lose market share to overseas producers. This decline in production will cost thousands of U.S. workers their jobs. Based on relative shares of agricultural production, at least one-quarter of the job loss will be in California.

The availability of adequate seasonable labor has enable U.S. producers to expand production and exports of labor-intensive commodities. This has created tens of thousands of jobs for U.S. workers in "upstream" and "downstream" industries. Appropriately three off-farm jobs depend directly on each on-farm job.

In California, due to the nature of the crops and the vast geographical and seasonal range, this need for labor over a short period is particularly intense. California is about 900 miles long, north to south. If you transpose it to the east coast we are talking about a distance from approximately the north of Florida almost to Massachusetts. Obviously, you have a significant timeframe in terms of growing. In this regard, the existing H–2A program has failed to be a reliable source of temporary and seasonal agricultural workers. The regulatory burdens leave employers waiting with uncertainty and anxiety whether they will be certified by the Department of Labor to obtain workers in a timely manner.

What American farmers require is a temporary worker program which addresses these concerns. Recently the Agriculture Committee passed an amendment to H.R. 2202, sponsored by Congressman RICHARD POMBO of California, which would create a streamlined, temporary agricultural worker program. The Pombo amendment would create a 3-year pilot program with an annual cap of 250,000 workers admitted per year decreasing by 25,000 each year for the final 2 years of the program. Agricultural work generally is characterized by periods of peak demand for migratory workers that cannot be met by domestic labor sources. Under the Pombo language, employers would file attestations with the Department of Labor indicating the number of workers needed, as well as the specific terms of employment. Qualified U.S. workers would always receive first preference for these jobs. It is essential that such a proposal which protects agricultural labor needs to be included in the final language.

In contrast, the Goodlatte amendment is not adequate protection for the agricultural community. The Goodlatte language proposes to swap one bureaucracy for another by moving the H–2A certification process from the Department of Labor to the Department of Justice. Further, the Goodlatte amendment imposes an unrealistic cap of 100,000 annual admissions under the H–2A program. As an example of this inadequacy, raisin growers in Fresno County employ nearly 51,000 agricultural workers between late August and late September each year; under the Goodlatte amendment's cap, if any significant portion of these workers are found to be employment ineligible by a verification system, or are interdicted at the border or detected by border enforcement, it is an open question whether there will be sufficient slots under the cap to meet the raisin producer's needs at that point in the growing season.

The Goodlatte amendment also proposes a significantly tighter three-quarter guarantee than that currently applied to the H–2A program. The amendment would mandate an 8-hour workday, a requirement that would be impossible to meet on many days due to uncontrollable weather or crop conditions. Under the language of Goodlatte, if as few as one-quarter of the workdays were not full 8-hour workdays, the grower would be required to pay workers for periods of no work, regardless of how much work was provided on the remaining days, clearly unreasonable to the agriculture community.

Mr. Speaker, amending H.R. 2202 with a workable temporary and season agricultural worker program is essential to achieve true immigration reform. The end result of failure to provide a legal temporary alien worker program for U.S. agriculture will be to reduce U.S. farm production and agribusiness employment.

The following agricultural organizations urge your support for the Pombo/Chambliss amendment. We strongly oppose the Goodlatte amendment

National Council of Agricultural Employers;

Agri-labor Support Organization;

Agricultural Affiliates from Western New York;

Agricultural Producers;

American Association of Nurserymen;

American Farm Bureau Federation;

American Mushroom Institute;

California Farm Bureau;

California Floral Council;

California Grape & Tree Fruit League;

Colorado Sugarbeet Growers Association;

Florida Citrus Mutual;

Florida Citrus Packers;

Florida Farm Bureau;

Florida Fruit & Vegetable Association;

Florida Nurserymen & Growers Association;

Florida Strawberry Growers Association;

Frank B. Logoluso Farms;

Frederick County Fruit Growers;

Fresno County Farm Bureau (CA);

Fruit Growers League of Jackson County, Oregon;

Grower Shipper Vegetable Association of Central California;

Grower Shipper Vegetable Association of Santa Barbara and San Obispo Counties;

Hanes City Citrus Growers Association;

Hood River Grower-Shipper Association;

Illinois Specialty Growers Association;

International Apple Institute;

Michigan Asparagus Advisory Board;

Michigan Farm Bureau Federation;

Midwest Food Processors Association;

National Association of State Departments of Agriculture;

National Cattlemen's Association;

National Christmas Tree Association;

National Cotton Council;

National Council of Farmer Cooperatives;

National Peach Council;

National Watermelon Association; New England Apple Council; New York Apple Association, Inc.; Nisei Farmers League; North Carolina Apple Growers Clearinghouse; North Carolina Growers Association; North Carolina Sweet Potato Commission; Northern Christmas Trees & Nursery; Oregon Farm Bureau Federation, Patterson Firm (MA); Shoreham Cooperative Apple Producers, Association (VT); Snake River Farmers Association;

Society of American Florists; Sod Growers Association of Mid-America (IL); Sugar Cane Growers Co-op of Florida; Sun-Maid Growers of California; Texas Citrus & Vegetable Association; Texas and Soutwestern Cattle Raisers Association; Texas Cotton Ginner's Association; Tobacco Growers Association of North Carolina, Inc.; United Agribusiness League; United Fresh Fruit & Vegetable Association; Valley Growers Cooperative (NY);

Ventura County Agricultural Association; Vidalia Onion Business Council; Virginia Agricultural Growers Association, Inc.; Virginia State Horticultural Society; WASCO County Fruit & Produce League; Washington Growers Clearing House Association; Washington Growers League; Washington State Horticultural Association; Western Growers Association; Wisconsin Christmas Tree Producers Association; and Wisconsin Nursery Association.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. GOODLATTE].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia Mr. GOODLATTE will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 28 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR BURR

Mr. BURR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURR: At the end of subtitle B of title VIII insert the following new section:

SEC. 837. EXTENSION OF H-1A VISA PROGRAM FOR NON-IMMIGRANT NURSES.

Effective as if included in the enactment of the Immigration Nursing Relief Act of 1989 (Public Law 101–238), section 3(d) of such Act (103 Stat. 2103) is amended—

(1) by striking "To 5-YEAR PERIOD",

(2) by striking "5-year", and

(3) by inserting "and ending at the end of the 6-month period beginning on the date of the enactment of the Immigration in the National Interest Act of 1995" after "Act".

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise today to urge my colleagues to support this amendment to allow a 6 month extension of the H–1A nonimmigrant nurse program which expired in September. Our country's nursing homes and senior health care providers will face a dire situation unless we act now to temporarily reauthorize the program.

It allows health care facilities to bring foreign registered nurses into the country on a temporary basis. These nurses are not taking American jobs, because they fill needed positions in rural areas where there is a shortage of American nurses. These shortages continue, despite fiscal year 1995 and 1996 appropriations of $78 million each year for the National Health Service Corps Scholarship and Loan Program to recruit American nurses for these rural areas.

Mr. Chairman, we are asking for a six month extension. During this time the concerned committees will have the opportunity to examine the program and develop a long-term solution to the shortage of qualified nurses in rural America. I strongly urge my colleagues to vote for this amendment.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, briefly, this amendment would extend the temporary program and allow foreign nurses into the United States for another six months. Case closed. I mean, we need more foreign nurses coming into the United States for longer periods of time like Hershey needs candy bars. So that is not a good deal, because the current supply of nurses is adequate and may even increase in the coming years due to the downsizing of the American health industry. I hope my colleague will answer this before the debate is over.

Mr. BURR. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I strongly support this amendment. I think everybody needs to understand what it is. It is simply a period of time during which the committee, the subcommittee, in particular, on Immigration, can listen to all sides of this and make a reasoned decision.

There are a lot of folks in rural areas who have been telling us there is still a nurse shortage, they do need the foreign nurse program for that purpose. In some of the urban areas, the nursing organizations are very concerned, because they say they do not need it any more.

Maybe we can craft something that would be responsible for everybody. So the rural folks, if they really have a shortage, can have that relieved, and the urban areas can also be free of anything that might be impeding their having domestic homegrown nurses. I do not know the answer. I am not sure about it.

But I would like to have the time as a member of the subcommittee to consider this. We have not been having that time. I think we should leave the nurse program alone and create the period of time that is created in this amendment. I think the gentleman from North Carolina has produced a good one.

So I urge an "aye" vote to leave the opportunity there for the subcommittee over 6 months to consider the matter, have hearings, and so forth. I urge the adoption.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, the H-1A nurses program was established to deal with a nursing shortage that has now evaporated. I understand the claim is that this program is still necessary for rural communities. However, it is important to note that four-fifths of the nurses who entered under the H-1A program went to metropolitan areas. In fact, one-third of them went to New York City. For those rural areas that need nurses, they have the ability to petition for nurses under the H-1B Program, and they should certainly utilize that.

This extraordinary program that was useful for our country at one time expired in September, and it should stay dead. We had 6,000 nurses enter from Canada and Mexico under NAFTA in 1994 alone. Many nurses that came in through this program, and many more are still coming in through NAFTA.

We have a nursing surplus right now, and the New England Journal of Medicine is predicting a 54 percent decrease in hospital beds. We are going to be awash in nurses. I urge opposition to the amendment.

Mr. BURR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wish the gentlewoman had an opportunity to go to rural North Carolina and see the shortages

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois, [Mr. RUSH].

Mr. RUSH. Mr. Chairman, I rise today to support the amendment offered by my colleague, Mr. BURR from North Carolina, that will extend the H-1A non-immigrant nurse program for 6 months.

Mr. Chairman, the effect of the sunset of this program was brought to my attention by Sister Elizabeth Von Straten, who is my constituent and who serves as the President-CEO of Saint Bernard Hospital which is also in my district. Saint Bernard Hospital has employed nurses solely from the H-1A program since 1991 when it was determined that they could save over 3 million dollars a year in nursing salaries.

Without this program the hospital is forced to rely on registry nurses. Registry Nurses require a salary that is double that of the H-1A nurse or they will not work in the Englewood area. This program provides qualified foreign nurses at a cost saving that enables Saint Bernard to continue to serve as the only remaining hospital in an area designated both as one of Chicago's health professional shortages area and also as a medically undeserved area.

Mr. Chairman, the Englewood community needs to have this hospital. Of the patients that are served by Saint Bernard, 86 percent are below 150 percent of poverty. These is a 3,600 to 1 patient to physician ratio and all of the hospital patients are on Medicaid or Medicare.

The Hospital is also the largest employer in Englewood with 640 full time positions in an area that is one of the most economically depressed communities in the Chicago area.

Mr. Chairman, I want to give my colleagues a thumb-nail sketch of the role Saint Bernard Hospital plays in one of Chicago's most impoverished neighborhoods. It represents their only beacon of hope. The glow of that beacon dimmed last September 30.

That's when the H-1A visa program for nonimmigrant nurses was sunseted. If we do not extend this program in order to determine the impact that ending the program will have on Hospitals like Saint Bernard's and communities like Englewood then the beacon of hope will become pitch dark.

Mr. Chairman, Saint Bernard Hospital must have at least this temporary 6 month extension of the H-1A visa program to determine how to keep serving the residents of Englewood who depend on them for jobs and health care.

This is truly a matter of life and death.

Mr. Chairman, I urge my colleagues to support the Burr amendment to extend the H-1A visa program for 6 months.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Burr amendment. The Burr amendment will allow an outdated program to continue, and it will do real harm to American nurses. We must protect American nurses and American workers.

The H-1A program, which passed in 1990, allowed an unlimited number of foreign nurses to enter the United States. However, the medical industry has changed radically in the last six years. Not only do we no longer need the foreign nurses, we actually have a potential glut of nurses in this country.

Simply put, we have more nurses than we have jobs. The hospital industry has gone through a massive restructuring. As hospitals have merged, closed or "scaled back" in order to become more competitive, the number of nursing positions has decreased. At the time, the pool of nurses is actually increasing.

We simply do not have a need or the jobs for the H-1A nurses. The H-1A visas sunsetted on September 1, 1995. We should allow the program to end. Think about the American nurses who have dedicated their lives to helping sick people. Let's face it, people do not become nurses to get rich or to become famous—they do it to help others. The least that we can do is to make sure that American nurses have jobs. I urge you to defeat the Burr amendment.

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Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. The H-1A temporary visa program was created in 1990 as a result of a nursing crisis shortage of the 1980's. While I acknowledge the very real need for foreign nurses in those years, this program expired in September 1995, and I see no need to revive or perpetuate this program. Therefore, I oppose this amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. BRYANT], ranking Democrat, who has led this immigration bill as well as he could under the circumstances.

Mr. BRYANT of Texas. Mr. Chairman, I just want to say that in the subcommittee we had hearings on parts of this bill. We had no hearings on this. No evidence was brought forth to tell us if there was a need to import nurses to take the jobs of American nurses that are working today. Without any evidence of that and with clear evidence having been brought forth in this debate that there is no need whatsoever for this program to be extended, I strongly urge Members to vote no.

The fact of the matter is that these American nurses deserve to be able to compete for jobs inside of our domestic economy without having to worry about imported workers working more cheaply.

Mr. BURR. Mr. Chairman, this is a health care issue, it is not a nursing issue. I do not think it is outdated to supply adequate care to Americans.

Mr. Chairman, I yield 20 seconds to the gentleman from Texas [Mr. SMITH] who has worked so hard on the immigration bill.

Mr. SMITH of Texas. Mr. Chairman, I want to thank the gentleman for offering this amendment.

The amendment will provide for a 6-month extension of H-1A nonimmigrant program for nurses as originally enacted by the Immigration Nursing Relief Act of 1989. I support this extension of the H-1A program which originally was effective for just 5 years. This will permit the Subcommittee on Immigration and Claims to conduct hearings and otherwise investigate the competing interests relevant to this program.

Mr. Chairman, I thank the gentleman from North Carolina [Mr. BURR] for taking the lead on this issue. I urge my colleagues to support this extension of the nurses program.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I urge a "no" vote on this amendment.

This is a classic case. I was very active in supporting the extension of the nurses program in the 1990 bill. The problem has been solved. A combination of recruitment, of this incorporation of many of the people who came here to work in nursing, all of these things have taken care of the shortage. I have heard from no hospital in the areas of greatest need that need this program.

I would suggest that this amendment be defeated. Organized labor opposes this. This is going to displace available U.S. workers. I urge it be defeated.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from California, Mr. XAVIER BECERRA.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for saying my name so well.

I, too, stand in opposition to the amendment. We have no evidence that there is a need for this. We should preserve jobs in our hospitals and our clinics for the nurses that have gone through the programs in this country and are ready to serve the people that are in need of medical care.

Mr. Chairman, there is no need to reach out at this time. There was a perceived need back in the early 1990s. If there was a need, it has been met by those temporary or foreign nurses that came in. We do not need the program. It expired last year. There is no need to revive it. Let us get on with this and let us preserve jobs that are available for American nurses.

Mr. BURR. Mr. Chairman, let me say, as we started this debate, that the American Hospital Association has just called in support of this amendment, as well as the American Health Care Association.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, there is probably no one in this House that has more affection for American nurses. And I do not think this bill will hurt American nurses. My mother was a nurse and is retired now.

But folks, this is not unreasonable, what we are asking to do here. I saw an editorial, in the American Journal of Nursing, January 1996, that is a couple months ago, which said that the only true nursing shortage that currently exists exists in rural America, accounting for 92.4 percent of the remaining shortage areas.

There is truly a question in this country if there is a nursing shortage in rural America. And all we are asking to do here, this is not unreasonable, is simply extend this program for 6 months so that we, as an immigration subcommittee, as promised by our chairman, the gentleman from Texas [Mr. SMITH], can conduct hearings. We do not want to put American workers out of jobs, but if we truly have shortages in rural areas, which the American Journal of Nursing says we do, as in January 1996, then we need to find out. We need to have these hearings and extend this bill, if necessary.

I ask Members to vote for this, 6 months only.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BURR] has expired.

The gentleman from Michigan [Mr. CONYERS] has 1½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind the gentleman from Tennessee [Mr. BRYANT] that the nurses do not want this. I am glad the gentleman is reading the nurses' literature, but here is what the nurses union say.

> Recent restructuring and downsizing of hospitals and other health care facilities have caused the displacement of thousands of qualified nurses. They should be put back to work before still another program is instituted to import nurses from abroad.

Dated, March 21, 1996.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the amendment.

The program which the gentleman seeks to restore was originally created to address a short-term shortage of qualified nurses. The shortage has been addressed and no longer exists.

In fact, changes in the structure and management of the Health Care System makes it likely that we will soon have a large pool of American nurses from which employers may recruit. In addition, the most recently available statistics indicate that the number of graduate nurses continues to increase.

Even if this should not be the case, nurses could still be recruited from Mexico and Canada under NAFTA: more than 6,000 nurses entered the United States under NAFTA in 1994. Nurses may also be recruited under H-1B Visa Program and the permanent employment-based Immigration Program.

I urge Members to join me in rejecting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BURR].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CONYERS Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. BURR] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 24 offered by the gentleman from Virginia [Mr. GOODLATTE]; and amendment No. 28 offered by the gentleman from North Carolina [Mr. BURR].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GOODLATTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. GOODLATTE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 59, noes 357, not voting 15, as follows:

[Roll No. 86]

AYES—59

Allard	Fowler	Oxley
Andrews	Frelinghuysen	Parker
Archer	Gekas	Quillen
Bartlett	Geren	Ramstad
Barton	Goodlatte	Rogers
Bateman	Gunderson	Roukema
Bilbray	Gutknecht	Saxton
Bilirakis	Hefley	Schaefer
Bliley	Hostettler	Shaw
Boucher	Houghton	Smith (MI)
Brownback	Hutchinson	Smith (TX)
Bryant (TN)	Johnson, Sam	Stearns
Campbell	Kingston	Stenholm
Clinger	Latham	Tauzin
Combest	Linder	Taylor (NC)
Davis	McCollum	Thomas
Ehrlich	Moran	Wicker
Ensign	Myers	Young (AK)
Fields (TX)	Myrick	Young (FL)
Foley	Ney	

NOES—357

Abercrombie
Ackerman
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stockman
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—15

Barr
Bunn
Clay
Collins (IL)
DeLay
Dicks
Johnston
Moakley
Radanovich
Rose
Stark
Stokes
Studds
Waters
Wilson

□ 1926

Messrs. WYNN, MOORHEAD, PACKARD, SHADEGG, WAMP, and DUNCAN changed their vote from "aye" to "no."

Mr. CAMPBELL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELAY. Mr. Chairman, on rollcall No. 86, I was unavoidably detained due to my attendance at the funeral of a close friend. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. BURR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. BURR] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 262, not voting 15, as follows:

[Roll No. 87]

AYES—154

Abercrombie
Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bevill
Bilbray
Bliley
Boehner
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Crane
Crapo
Cremeans
Cubin
de la Garza
Deal
Dickey
Doolittle
Dornan
Dreier
Durbin
Ewing
Fawell
Fields (TX)
Foley
Fowler
Funderburk
Gekas
Geren
Gilchrest
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Jones
Kaptur
Kelly
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lincoln
Linder
Livingston
Lucas
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mink
Moorhead
Myers
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Payne (VA)
Pickett
Pombo
Portman
Quillen
Riggs
Roberts
Rogers
Rush
Salmon
Sanford
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Souder
Stenholm
Stockman
Stump
Tanner
Tauzin
Taylor (NC)
Tejeda
Thornberry
Torkildsen
Upton
Vucanovich
Walker
Wamp
Weldon (FL)
White
Wicker
Young (AK)
Zeliff

NOES—262

Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Callahan
Calvert
Cardin
Castle
Chabot
Chapman
Chenoweth
Clayton
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hobson
Holden
Houghton
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney

McNulty	Quinn	Stupak
Meehan	Rahall	Talent
Meek	Ramstad	Tate
Menendez	Rangel	Taylor (MS)
Metcalf	Reed	Thomas
Meyers	Regula	Thompson
Miller (CA)	Richardson	Thornton
Minge	Rivers	Thurman
Molinari	Roemer	Tiahrt
Mollohan	Rohrabacher	Torres
Montgomery	Ros-Lehtinen	Torricelli
Moran	Roth	Towns
Morella	Roukema	Traficant
Murtha	Roybal-Allard	Velazquez
Nadler	Royce	Vento
Neal	Sabo	Visclosky
Neumann	Sanders	Volkmer
Ney	Sawyer	Waldholtz
Oberstar	Saxton	Walsh
Obey	Scarborough	Ward
Olver	Schroeder	Watt (NC)
Orton	Schumer	Watts (OK)
Owens	Scott	Waxman
Pallone	Sensenbrenner	Weldon (PA)
Pastor	Serrano	Weller
Paxon	Shaw	Whitfield
Payne (NJ)	Shays	Williams
Pelosi	Sisisky	Wise
Peterson (FL)	Skaggs	Wolf
Peterson (MN)	Skelton	Woolsey
Petri	Slaughter	Wynn
Pomeroy	Smith (NJ)	Yates
Porter	Smith (WA)	Young (FL)
Poshard	Spratt	Zimmer
Pryce	Stearns	

NOT VOTING—15

Bellenson	Johnston	Stark
Clay	Moakley	Stokes
Collins (IL)	Radanovich	Studds
DeLay	Rose	Waters
Johnson (SD)	Spence	Wilson

□ 1935

The Clerk announced the following pair:

On this vote:

Mr. DeLay for, with Mr. Radanovich against.

Mrs. ROUKEMA and Messrs. PETERSON of Minnesota, COOLEY, HOBSON, SAXTON, LONGLEY, SHAW, and Ms. PRYCE changed their vote from "aye" to "no."

Mr. LAHOOD and Mr. PICKETT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to H.R. 2202.

In fairness, this bill is more acceptable now than it was when it first came to the floor on Tuesday. Several of my principal concerns have been addressed. In particular, adoption of the Chrysler-Berman amendment deleting unneeded reforms to our system of legal immigration has put this bill back on track to addressing the primary immigration problem which our constituents have identified—illegal immigration. In addition, the change under the manager's amendment allowing for the filing of asylum petitions within 180 days instead of the 30 days in the original bill recognizes the concern which I and others had expressed regarding the impossibility for most people of filing a complete claim in 30 days. Finally, adoption of the Schiff-Smith amendment removing caps on annual refugee admissions restores the humaneness of U.S. refugee policy and assures necessary flexibility to respond to global events.

I regret that the same humaneness and compassion is not reflected in the provisions in this bill dealing with children. To allow States the option to deny an illegal alien child, who cannot be held responsible for his or her presence in this country, the right to an education is not only unconstitutional, but also cruel to the child and counterproductive for our communities. What is the point of the Constitution if we are to decide that States may opt out of assuring its guarantees? The same can be said for the bill's provisions denying Medicaid, AFDC, and food stamps to U.S. citizen children whose parents are illegal aliens. Failure of the House to adopt the Velázquez amendment relegates these Americans to second class status. I hope these provisions will be removed in conference.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2202, the Immigration in the National Interest Act. Let me state from the beginning that I strongly object to this legislation's failure to distinguish between legal and illegal immigration. Exploiting concerns about illegal immigration, H.R. 2202 unreasonably limits the number of immigrants who can be legally admitted to the United States. This restriction clearly violates the basic tenets of fairness and justice upon which our Nation, a nation of immigrants, was founded. I believe that America must honor its pledge of being a nation that will reunite families, provide asylum to a reasonable number of refugees, and protect the legitimate rights of both American workers and legal immigrants.

The Immigration in the National Interest Act would cut the number of immigrants who can be legally admitted to the United States annually by more than 200,000 persons. This draconian attack on America's immigrant population would be accomplished by dramatically limiting the number of family immigration visas, and by cutting in half the number of people granted asylum. Slashing legal immigration by 30 percent and refugee admission by 50 percent is unconscionable.

Mr. Speaker, it is also important to emphasize that most of the legal immigrants entering the United States are allowed for the purpose of family reunification. Our current policy requires that they are coming to this country to join an immediate relative who has been granted permanent residency status. It is incomprehensible that provisions in H.R. 2202 would attack our national policy of family reunification. This bill's drastic reductions in the number of legal family reunification through numerical caps and earnings tests will have only one result, families will be divided.

In addition to hurting American families, H.R. 2202 recklessly cuts the U.S. participation in humanitarian efforts by limiting the number of refugees who can enter the United States by 50 percent. This heartless exclusion of persons fleeing oppression and war is not only contrary to the interest of refugees, it also damages America's role as a world power. It would be an abdication of the U.S. humanitarian leadership worldwide to support this provision of H.R. 2202.

Another harmful element of this legislation is its requirement that both the sponsoring individual or family and the immigrant have an income of 200 percent of the poverty level. These unreasonably high family-sponsor caps will ultimately result in the disproportionate exclusion of the families of poor and minority immigrants. Such unreasonable and blatant discriminatory immigration policies should be actively resisted.

There are numerous other harmful provisions in this measure—including making illegal immigrants ineligible for most Federal benefits and establishing a telephone verification of citizenship policy—that compel me to oppose it. The unjustified hostility to legal immigration this bill fosters is simply un-American.

It is important to recognize that the history of the United States is largely one of immigration, and that this nation is rich because of its blend of cultures and ethnic backgrounds. America is a nation of immigrants that—without their creativity, intelligence, and vitality—would not have achieved the greatness with which it is recognized. This shortsighted legislation will impose an unbalanced and unfair set of priorities that will hurt America much more than it would help.

Mr. Speaker, the truth about H.R. 2202 is that it fails to not only distinguish between legal and illegal immigration, but that it reflects some of my colleagues' desires to sacrifice the interests and obligations of the American people in exchange for isolationism. I urge my colleagues to vote against this bill.

Mr. DIXON. Mr. Chairman, few areas of the Nation confront the challenges and suffer the impacts of illegal immigration as much as southern California. I strongly support provisions of H.R. 2202 which seek to control this problem through enhancements in our borders, increases in the numbers of border control agents, and increases in penalties for smuggling and document fraud. I will vote for passage of H.R. 2202, as amended, and continue to support the substantial increases in funding for the Immigration and Naturalization Service to stem the tide of illegal immigration.

However, I have reservations about several of the provisions of this legislation, and will carefully scrutinize the conference agreement on this legislation prior to giving that bill my support. I want to specifically highlight my strong objections to inclusion of the amendment which grants States the option to deny all public education to illegal aliens.

The amendment may be good politics. Clearly, it is appealing to many who are concerned about tight education budgets and the need to spend what moneys are available on American children, rather than educating those illegally in the country. However, the amendment is harsh in its treatment of children; is highly questionable as a disincentive to illegal immigration; and will create far more problems for schools and communities impacted by illegal immigration than it seeks to rectify.

I fail to understand how proponents of this measure believe that creating a situation where school officials will be forced to determine a student's legal immigration status will be beneficial to our educational systems. The costs of educating these children will merely be shifted to the administrative burden of determining immigrant status.

We will not be controlling illegal immigration by keeping some young people out of school. What we will be doing is putting those same young people on our streets, unattended and unsupervised. This is hardly the result that many in our communities are seeking as they look to Congress to address illegal immigration. Moreover, stigmatizing certain school

children in this manner, can only lead to potential discrimination against those children who may merely look different.

Claiming the provision as a disincentive to illegal immigration is questionable, at best. I do not believe that a free education for their children is a primary incentive among individuals seeking to enter the United States illegally.

Yes, we have a problem with illegal immigration. But punishing children not legally in this country through no fault of their own, while placing the burdens of defining who is and who is not legal on our public educational system, is a misguided attempt at solving that problem.

With these reservations in mind, I support the legislation before us as we continue to enhance federal efforts to control our borders and ease the burdens of illegal immigration on our communities, cities, and States.

Mr. MARTIN. I rise today in support of the Immigration in the National Interest Act, H.R. 2202.

I am pleased that we are finally addressing one of the most important problems facing America today, I am of course referring to the issue of Immigration reform.

As I have traveled around my District over the last few weeks from senior centers to Main Street the one issue about which people have repeatedly expressed concern is our failed immigration policy. These visits with my constituents reinforce my belief that we must institute common sense immigration reforms.

The United States of America has always been known as a land of immigrants—the melting pot or in today's climate of political correctness, "the tossed salad" of the world.

Over the last 200 years, millions of families have traveled thousands of miles to embrace opportunities found only in America. In fact, my grandparents traveled from Italy to settle in North Jersey where they built a successful business, raised four children and truly fulfilled the American dream.

Unfortunately, we have gotten away from the brand of immigration represented by my grandparents and others of that proud generation. Today, illegal immigration and fraudulent legal immigration runs rampant through our system.

Mr. Speaker, nearly 20 percent of the legal immigrants in this country are on welfare. Furthermore, one-quarter of all federal prisoners are illegal aliens. Does this sound like an immigration policy that is operating at 100 percent efficiency, Mr. Speaker? I think not.

Neither did the bipartisan Commission on Immigration Reform headed by the late Barbara Jordan. The Commission concluded, "The United States must have a more credible immigration policy that deters unlawful immigration while supporting our national interest in immigration."

As a member of the Congressional Task Force on Immigration, I strongly support the commission's findings.

H.R. 2202 is a strong, but fair bill, Mr. Speaker. It establishes a positive framework to prevent illegal aliens from feeding at the public trough. I do not believe it is extreme to stop the flow of federal taxpayer dollars to illegal immigrants.

Mr. Speaker, enactment of H.R. 2202 would reduce illegal immigration by 50 percent over the next 5 years. By stemming the tide of illegal immigration now, we will preserve American jobs for Americans. In fact, this legislation may be the most pro-job and pro-family bill we consider in the 104th Congress.

Some of my colleagues in this body would like to separate legal immigration reform from illegal immigration reform. I, on the other hand, do not believe that we can address one problem without fixing the other.

H.R. 2202 is a family friendly bill that does not attempt to deprive members of the immediate family of legal residents from relocating to the United States. This legislation recognizes the importance and strength of family relationships by providing no annual limitation to the immigration of immediate family members to citizens of the United States.

In fact, H.R. 2202 will allow more legal immigrants into the United States on an annual basis than we have admitted 60 of the last 65 years.

In short, Mr. Speaker, H.R. 2202 places more emphasis on proactive measures that eliminate the incentives to illegally enter the country, while still providing ample room for immigrants who truly desire to pursue the American dream.

In closing, I urge my colleagues to support this much needed immigration reform.

Mr. YOUNG of Florida. Mr. Chairman, the problem of illegal immigration has reached historic proportions. Past attempts by Congress to reform immigration laws have provided nothing more than greater incentives and promised benefits for illegal aliens. The result is the present system which actually encourages immigrants to come to America illegally.

Today, I am proud to support an historic change in our Nation's immigration policy. Today, we are going to pass a reform bill with real teeth in it. A bill that cracks down on illegal immigrants already here, and one that secures our borders against future immigrants who would seek to enter illegally. Past legislation this House has considered, which I strongly opposed, did nothing to alleviate the problems of illegal immigration. At long last, I look forward to supporting a bill which acknowledges these problems and takes action to address them.

While past legislation sent the message you could come to the U.S. illegally and expect to receive welfare benefits, food stamps and free health care, this legislation finally puts an end to this outrage. As a Member from the State of Florida, I have seen first-hand the financial burden these ill-gotten attempts at reform have placed on States forced to bear the brunt of this failed immigration policy. Past Congresses refused to stop the excessive flow of illegal immigrants and to eliminate the enormous costs associated with this broken system. Today, we own-up to our responsibilities with a hard-nosed approach that substantially increases border control, provides the Immigration and Naturalization Service with the tools necessary to find and deport illegal aliens, and pays for the Federal Government's financial obligations to the States.

Mr. Chairman, my State of Florida has long been overburdened by the flood of illegal immigration. Since the Mariel boatlift in 1980, we have been the destination of a disproportionate number of immigrants, making us the third-largest recipient of immigrants among our 50 States. Although immigration policy is the sole jurisdiction of the United States Government, history has proven that States like Florida are typically left with the cost and responsibility of providing expensive social services to illegal aliens.

With the enactment of H.R. 2202, we have an opportunity to minimize the enormous expenses that we force upon our States by denying most public benefits to illegal aliens, removing public charges, and holding sponsors personally responsible for the financial well-being of an immigrant they bring into our country. Most importantly, this bill requires the Federal Government to reimburse States and localities for any expenses incurred from providing federally mandated services to illegal immigrants. Based upon various formulas, it is estimated that the State of Florida has spent an average of $651 million per year from 1989–1993, or a total of $3.25 billion for services provided to illegal immigrants. If the costs to local governments are included, the total burden rises to $15 billion for that same 5-year period.

Unlike past immigration reform bills, H.R. 2202 will actually discourage the illegal entry of immigrants by increasing our border control agents by 5,000 personnel, improving physical barriers along our borders, including a triple-layer fence, authorizing advanced border equipment to be used by the Immigration and Naturalization Service, and instituting an effective removal process to discharge illegal immigrants with no documentation. This bill provides the Department of Justice with 25 new U.S. Attorneys General and authorizes 350 new INS inspectors to investigate and prosecute aliens and alien smugglers.

This bill also strongly supports the American worker by cracking down on the use of fraudulent documents that illegal immigrants use to get American jobs and by enforcing strict penalties for employers who knowingly violate these laws. The Department of Labor is authorized 150 new investigators to enforce the bill's labor provisions barring the employment of illegal aliens.

Mr. Chairman, the American people demand that Congress take action to secure our borders against illegal immigrants. With the explosion in the amount of drugs and criminals coming across our borders, and with the flood of illegal immigrants, many of whom settle in Florida, it is eminently important that we do all we can to protect our national borders.

While past Congresses refused to address this national crisis, today we deliver, with a much needed and long overdue first step in this renewed effort. Today we will approve legislation with unprecedented prevention and enforcement mechanisms. The message to illegal aliens is no longer one of indifference. The new message is simple—try to enter the United States illegally and we will stop you, should you get in, we will find and deport you, and should you remain in hiding, don't expect much in the way of support.

Mr. GALLEGLY. Mr. Chairman, after having a conversation with Mr. GOODLING, the chairman of the opportunities committee, I wish to clarify, for the record, section 606 of H.R. 2202.

The Department of Education recently signed a computer matching agreement with

the Social Security Administration which is to go into effect for the 1996–1997 school year.

The purpose of the matching program is to ensure that the requirements of section 484(a) of the Higher Education Act of 1965 are met.

This matching program will enable the Department of Education to confirm that the social security number and the citizenship status of applicants for financial assistance under Title IV of the Higher Education Act are valid at the time of application.

I would further note that the details of the matching arrangement can be found in the Federal Register publications of March 23, 1995, September 21, 1995, and December 1, 1995.

The matching agreement addresses my concerns about the verification of a student's status and eligibility for student aid.

However, we all know that statutory language is a much better source of authority than regulations. So, I just want to make sure that the verification takes place, that's all. That's why I have included the statutory language. If the Attorney General and the Secretary of Education agree that the matching agreement adequately meets the verification requirements of section 606 of the bill, then that is fine with me.

Mr. SMITH of New Jersey. Mr. Chairman, I wish to call attention to the important action of the House in deleting the proposed "refugee cap" which would have made dramatic cuts in the number of refugees the United States accepts each year. In particular, the "refugee cap" would have necessitated the elimination of the in-country programs for Jews and Evangelical Christians in the former Soviet Union, and for pro-American political prisoners, religious dissidents and other people at risk of persecution by the Communist government of Viet Nam.

POLITICAL AND RELIGIOUS DISSIDENTS AROUND THE WORLD

Make no mistake: the proposals for refugee cuts do not reflect a decline in the worldwide level of political, racial, and religious persecution. The dictatorship in Nigeria recently staged a public hanging of eight members of the Ogoni ethnic minority, including highly respected novelist and environmental activist Ken Saro-Wiwa. Iran followed up by sentencing a member of its Baha'i religious minority to death for a crime it calls "national apostasy."

VIETNAMESE POLITICAL AND RELIGIOUS DISSIDENTS

Nor is the upsurge in persecution limited to so-called "pariah" regimes. A week after Warren Christopher raised the flag on the new United States Embassy in Viet Nam, the government of that country staged two show trials—apparently to disabuse its own people of the idea that economic and diplomatic relations with the West would lead to greater respect for human rights. Six of the nation's top Buddhist leaders were sentenced to long prison terms for persisting in their refusal to join the state church. Nine people were convicted of "using freedom and democracy to injure the national unity" because they had requested permission to hold a conference on the subject of democracy. So this is no time to think about shutting down the Orderly Departure Program for people who have suffered for their pro-American, pro-freedom beliefs and associations. Nor is it a time to think about dumping thousands more high-risk political and refugees, currently long-time residents of refugee camps in Hong Kong and Southeast Asia, back to persecution in the Workers' Paradise. Yet this is what the international refugee bureaucracy is about to do. The United States has traditionally stood against this sort of thing, even when our efforts were regarded as unhelpful by the governments of other nations and by officials of international organizations. We must recapture that proud American tradition of resistance to persecution and solace for the persecuted—and not just when it is convenient or popular.

PERSECUTION OF JEWS

The Subcommittee on International Operations and Human Rights, of which I have the honor of serving as Chairman, recently heard expert testimony on the persecution of Jews around the world. Our witnesses testified about the continued survival, as we face the turn of the Twenty-First Century and celebrate the fiftieth anniversary of the war that ended the Holocaust—of systematic and severe mistreatment of Jews, simply because they are Jews.

The recent firebombings in Jerusalem, which killed many innocent people, show that there is literally nowhere in the world where Jews are safe from hatred and violence. But the worst problems appear to be in places that have a history of anti-Semitism combined with an unstable present and an uncertain future.

The hearing on persecution of Jews was conducted with the active assistance of a number of organizations that have been instrumental in helping to keep the attention of Congress focussed on this issue, including the World Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Union of Councils for Soviet Jews, the National Conference on Soviet Jewry, the National Jewish Coalition, the Hebrew Immigrant Aid Society, and the Council of Jewish Federations. Our witnesses—including academic experts, a former member of the Russian Duma, and several people who are themselves refugees from persecution—told us about the situation in the newly independent states of the former Soviet Union. We also heard accounts of persecution in Iran and Syria. These are certainly among the worst cases, but it is important to remember that anti-Semitism and the violence it brings in its wake are not confined to one or two regions of the world. The evidence is unfortunately all around us: the bombing of a synagogue in Argentina, the "skinhead" movement in Western Europe, resurgent ethnic politics in Central and Eastern Europe, even the desecration of a small Jewish cemetery by the dictatorship that rules Burma.

The situation of Jews in the former Soviet Union is particularly important, not only because the struggle for the freedom of Soviet Jewry was among the finest hours of the American people, but also because the story could still end badly. There has been a tendency in recent years, even among those of us who fought long and hard for the rescue of Soviet Jews, to feel that now we can relax. Unfortunately, the free world has a long history of relaxing too soon. In the case of Jews living in the former Soviet Union, what we must avoid is slamming the door too soon. It is true that the Twentieth Century totalitarian states based on ideologies that are anti-God and anti-human being, such as Nazism and Communism, may have had a capacity to do evil whose scope and degree was unique in all human history. Evil, however, takes many forms and respects no boundaries. The year in which Zhirinovsky begins his campaign for President is not the year in which we should decide that the coast is clear for ex-Soviet Jews.

This hearing also helped us to assess the performance of our government, and of international institutions such as the United Nations High Commissioner for Refugees, in responding to the pleas of the Jewish communities that are at risk around the world. Our government had to be prodded for years before it made freedom of emigration for persecuted Soviet Jews a foreign policy priority. More recently, our foreign policy establishment was also slow to recognize and react to the persecution of Jews in Iraq.

We must remind ourselves, and then we must remind our government, that refugee policy is not just an inconvenient branch of immigration policy. Human rights policy is not just a subset of trade policy. The protection of refugees, the fight for human rights around the world, are about recognizing that good and evil really exist in the world. They are also about recognizing that we are all brothers and sisters. If we recognize these truths, we can build a coalition to preserve and strengthen United States policies designed to protect our witnesses today—and to protect all others who are persecuted because of their religion, race, nationality, or political beliefs—and to restore these policies to the place they deserve as a top priority in American foreign policy.

Mr. Speaker, the former Soviet refugee program has already been reduced from 35,000 refugees in fiscal year 1995 to 30,000 in fiscal year 1996. Although the governments of the newly independent states do not endorse the persecution of these groups, in many cases have been unwilling or unable to prevent it. Instability and resurgent ultra-nationalism and anti-Semitism counsel against a premature closing of the door to members of these historically persecuted groups.

PERSECUTION OF CHRISTIANS

The Subcommittee on International Operations and Human Rights also recently heard expert testimony on the persecution of Christians around the world. To the best of my knowledge, it was the first hearing of its kind, ever. Our witnesses testified about the systematic and severe mistreatment—including but not limited to harassment, discrimination, imprisonment, beatings, torture, enslavement, and even violent death—meted out to believers simply because they are believers.

The subject of religious persecution is a familiar one for the Subcommittee on International Operations and Human Rights. This subcommittee and its members have held hearings, introduced resolutions, and otherwise helped to focus the attention of Congress and the nation on the persecution of Soviet Jews, of Bosnian Muslims, of Bahais in Iran, of Buddhists in Tibet and Viet Nam, and of others who have been oppressed for practicing their chosen faith. This, however, is the first hearing to focus specifically on persecuted Christians, and to do so in a way that

makes clear this is not an isolated or occasional outrage, but one that is perpetrated every day upon millions of people around the world.

We held the hearing on worldwide persecution of Christians in order to advance several important goals. First, the very act of bearing witness is important in itself. Even if we could accomplish nothing else this afternoon, we would have an obligation to shed light on facts that need to be known, and to give a forum to voices that need to be heard.

We hope, however, to accomplish much more. In this age when human rights are always in danger of subordination to other objectives—whether the love of money, the feat of immigrants and refugees, or the desire to get along with governments that mistreat their own people—we need to be reminded that when people are persecuted in distant lands, it is often because they are like us. The victims we so often ignore, whether the issue is refugee protection or most-favored-nation status for China, are usually the very people who share our values. We need to see their faces, and to be reminded that they are our brothers and sisters.

It is also important that we assess the performance of our government, and of international institutions such as the United Nations High Commissioner for Refugees, in responding to the pleas of persecuted Christians. In the past we have heard that these institutions have been reluctant to acknowledge the plight of persecuted Christians. Most of us can remember the Pentecostals who sought refuge in the U.S. Embassy in Moscow during the 1980s, and who were finally rescued only after they had been pressured and cajoled for months to leave because they were cluttering up the courtyard. The so-called "Comprehensive Plan of Action" for Southeast Asian asylum seekers has returned thousands of Christians, including priests, nuns, ministers, and seminarians, to Viet Nam after they were callously labeled "economic migrants." And applications for asylum or refugee status from Christians who have managed to escape from Islamic extremist regimes have typically been rejected, despite the draconian punishments often administered against them.

Finally, and perhaps most important, the hearing afforded an opportunity for a broad coalition of respected voices, from Amnesty International to the Southern Baptist Convention and the Family Research Council, to bear witness to their own recognition of the plight of persecuted Christians. This is an issue that should unite liberals and conservatives, Republicans and Democrats, even internationalists and isolationists. Whatever our differences, we are Americans. There are such things as American values, and there are some things Americans will not tolerate. We can build a coalition to restore the protection of these oppressed believers—and of all others who are persecuted because of their religion, race, nationality, or political beliefs—as a top priority in American foreign policy. The continuing persecution of Christian religious demonstrates—and too often the turning of a deaf ear by U.S. officials and others charged with refugee protection—is yet another reason that this is a terrible time to talk about reducing the scope of U.S. refugee programs.

SLAVERY IN MAURITANIA AND SUDAN

The Subcommittee on International Operations and Human Rights also held a hearing on the practice of chattel slavery, which is still widespread in Mauritania and Sudan. Most of us had believed, until quite recently, that this horrible practice belonged only to the past. But several of our witnesses testified of having seen it first hand, having spoken with slaves and with slave masters.

According to accounts by anti-slavery activists, including some of our witnesses, chattel slavery in Mauritania and in the Sudan is substantially identical to slavery as it was practiced in other centuries. It represents the subjugation of one race by another, and often of members of one religious group by members of another. It frequently includes the grossest forms of degradation of women and children. Slavery is not to be confused with similar institutions, such as serfdom or indentured servitude: however wrong these institutions are, they involve only the ownership of one person's labor by another. In true slavery, the master owns the slave's body. He owns the right to decide whom the slave will marry. When babies are born, the master owns the babies, and can buy them and sell them. True slavery is about treating people as though they were not people, as though they were things without souls.

In the modern world, we often speak of "fundamental human rights." Sometimes we say these words without thinking about what they mean. I believe that the idea of human rights has meaning only if rights are God-given, inalienable, and indivisible. Slavery is the ultimate denial of all these ideas. Toleration of slavery, even when it is far away and in another country, is the ultimate statement of radical cultural relativism. We must do whatever it takes to abolish slavery, not only because its victims are our brothers and sisters, but also because as long as there is anyone in the world who is a slave, none of us is truly free.

VICTIMS OF FORCED ABORTION AND FORCED STERILIZATION

Finally, Mr. Chairman, I must point out that even at our current levels of refugee admission, the number of refugee spots we allocate for people fleeing the People's Republic of China—one of the most repressive regimes on Earth—is zero. This is particularly tragic in light of the continuing recurrence of one of the most gruesome human rights violations in the history of the world: forced abortion.

On Good Friday of last year, thirteen Chinese women in INS detention were moved to a deportation holding center in Bakersfield, California. Five of these women had fled China after being forced to have abortions. Others had been forcibly sterilized, or had escaped after being ordered to undergo abortion and/or sterilization. Their asylum claims were rejected. Some of them were deported to Ecuador. It appears that the deportation of the remaining women to the PRC is imminent.

These women and others like them may be forced back to China because of a novel and bizarre interpretation of U.S. asylum law, under which those who resist forced abortion or forced sterilization are regarded as common criminals rather than victims of persecution. After all, they did break the law—and never mind what kind of law they broke. Never mind fundamental human rights and broken lives. A law is a law, and people who break a forced-abortion law or any other law must be sent back to take their punishment. This is the kind of thinking we are up against. This is why we need section 522 of this bill, which would restore the humane policy of regarding victims of forced abortion and forced sterilization as refugees. It is also one of the reasons we need a resettlement program for Chinese refugees.

The anti-life, anti-woman interpretation of the refugee laws, which has resulted in denials of asylum to women fleeing forced abortion, was adopted by INS in August 1994. It reversed the long-standing policy of granting asylum to applicants who can prove a well-founded fear of forced abortion, forced sterilization, or other forms of persecution for resistance to the PRC coercive population control program.

Section 522 would restore the traditional interpretation and save these women. Such a provision should not be controversial. Almost all Americans, whatever their views on the moral and political questions surrounding abortion, regard forced abortion and forced sterilization as particularly gruesome violations of fundamental human rights.

Mr. Speaker, this provision is not about immigrants, it is about refugees. Contrary to some of the scare tactics that have been used from time to time against protecting victims of forced abortion and forced sterilization, such protection has been tried in the past, and has not brought billions of economic migrants from China or anywhere else. This provision will protect a tiny handful of genuine refugees—the 13 Bakersfield women and a few others every year—who face a gruesome fate if we send them back, or who have already suffered such a fate.

It is important that we put aside myths and consider the facts:

The number of people involved is very small. Section 522 of this bill has a track record. It simply restores the law as it was interpreted from 1987 through 1993. It also imposes a statutory cap of 1,000 refugees and asylees. This statutory cap is unfortunate and unnecessary, but it probably will not make any difference. The number of people granted asylum on the ground of persecution for resistance to the PRC population control policy was between 100 and 150 per year—not 1.2 billion.

Each applicant would be required to prove his or her case. Section 522 does not enact a special rule for people who resist the PRC population control program. It merely gives each applicant an opportunity to prove his or her case under exactly the same rules as every other applicant. The only change this provision would make from current law is to restore eligibility for an applicant who can prove that he or she individually had a well-founded fear of forced abortion, forced sterilization, or other persecution for resistance to the population control policy—or has actually been subjected to such measures.

It's the right thing to do. Forced abortion, forced sterilization, and other severe punishments inflicted on resisters to the PRC program are persecution on account of political

opinion. PRC officials have repeatedly attacked resisters as political and ideological criminals. The infliction of extraordinarily harsh punishment is also generally regarded as evidence that those who inflict such punishment regard the offenders not as ordinary lawbreakers but as enemies of the state.

Forced abortions often take place in the very late stages of pregnancy. Sometimes the procedure is carried out during the process of birth itself, either by crushing the baby's skull with forceps as it emerges from the womb or by injecting formaldehyde into the soft spot of the head.

Especially harsh punishments have been inflicted on persons whose resistance is motivated by religion. According to a recent Amnesty International report, enforcement measures in two overwhelmingly Catholic villages in northern China have included torture, sexual abuse, and the detention of resisters' relatives as hostages to compel compliance. The campaign is reported to have been conducted under the slogan "better to have more graves than more than one child."

The dramatic and well-publicized arrival of a few vessels containing Chinese "boat people" has tended to obscure the fact that these people have never amounted to more than a tiny fraction of the undocumented immigrants to the United States. The total number of Chinese boat people who arrived during the years our more generous asylum policy was in force, or who were apprehended while attempting to do so, was fewer than 2000. This is the equivalent of a quiet evening on the border in San Diego.

Nor is there evidence that denying asylum to people whose claims are based on forced abortion or forced sterilization will be of any use in preventing false claims. People who are willing to lie in order to get asylum will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth—who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

Finally, we should be extremely careful about forcibly repatriating asylum seekers to China in light of evidence that a number of those sent back by the United States since 1993 have been subjected to extended terms in "re-education camps," forced labor, beatings, and other harsh treatment.

Mr. Chairman, on the one hand we tell people not come here illegally to apply for asylum, not even if they are fleeing persecution. But then we fail to use the legal tools at our disposal, the programs specifically provided by law, to assist thee vulnerable people in escaping persecution in ways that do not violate immigration laws. It is a serious deficiency that should be addressed by the allocation of an adequate number of places for refugees from persecution at the hands of the totalitarian regime in Beijing.

Mr. LATOURETTE. Mr. Chairman, as the House of Representatives considered overhauling our nation's immigration policies, members had an opportunity to separate legal immigration from illegal immigration issues. I supported efforts to delete the legal immigration provisions from H.R. 2002, the "Immigration in the National Interest Act."

Some might question my motivation for doing this, however, it is my contention that just as the problems relating to legal and illegal immigration are different, so too are the solutions. You could argue that the work of a brain surgeon and a barber both involve the human head, yet no one would think of going to a barber for brain surgery or a brain surgeon for a haircut. This is precisely the type of ill-conceived logic we employ if we attempt to lump illegal and legal immigration into one reform package.

The two issues deserve separate consideration, and that is why I supported the measure to give each reform vehicle the attention it deserves. The U.S. Senate has already seen fit to separate legal from illegal immigration, again with the belief that our proposed reforms of legal immigration go too far. The legal immigration provisions contained in H.R. 2002 would drastically reduce legal immigration—up to 40 percent by some estimates. It also would reduce the potential for families to be reunited and would decimate the intake of refugees. History has not been kind to us as a nation when we have followed similar paths before.

During the 104th Congress, I have had the great pleasure of serving as a member of the Council for the U.S. Holocaust Memorial Museum in Washington. In my capacity on council, I have had been afforded the time and luxury to delve deeper into the history surrounding the Holocaust, and I have paid particular attention to the emigration of Jews from Germany in the 1930s. It strikes me that as we consider reforming our legal immigration policy, we should study this tragic period in history carefully, as there are many lessons to be learned.

In July 1938, delegates from 32 countries including the United States, France and Great Britain met at the Evian Hotel in Evian, France, for what has become known as the Evian Conference. The purpose of this conference was to determine what these countries should do in response to the thousands of Jewish refugees who were shunned both by their home country and abroad. Unfortunately, little was accomplished at the Evian Conference because no country was willing or had the fortitude to accept large numbers of Jews, including the U.S.

Since the early 1930s, Jews had been fleeing Germany for a variety of reasons. Initially, the German government encouraged those who could flee to do so, and to take whatever possessions they could with them. Eventually, however, the Nazis made this increasingly more difficult, slapping emigration taxes on Jews and making it impossible for them to survive elsewhere because their funds were tied up in German banks.

The anti-Jewish sentiment in Germany, as we all know, was oppressive. The Nazis wanted to make Germany a place devoid of Jews. As a result, Jews fled by the tens of thousands, often entire families at once. They sought refuge in Western Europe, the U.S., Central and South America, and even China. It is believed that as many as 90,000 Jews emigrated from Germany to the U.S. during this period in history, and many more would have come to our fair land had the U.S. been more willing to accept them. Unfortunately, we were not.

Our country's unwillingness to accept these Jewish refugees took a most tragic turn in May 1939, for it was at this time that the *S.S. St. Louis*, a German passenger ship, left Germany for Cuba. There were nearly 1,000 Jews on board the *St. Louis* as it headed toward Havana, yet when it finally reached its destination the ship was turned away by Cuban authorities. The *St. Louis* then pleaded with U.S. officials to let the nearly 1,000 refugees enter America, yet the U.S. denied the ship permission to land and denied entry visas to the refugees. In June 1939, the ship turned around and returned to Europe.

Fortunately for those on board the *St. Louis*, the countries of Great Britain, France, the Netherlands and Belgium agreed to accept the Jewish refugees, although this blessing would be brief and mixed. The following year, in 1940, German forces occupied the region. Many of the passengers aboard the *St. Louis*—those same passengers America turned away—were dealt the cruelest of fates. Many were subjected in their new homelands to the same horrors from which they had fled—the full wrath of the Holocaust—ghettos, concentration camps, deportations and death chambers.

Fear, prejudice and ignorance allowed America to turn its back on those who sought refuge here in May 1939, with the most tragic of outcomes. America is supposed to be a haven for those oppressed by other nations; it is supposed to be the land of hope and opportunity. Ours is a country that welcomes those who want to come here, contribute to society, and live the American dream.

It is regrettable that we as a nation have been unable to respond to the severe problems of illegal immigration in a sensible, meaningful way. It would be just as regrettable to gut a rich heritage of providing safe harbor for those who seek to come here legally because we cannot deal with a failed illegal immigration policy.

As a nation, we must take full responsibility for our generosity in welcoming others to our land, and full responsibility when that generosity backfires or fails. In separating legal from illegal immigration reform, we have our best chance to answer that call to responsibility. Just as we should not reward those who refuse to make a difference as Americans, we should not punish those who come here and strive to do so. Throughout history, legal immigrants have enriched our economy and the goodness of our country.

We will never know what kind of productive lives those aboard the *St. Louis* might have led on American soil because we did not give them the chance. It is a shame we will always bear. Legislative action or inaction in Europe and the United States contributed greatly to a tragedy we cannot repeat.

Ours is a country made up of immigrants, and the rich tapestry we enjoy is because so many people, including many of our own grandparents and great-grandparents, had the hear and the will to come here. More importantly, the United States had the heart and the will to welcome them, and it is not something to relinquish now.

Mr. SMITH of New Jersey. Mr. Chairman, the United States has always been a beacon of hope and opportunity for generations of

people who come to our shores searching for what cannot be found in any other nation on Earth. Few of us here are not the heirs of immigrant determination to make a better life for families and loved ones—or to seek a safe haven from repression. Some of our colleagues in the House are themselves living proof that this Nation continues to be enriched by the strong immigrant community which is our heritage.

However, Mr. Chairman, today the people of the United States are faced with a new challenge from which we cannot back away—the challenge of illegal immigration.

Illegal immigration has reached epidemic proportions in the United States. Each year our borders are flooded with many thousands of people who enter the United States undocumented, usually unskilled, often without the resources to provide for their own needs.

Mr. Chairman, it is currently estimated that there are between 2 and 4 million illegal immigrants in the United States, with about 300,000 added to that number each year. I want to emphasize that these are estimates—the numbers could be even larger than the estimates. According to a study by the Rand Institute, one-half of all illegal immigrants enter the United States by crossing the land border. Many use fraudulent documents to derive benefits from social programs, thus depriving U.S. citizens, legal residents, and refugees who deserve these benefits and robbing taxpayers of millions of dollars.

Twice this House has attempted to right this wrong. Twice President Clinton vetoed those attempts. Thousands of people each year blatantly disregard U.S. laws but are rewarded once they arrive here. This magnet of benefits draws people from all over the world who simply abuse the system with no intent on ever contributing. This is wrong. And once again we have the opportunity to address the issue. We must remain firm in our commitment to provide for those who are in need, to offer assistance to those who experience temporary setbacks. But we cannot simply be a well from which all may draw without ever giving back, or with no intention of ever leaving the well.

But the welfare problem is only one symptom of the illegal immigration epidemic. Jobs of U.S. citizens and legal residents are affected by the number of illegal immigrants willing to work longer hours for lower wages. Illegal immigrants reduce the employment opportunities of low-skilled workers, and even of skilled workers in areas where the economy is already weak and opportunities less plentiful. According to a New York Times article by Roger Waldinger, a professor of sociology at U.C.L.A., says that the African-American community suffers the most from jobs lost to illegal immigration. Legal immigrants are also hurt by the growing influx of illegal immigrants, their opportunities decreased and the hopes they brought with them dimmed or extinguished. Many of these U.S. citizens and legal immigrants are then forced into dependency on social programs, increasing the cost that illegal immigration imposes on the American public.

Not only does illegal immigration cost jobs, it also costs wages. Statistics show that low-skilled workers may experience as much as a 50 percent decline in real wages and that the growing number of illegal immigrants is leading to an increased wage gap between skilled and unskilled workers.

I have in my office stacks of reports from the Immigration and Naturalization Service, documenting hundreds of illegal immigrants who are employed here illegally. The jobs they hold are jobs that rightfully belong to U.S. citizens and lawful residents.

But there are more symptoms of this epidemic. U.S. prisons are overflowing with criminal aliens—and the vast majority of these are illegal immigrants. In addition to the stacks of reports from the INS which document the employment of illegal aliens, there are pages of reports on the growing number of illegal immigrants who are involved in criminal activity. Many of them enter our judicial and prison systems where, again, millions of dollars are spent on dealing with their criminal activities.

Those who enter the United States illegally and who continue to violate our laws—especially those who by violence add to the growing problem of violent crime and fear in this country—do not deserve to stay here. Like other violent criminals, they have complete disregard for the values that U.S. citizens and legal immigrants hold dear and strive for each day.

It is no secret that I support the plight of refugees who seek relief from oppression in their homelands. This empathy for people who love freedom is a basic tenet of our American tradition. But such empathy should not be confused with support for those—regardless of nationality—who would instill fear and terror on the law-abiding citizens of our Nation.

I should also make clear that I do not mean to imply that most immigrants—or even most illegal immigrants—come here to commit violent crimes. Many undocumented immigrants are driven by the same economic and social factors that cause all of us to want to improve our situations in life. But the United States is first and foremost a nation of laws, and we have a right to insist on obedience to the law.

Mr. Chairman, earlier I quoted the Rand Institute's figure that 50 percent of all illegal immigrants come to the U.S. by crossing our land border. We owe a word of support and commendation to the men and women who make up our border patrols and stave off hundreds of people who otherwise would have gotten into the United States without documentation. They place their lives on the line each day to protect the integrity of our borders. They are our first and best line of defense against illegal immigration. They are overworked and in need of more support. We must do everything we can to strengthen our border patrol and improve this first line of defense.

The elimination of any epidemic calls for strong and decisive measures. This epidemic of illegal immigration demands the same. Eliminate the benefits that illegal immigrants receive when they arrive. Enforce and strengthen the laws which prohibit the hiring of illegal immigrants. Protect U.S. jobs for U.S. workers, especially for those who are most harmed when their jobs are given to illegal immigrants. Deal swiftly and decisively with criminal aliens through expedited deportation proceedings. These measures are only a start to address this epidemic. But we must start somewhere.

Mr. DEFAZIO. Mr. Chairman, our national policy regarding immigration is overdue for change. We need to balance our proud history of diversity with the economic reality of high national unemployment and over-burdened social services. We must consider reforms that address the needs of U.S. citizens first and recognize the fiscal reality of Federal and State government.

Congress is now considering a major proposal to dramatically change our Nation's immigration policy. I support the goal of ending illegal immigration. But I also believe we must reduce the number of people legally immigrating to our Nation. We simply cannot hold the door open for every one of the world's dissatisfied citizens. Continued high immigration hurts our environment, it hurts our low wage workers and it is increasingly hurting higher skill and higher wage workers, as well. High levels of immigration may have been a boon to our Nation at one time. They have ceased to make any sense today.

Representative BERMAN has proposed an amendment to strike the legal immigration provisions of the bill. I'm concerned that if we eliminate the attempt in this bill to reform the Nation's legal immigration policy—as flawed as this bill's legal immigration reforms may be—the impetus for reform will die. I, therefore, cannot support his amendment.

I'll continue to work for tighter borders and responsible immigration control, and press for strong protection for our Nations work force.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise in support of H.R. 2202, the Immigration in the National Interest Act. I want to bring to my colleagues' attention to one particular provision of this measure that will strengthen America's asylum laws.

America's asylum laws are intended to provide refuge for aliens whose lives or freedom are threatened on account of their race, religion, nationality, membership in a particular social group or political opinion. But our current asylum system is riddled with abuse. For example, 31 percent of aliens who apply for asylum never show up for the INS interview that is scheduled to evaluate the legitimacy of their asylum claim. In addition, thousands of aliens who are in the process of being deported claim political asylum at the very last opportunity, thereby triggering a lengthy process of hearings and appeals which further delay deportation.

Last August I introduced legislation, H.R. 2182, that would prohibit an alien from seeking asylum in the United States if the alien had first traveled through a country that offers political asylum. These countries are called countries of safe haven. My legislation sought to restore the integrity of our asylum laws by requiring asylum seekers to remain in the first country that would offer them safe haven in an effort to seek better economic opportunities in the United States would be prohibited from entering our country with certain exceptions.

I am pleased that the gentleman from Texas [Mr. SMITH] has adopted many elements of my legislation in H.R. 2202.

Mr. Speaker, H.R. 2202 closes the loopholes in our current system, restores the original intent of our asylum laws and maintains generous asylum policies for those fleeing persecution and oppression. I strongly support passage of this bill.

Mr. VENTO. Mr. Chairman I rise today in support of an amendment I drafted to address a fundamental problem being experienced by legal U.S. residents, the Hmong. This measure would expedite the naturalization of Hmong people who served in Special Guerrilla Forces assisting the U.S. military during the Vietnam War.

My amendment corrects a serious problem affecting Hmong people in the United States today who served alongside United States soldiers in Southeast Asia. It expedites the naturalization of aliens who served in these units in Laos and their spouses or widows by waiving the language requirement and the residency requirement aliens normally must meet. These two significant barriers to citizenship today affect the Hmong in a unique manner.

From 1960 to 1975 Hmong people of all ages fought and died alongside United States soldiers in units recruited, trained, and funded by the CIA. During the war, between 10,000 and 20,000 Hmong tragically were killed in combat and as the conflict resulted in a bitter conclusion, 100,000 Hmong had to flee to refugee camps to survive the persecution and retribution that surely would have followed. The Hmong stood loyally by the United States during the long bitter course of the Vietnam War, but because the Hmong did not serve in regular United States military units, they are not eligible for expedited naturalization as other uniformed U.S. veterans and others may be. The Vento amendment would remedy this problem and inequity.

Current law permits aliens or noncitizen nationals who served honorably during World War I, World War II, the Korean conflict, and the Vietnam war to be naturalized regardless of age, period of residence or physical presence in the United States. In other words, there is established precedent for modifying naturalization requirements for U.S. military service by non-U.S. citizens. In fact, Congress included provisions expediting the naturalization of World War II Filipino Scouts during consideration of the 1990 immigration bill. My amendment would continue our long tradition of recognizing the service of those who come to the aid of the United States in times of war. Ironically, most past conflicts did not preclude the nonnational United States service persons from returning to their homeland, so their plight, in most cases, is not as desperate as the Hmong involvement in a conflict with a difficult result.

The percentage of Hmong who served in the Special Guerrilla Hmong units who have achieved United States citizenship is very low in great part today because the Hmong have found passing the citizenship test difficult. By waiving the language requirement my amendment would lift the greatest obstacle the Hmong face in becoming American citizens. The late arrival of some Hmong who have often served 10 to 15 years in the Hmong unit and then have spent another 10 or even 20 years in Asian refugee camps should not now have a 5-year residency requirement, hence the Vento amendment waives this proviso.

I want to emphasize that my amendment does not open new immigration channels nor does it confer veteran's status on Hmong patriots. Those who served in the Special Guerrilla units will not be made eligible for veteran's benefits under my amendment.

As I mentioned earlier in my statement, Congress has included provisions for other nonnationals, the Filipino Scouts, in omnibus immigration legislation as recently as 1990. Given the heavy legislative agenda we face for the remainder of the 104th Congress, this will almost certainly be our best opportunity to consider this necessary but modest effort to recognize the service of the Hmong veterans who fought so bravely and sacrificed so much for America.

The practical impact is the citizenship and privilege to participate in our U.S. democracy—to have the right of preference in immigration and family reunification—a significant and humanitarian impact. But, in my mind's eye, of equal value is the United States Congress' and the United States Government's recognition and the honor we bestow on the Hmong patriots who lost so many lives in Southeast Asia and saved many American lives. I urge my colleagues to support this Vento amendment which honors the Hmong and their outstanding service to our Nation.

Mr. Chairman, I'm including some personal examples of Minnesota Hmong, some from my neighborhood and close to my deceased grandparents' home. These examples of the personal history, the biographies of Hmong soldiers' experiences in Southeast Asia underline the importance and significance of their lives and service. The Hmong may not pass the language tests but they know inherently the cost of freedom and the price they have paid means that they have passed the test in a more important and special way. The following monographs illustrate that implicitly.

Mr. COLEMAN. Mr. Speaker, I rise today in strong support of the Chabot-Conyers amendment to the Immigration Act of 1995 (H.R. 2202). What we have before us today is a bill that is discriminatory and ill-conceived.

This bill proposes to create a national data system that must be used by all employers to verify the identity and employment eligibility of every person hired in the United States. The bill would establish a massive and costly data retrieval system to access information from existing Government databases at the Social Security Administration and the INS.

This 1–800–BIG BROTHER system would compel employers to have each new hire approved by the Federal Government. This is a costly, intrusive, and ineffective measure.

To begin with, the system would rely on highly flawed Government data. The INS database slated for use in this system has missing or incorrect information 28 percent of the time, while the Social Security Administration has faulty data 17 percent of the time. In previous pilot projects run by the INS and SSA, over 50 percent of the people who the systems could not verify were, in fact, legally authorized workers.

With tens of millions of Americans entering the job market each year, even an almost impossible low 1 percent error rate could still cause thousands of Americans to be wrongly denied work each year. Consequently, millions of American workers are at risk because of seriously flawed Government data.

I am proud to represent El Paso, whose 650,000 citizens, residents, and children of immigrants have successfully integrated bilingualism and biculturalism into their education system, health care facilities, and economy. El Paso's population is 70 percent Hispanic. If passed, this bill will have a devastating effect on my district by entering Big Brother into their daily lives.

Imagine how this Big Brother system would affect the citizens of El Paso. Hundreds of thousands of El Pasoans could be at the mercy of this faulty system.

People whose appearance, accent or family background make them seem foreign will be screened out of jobs as employers attempt to avoid the inevitable problems which the verification process will cause. The verification system will also be easily susceptible to abuse by merchants and business people who use the worker registry as a powerful tool to harass, and privately check up on whoever they choose, for other purposes.

In wake of the Proposition 187, merchants in California began requesting immigration documents from Latino and Asian customers in restaurants and banks.

I believe the recent xenophobic rhetoric being used by some in the Republican Party is a thinly veiled attempt to blame national problems on newcomers or those who are of a different ethnicity than the majority. These efforts contribute to an atmosphere of hostility. I find it dangerous and counterproductive to start a process which would lead only to spiraling harassment and discrimination in the workplace.

Further, the system is imperfect and has massive loopholes. False documents with accurate numbers will enable undocumented workers to avoid detection and employers who knowingly hire undocumented workers under the table will continue to do so despite the system.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to H.R. 2202 as amended. Although I have long been, and will continue to be, a supporter of many of the initiatives contained in the bill to fight illegal immigration, I must vote against the bill because of some of the more extreme provisions.

In my home State of Texas, illegal immigration is indeed a problem, and I support the strong border protection provisions of the legislation. I also want to acknowledge the Texan cosponsors of the bill. Mr. SMITH and Mr. BRYANT, for their hard work in crafting this legislation.

I was most gratified that the House adopted an amendment which removed the legal immigration provisions of the bill, which allows this distinct issue to be dealt with under separate legislation. The Senate has already moved to divide the legal and illegal provisions, and I believe this is the wisest course for this House to follow.

For just a moment, I would like to comment about legal immigration. I remain a strong supporter of legal immigration, which has a positive benefit on America. Not only does legal immigration assist our country culturally, it also helps our economy. Legal immigrants to the United States pay $25 billion a year more in taxes than they receive in services. Usually, immigrants are of working age, which explains their benefit to the overall economy. The

United States admitted 7.5 million legal immigrants in the 1980's, yet in that decade the unemployment rate fell. Legal immigrants begin business in this country, which employ Americans. In sum, legal immigration is a tradition in America which improves our lives.

With respect to the provisions of H.R. 2202, I have objections to the bill, which I hope can be worked out in conference. The House adopted a provision which will give States the option to deny public education to illegal aliens. This provision, which will be challenged in court and is likely unconstitutional, is mean-spirited and does not advance the goals of the overall bill. These children that seek an education will now be turned away, while educators will be turned into Immigration and Naturalization Service workers, adding to their burden unnecessarily. And what will these children do? Does the House really expect something positive from turning children out of the school house and into the street? This is one reason I oppose the bill in its current form, and I hope this provision is deleted in conference.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2202), to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, pursuant to House Resolution 384, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BRYANT OF TEXAS

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BRYANT of Texas. In its present form, I am, Mr. Speaker.

The SPEAKER pro temore. The Clerk will report the motion to recommit.

The Clerk read the motion, as follows:

Mr. BRYANT of Texas moves to recommit the bill, H.R. 2202, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Amend section 806 to read as follows:

SEC. 806. CHANGES RELATING TO H-1B NONIMMIGRANTS.

(a) ATTESTATIONS.—

(1) COMPENSATION LEVEL.—Section 212(n)(1)(A)(i) (8 U.S.C. 1182(n)(1)(A)(i)) is amended—

(A) in subclause (I), by inserting "100 percent of" before "the actual wage level",

(B) in subclause (II), by inserting "100 percent of" before "the prevailing wage level", and

(C) by adding at the end the following: "is offering and will offer during such period the same benefits and additional compensation provided to similarly-employed workers by the employer, and".

(2) DISPLACEMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following new subparagraph:

"(E)(i) The employer—

"(I) has not, within the six-month period prior to the filing of the application, laid off or otherwise displaced any United States worker (as defined in clause (ii)), including any worker obtained by contract, employee leasing, temporary help agreement, or other similar basis, in the occupational classification which is the subject of the application and in which the nonimmigrant is intended to be (or is) employed; and

"(II) within 90 days following the application, and within 90 days before and after the filing of a petition for any H-1B worker pursuant to that application, will not lay off or otherwise displace any United States worker in the occupational classification which is the subject of the application and in which the nonimmigrant is intended to be (or is) employed.

"(ii) For purposes of this subparagraph, the term 'United States worker' means—

"(I) a citizen or national of the United States;

"(II) an alien lawfully admitted to the United States for permanent residence; and

"(III) an alien authorized to be so employed by this Act or by the Attorney General.

"(iii) For purposes of this subparagraph, the term 'laid off', with respect to an employee, means the employee's loss of employment, other than a discharge for cause or a voluntary departure or voluntary retirement.".

(3) RECRUITMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraph (2), is further amended by inserting after subparagraph (E) the following new subparagraph:

"(F) The employer, prior to filing the application, attempted unsuccessfully and in good faith to recruit a United States worker for the employment that will be done by the alien whose services are being sought, using recruitment procedures that meet industry-wide standards and offering wages that are at least—

"(i) 100 percent of the actual wage level paid by the employer to other individuals with similar experience and qualifications for the specific employment in question, or

"(ii) 100 percent of the prevailing wage level for individuals in such employment in the area of employment,

whichever is greater, based on the best information available as of the date of filing the application, and offering the same benefits and additional compensation provided to similarly-employed workers by the employer.".

(4) DEPENDENCE ON H-1B WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) Whether the employer is dependent on H-1B workers, as defined in clause (ii) and in such regulations as the Secretary of Labor may develop and promulgate in accordance with this paragraph.

"(ii) For purposes of clause (i), an employer is 'dependent on H-1B workers' if the employer—

"(I) has fewer than 41 full-time equivalent employees who are employed in the United States and employs four or more nonimmigrants under section 101(a)(15)(H)(i)(b); or

"(II) has at least 41 full-time equivalent employees who are employed in the United States, and employs nonimmigrants described in section 101(a)(15)(H)(i)(b) in a number that is equal to at least ten percent of the number of such full-time equivalent employees.

"(iii) In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer under this subparagraph. Aliens with respect to whom the employer has filed such an application shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b), under this paragraph.".

(5) JOB CONTRACTORS.—(A) Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) through (4), is further amended by inserting after subparagraph (G) the following new subparagraph:

"(H) In the case of an employer that is a job contractor (within the meaning of regulations promulgated by the Secretary of Labor to carry out this subsection), the contractor will not place any H-1B employee with another employer unless such other employer has executed an attestation that the employer is complying and will continue to comply with the requirements of this paragraph in the same manner as they apply to the job contractor.".

(B) Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following new subparagraph:

"(E) The provisions of this paragraph shall apply to complaints respecting a failure of another employer to comply with an attestation described in paragraph (1), that has been made as the result of the requirement imposed on job contractors under paragraph (1)(H), in the same manner that they apply to complaints of a petitioner with respect to a failure to comply with a condition described in paragraph (1) by employers generally.".

(b) SPECIAL RULES FOR EMPLOYERS DEPENDENT ON H-1B WORKERS.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following new paragraph:

"(3)(A) No alien may be admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the employer who is seeking the services of such alien has attested under paragraph (1)(G) that the employer is dependent on H-1B workers unless the following conditions are met:

"(i) The Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that the employer who is seeking the services of such alien is taking steps described in subparagraph (C) (including having taken the step described in subparagraph (D)).

"(ii) The alien has demonstrated to the satisfaction of the Secretary of State and the Attorney General that the alien has a residence abroad which he has no intention of abandoning.

"(B)(i) It is unlawful for a petitioning employer to require, as a condition of employment by such employer, or otherwise, that the fee described in subparagraph (A)(i), or any part of it, be paid directly or indirectly by the alien whose services are being sought.

"(ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to a civil penalty of $5,000 for each violation, to an administrative order requiring the payment of the fee described in subparagraph (A)(i), and to disqualification for 1 year from petitioning under section 204 or 214(c).

"(iii) Any amount determined to have been paid, directly or indirectly, to the fund by the alien whose services were sought, shall be repaid from the fund or by the employer, as appropriate, to such alien.

"(C)(i) An employer who attests under paragraph (1)(G) to dependence on H-1B workers shall take timely, significant, and effective steps (including the step described in subparagraph (D)) to recruit and retain sufficient United States workers in order to remove as quickly as reasonably possible the dependence of the employer on H-1B workers.

"(ii) For purposes of clause (i), steps under clause (i) (in addition to the step described in subparagraph (D)) may include the following:

"(I) Operating a program of training existing employees who are United States workers in the skills needed by the employer, or financing (or otherwise providing for) such employees' participation in such a training program elsewhere.

"(II) Providing career development programs and other methods of facilitating United States workers in related fields to acquire the skills needed by the employer.

"(III) Paying to employees who are United States workers compensation that is equal in value to more than 105 percent of what is paid to persons similarly employed in the geographic area.

The steps described in this clause shall not be considered to be an exhaustive list of the significant steps that may be taken to meet the requirements of clause (i).

"(iii) The steps described in clause (i) shall not be considered effective if the employer has failed to decrease by at least 10 percent in each of two consecutive years the percentage of the employer's total number of employees in the specific employment in which the H-1B workers are employed which is represented by the number of H-1B workers.

"(iv) The Attorney General shall not approve petitions filed under section 204 or 214(c) with respect to an employer that has not, in the prior two years, complied with the requirements of this subparagraph (including subparagraph (D)).

"(D)(i) The step described in this subparagraph is payment of an amount consistent with clause (ii) by the petitioning employer into a private fund which is certified by the Secretary of Labor as dedicated to reducing the dependence of employers in the industry of which the petitioning employer is a part on new foreign workers and which expends amounts received under this subclause consistent with clause (iii).

"(ii) An amount is consistent with this clause if it is a percent of the value of the annual compensation (including wages, benefits, and all other compensation) to be paid to the alien whose services are being sought, equal to 5 percent in the first year, 7.5 percent in the second year, and 10 percent in the third year.

"(iii) Amounts are expended consistent with this clause if they are expended as follows:

"(I) One-half of the aggregate amounts are expended for awarding scholarships and fellowships to students at colleges and universities in the United States who are citizens or lawful permanent residents of the United States majoring in, or engaging in graduate study of, subjects of direct relevance to the employers in the same industry as the petitioning employer.

"(II) One-half of the aggregate amounts are expended for enabling United States workers in the United States to obtain training in occupations required by employers in the same industry as the petitioning employer.

(c) INCREASED PENALTIES FOR MISREPRESENTATION.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in subparagraph (C) in the matter before clause (i), by striking "(1)(C) or (1)(D)" and inserting "(1)(C), (1)(D), (1)(E), or (1)(F) or to fulfill obligations imposed under subsection (b) for employers defined in subsection (a)(4)";

(2) in subparagraph (C)(i), by striking "$1,000" and inserting "$5,000";

(3) by amending subparagraph (C)(ii) to read as follows:

"(ii) the Attorney General shall not approve petitions filed with respect to that employer (or any employer who is a successor in interest) under section 204 or 214(c) for aliens to be employed by the employer—

"(I) during a period of at least 1 year in the case of the first determination of a violation or any subsequent determination of a violation occurring within 1 year of that first violation or any subsequent determination of a nonwillful violation occurring more than 1 year after the first violation;

"(II) during a period of at least 5 years in the case of a determination of a willful violation occurring more than 1 year after the first violation; and

"(III) at any time in the case of a determination of a willful violation occurring more than 5 years after a violation described in subclause (II)."; and

(3) in subparagraph (D), by adding at the end the following: "If a penalty under subparagraph (C) has been imposed in the case of a willful violation, the Secretary shall impose an additional civil monetary penalty on the employer in an amount equalling twice the amount of backpay.".

(d) LIMITATION ON PERIOD OF AUTHORIZED ADMISSION.—Section 214(g)(4) (8 U.S.C. 1184(g)(4)) is amended—

(1) by inserting "or section 101(a)(15)(H)(ii)(b)" after "section 101(a)(15)(H)(i)(b)"; and

(2) by striking "6 years" and inserting in lieu thereof "3 years".

(e) REQUIREMENT FOR RESIDENCE ABROAD.—Section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by inserting "who has a residence in a foreign country which he has no intention of abandoning," after "212(j)(2),".

(f) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

(2) The amendments made by subsection (d) shall apply with respect to offenses occurring on or after the date of enactment of this Act.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes in support of his motion to recommit.

Mr. BRYANT of Texas. Mr. Speaker, the motion to recommit incorporates an amendment which the Committee on Rules would not allow us to offer in the course of the debate on the immigration bill which would change the current law in a way that is beneficial and positive for American workers.

The current law allows people to enter this country on temporary work visas, up to 65,000 a year, and to be put to work in companies where often they take the jobs of American workers.

The fact of the matter is, that between 1992 and 1995 we had 234,000 foreign temporary workers enter the country and take the jobs of American workers. Mr. Speaker, the H-1B program that was created in 1990 was designed to alleviate some short-term needs with some temporary worker visas. It has now turned into a program in which companies have replaced, in some cases, entire departments with imported workers coming in on temporary visas, and they are allowed to stay as long as 6 years.

This motion to recommit would change that program, and would say that, U.S. workers can not be laid off and replaced with H-1B foreign workers, that the temporary visa will only be good for 3 years not 6. It would require that employers dependent on H-1B workers would have to take timely, significant, and effective steps to recruit and retain sufficient U.S. workers to remove that dependency.

It is an outrage that we have had situations in this country where companies have brought in large numbers of temporary H-1B workers. They have asked their domestic work force to train the imported workers. Then they have fired the domestic workers and put to work the newly trained foreign workers that were brought in under the H-1B program. It should not be permitted. This motion to recommit would forbid it forever in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS.].

Mr. CONYERS. Mr. Speaker, first of all, I congratulate my colleague on the Committee on the Judiciary, the gentleman from Texas, [Mr. BRYANT], for an incredibly diligent job.

The motion here to recommit with the amendment may be the most important vote we may consider this year from the perspective of the American worker, because it puts before us the identical immigration reform bill, with just one exception, and here it is: that American companies should attempt to recruit American workers for skilled jobs before trying to recruit foreign workers for these jobs.

□ 1945

That is what it is about, that is all it is about. The administration has produced a record of 8 million new jobs. Some of the Republican candidates, by contrast, or one in particular is still figuring out that jobs is a major issue with Americans. It translates here into the GOP leadership.

The Rules Committee blocked this amendment and so we are bringing it up now in a motion to recommit. Please support this motion to recommit whether you are a Republican or a Democrat.

Mr. BRYANT of Texas. I thank the gentleman for his comments.

Mr. Speaker, I would point out that under this motion to recommit employers who are dependent on H-1B orders would have to take effective steps to recruit and retain U.S. workers to remove that dependency, and that U.S. workers could not be laid off and replaced with H-1B workers.

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

Mr. BERMAN. I thank the gentleman for yielding. I strongly support his amendment. This amendment should have been allowed in the rules. We should have been able to debate this on the floor.

I just want to take 15 seconds of my time to indicate that in this bill, which is coming up for final passage, is what I believe to be an unconstitutional and just horrible on public policy amendment with respect to children and public schools. I am going to support this bill because it is so much better than it was through this House. If this amendment does not come out in conference committee, I will oppose the bill on the floor when it comes back from conference with every ounce of my energy.

Mr. BRYANT of Texas. Mr. Speaker, I would simply conclude by saying that this motion to recommit would put into the immigration bill a provision that ensures that U.S. workers cannot be laid off and replaced with foreign temporary workers. Every Member of this House ought to vote in the interest of the American work force for the motion to recommit.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Texas is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, the gentleman from Texas [Mr. BRYANT] and I have been through a lot on a year-long journey to implement immigration reform legislation. I feel like we are a little like the two characters in Lonesome Dove, Woodrow and Gus. While we may sometimes disagree, I am not going to take any shots at my partner in this endeavor. Instead, I do want to tell my colleagues why this is such a good bill and why it puts the interest of American families, workers, and taxpayers first.

This legislation will reduce illegal immigration and reform legal immigration. It will help secure our borders, reduce crime, and protect jobs for American citizens. It will encourage legal immigrants to be productive members of our communities and ease the burden on the hardworking taxpayers.

For only the fourth time this century, Congress now considers comprehensive immigration reform. I thank my colleagues for their patience, for their interest, and for their support. I urge my colleagues to vote "no" on the motion to recommit and "yes" on final passage.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 12, as follows:

[Roll No. 88]

AYES—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Ensign
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Miller (CA)
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stockman
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velázquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder

Livingston
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Clay
Collins (IL)
DeLay
Johnston
Moakley
Radanovich
Rose
Stark
Stokes
Studds
Waters
Wilson

□ 2005

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Radanovich against.

Mr. STOCKMAN changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER (Mr. RIGGS). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 333, noes 87, not voting 12, as follows:

[Roll No. 89]

AYES—333

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

NOES—87

Abercrombie
Becerra
Beilenson
Bonior
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
de la Garza
Dellums
Diaz-Balart
Dicks
Dingell
Doggett
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
King
LaFalce
Lewis (GA)
Lofgren
Markey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Mink
Mollohan
Morella
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Richardson
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Thompson
Torres
Towns
Velazquez
Ward
Watt (NC)
Woolsey
Wynn
Yates

NOT VOTING—12

Clay
Collins (IL)
Dornan
Johnston
Moakley
Radanovich
Rose
Stark
Stokes
Studds
Waters
Wilson

□ 2013

The Clerk announced the following pair:

On this vote:

Mr. Radanovich for, with Mr. Stokes against.

Ms. ESHOO changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DORNAN. Mr. Speaker, on rollcall number 89, the immigration bill, had I been present, I would have voted aye. This bill was so important to me and I worked so hard on it. I was on the Senate floor, and out of courtesy turned off my beeper. I thought it would be a 15-minute vote, not a 5-minute vote. That is a vigorous up, thumbs up, aye vote.

GENERAL LEAVE

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2202, IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent

that, in the engrossment of the bill, H.R. 2202, the Clerk be authorized to correct section numbers, cross-references, the table of contents, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 125, GUN CRIME ENFORCEMENT AND SECOND AMENDMENT RESTORATION ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–490) on the resolution (H. Res. 388) providing for consideration of the bill (H.R. 125) to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 4, LINE ITEM VETO ACT

Mr. CLINGER submitted the following conference report and statement on the Senate bill (S. 4) to grant the power to the President to reduce budget authority:

CONFERENCE REPORT (H. REPT. 104–491)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4), to grant the power to the President to reduce budget authority, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by adding at the end the following new part:

"PART C—LINE ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1021. (a) IN GENERAL.—Notwithstanding the provisions of parts A and B, and subject to the provisions of this part, the President may, with respect to any bill or joint resolution that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States, cancel in whole—

"(1) any dollar amount of discretionary budget authority;

"(2) any item of new direct spending; or

"(3) any limited tax benefit;

if the President—

"(A) determines that such cancellation will—

"(i) reduce the Federal budget deficit;

"(ii) not impair any essential Government functions; and

"(iii) not harm the national interest; and

"(B) notifies the Congress of such cancellation by transmitting a special message, in accordance with section 1022, within five calendar days (excluding Sundays) after the enactment of the law providing the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit that was canceled.

"(b) IDENTIFICATION OF CANCELLATIONS.—In identifying dollar amounts of discretionary budget authority, items of new direct spending, and limited tax benefits for cancellation, the President shall—

"(1) consider the legislative history, construction, and purposes of the law which contains such dollar amounts, items, or benefits;

"(2) consider any specific sources of information referenced in such law or, in the absence of specific sources of information, the best available information; and

"(3) use the definitions contained in section 1026 in applying this part to the specific provisions of such law.

"(c) EXCEPTION FOR DISAPPROVAL BILLS.—The authority granted by subsection (a) shall not apply to any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit contained in any law that is a disapproval bill as defined in section 1026.

"SPECIAL MESSAGES

"SEC. 1022. (a) IN GENERAL.—For each law from which a cancellation has been made under this part, the President shall transmit a single special message to the Congress.

"(b) CONTENTS.—

"(1) The special message shall specify—

"(A) the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit which has been canceled, and provide a corresponding reference number for each cancellation;

"(B) the determinations required under section 1021(a), together with any supporting material;

"(C) the reasons for the cancellation;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the cancellation;

"(E) all facts, circumstances and considerations relating to or bearing upon the cancellation, and to the maximum extent practicable, the estimated effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided; and

"(F) include the adjustments that will be made pursuant to section 1024 to the discretionary spending limits under section 601 and an evaluation of the effects of those adjustments upon the sequestration procedures of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(2) In the case of a cancellation of any dollar amount of discretionary budget authority or item of new direct spending, the special message shall also include, if applicable-

"(A) any account, department, or establishment of the Government for which such budget authority was to have been available for obligation and the specific project or governmental functions involved;

"(B) the specific States and congressional districts, if any, affected by the cancellation; and

"(C) the total number of cancellations imposed during the current session of Congress on States and congressional districts identified in subparagraph (B).

"(c) TRANSMISSION OF SPECIAL MESSAGES TO HOUSE AND SENATE.—

"(1) The President shall transmit to the Congress each special message under this part within five calendar days (excluding Sundays) after enactment of the law to which the cancellation applies. Each special message shall be transmitted to the House of Representatives and the Senate on the same calendar day. Such special message shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session.

"(2) Any special message transmitted under this part shall be printed in the first issue of the Federal Register published after such transmittal.

"CANCELLATION EFFECTIVE UNLESS DISAPPROVED

"SEC. 1023. (a) IN GENERAL.—The cancellation of any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall take effect upon receipt in the House of Representatives and the Senate of the special message notifying the Congress of the cancellation. If a disapproval bill for such special message is enacted into law, then all cancellations disapproved in that law shall be null and void and any such dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall be effective as of the original date provided in the law to which the cancellation applied.

"(b) COMMENSURATE REDUCTIONS IN DISCRETIONARY BUDGET AUTHORITY.—Upon the cancellation of a dollar amount of discretionary budget authority under subsection (a), the total appropriation for each relevant account of which that dollar amount is a part shall be simultaneously reduced by the dollar amount of that cancellation.

"DEFICIT REDUCTION

"SEC. 1024. (a) IN GENERAL.—

"(1) DISCRETIONARY BUDGET AUTHORITY.—OMB shall, for each dollar amount of discretionary budget authority and for each item of new direct spending canceled from an appropriation law under section 1021(a)—

"(A) reflect the reduction that results from such cancellation in the estimates required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 in accordance with that Act, including an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each outyear; and

"(B) include a reduction to the discretionary spending limits for budget authority and outlays in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 for each applicable fiscal year set forth in section 601(a)(2) by amounts equal to the amounts for each fiscal year estimated pursuant to subparagraph (A).

"(2) DIRECT SPENDING AND LIMITED TAX BENEFITS.—(A) OMB shall, for each item of new direct spending or limited tax benefit canceled from a law under section 1021(a), estimate the deficit decrease caused by the cancellation of such item or benefit in that law and include such estimate as a separate entry in the report prepared pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(B) OMB shall not include any change in the deficit resulting from a cancellation of any item of new direct spending or limited tax benefit, or the enactment of a disapproval bill for any such cancellation, under this part in the estimates and reports required by sections 252(b) and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(b) ADJUSTMENTS TO SPENDING LIMITS.—After ten calendar days (excluding Sundays) after the expiration of the time period in section 1025(b)(1) for expedited congressional consideration of a disapproval bill for a special message containing a cancellation of discretionary budget authority, OMB shall make the reduction included in subsection (a)(1)(B) as part of the next

sequester report required by section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(c) EXCEPTION.—Subsection (b) shall not apply to a cancellation if a disapproval bill or other law that disapproves that cancellation is enacted into law prior to 10 calendar days (excluding Sundays) after the expiration of the time period set forth in section 1025(b)(1).

"(d) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—As soon as practicable after the President makes a cancellation from a law under section 1021(a), the Director of the Congressional Budget Office shall provide the Committees on the Budget of the House of Representatives and the Senate with an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each outyear.

"EXPEDITED CONGRESSIONAL CONSIDERATION OF DISAPPROVAL BILLS

"SEC. 1025. (a) RECEIPT AND REFERRAL OF SPECIAL MESSAGE.—Each special message transmitted under this part shall be referred to the Committee on the Budget and the appropriate committee or committees of the Senate and the Committee on the Budget and the appropriate committee or committees of the House of Representatives. Each such message shall be printed as a document of the House of Representatives.

"(b) TIME PERIOD FOR EXPEDITED PROCEDURES.—

"(1) There shall be a congressional review period of 30 calendar days of session, beginning on the first calendar day of session after the date on which the special message is received in the House of Representatives and the Senate, during which the procedures contained in this section shall apply to both Houses of Congress.

"(2) In the House of Representatives the procedures set forth in this section shall not apply after the end of the period described in paragraph (1).

"(3) If Congress adjourns at the end of a Congress prior to the expiration of the period described in paragraph (1) and a disapproval bill was then pending in either House of Congress or a committee thereof (including a conference committee of the two Houses of Congress), or was pending before the President, a disapproval bill for the same special message may be introduced within the first five calendar days of session of the next Congress and shall be treated as a disapproval bill under this part, and the time period described in paragraph (1) shall commence on the day of introduction of that disapproval bill.

"(c) INTRODUCTION OF DISAPPROVAL BILLS.—(1) In order for a disapproval bill to be considered under the procedures set forth in this section, the bill must meet the definition of a disapproval bill and must be introduced no later than the fifth calendar day of session following the beginning of the period described in subsection (b)(1).

"(2) In the case of a disapproval bill introduced in the House of Representatives, such bill shall include in the first blank space referred to in section 1026(6)(C) a list of the reference numbers for all cancellations made by the President in the special message to which such disapproval bill relates.

"(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) Any committee of the House of Representatives to which a disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the seventh calendar day of session after the date of its introduction. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill, except that such a motion may not be made after the committee has reported a disapproval bill with respect to the same special message. A motion to discharge may be made only by a Member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

"(2) After a disapproval bill is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 49 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

"(3) Appeals from decisions of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a disapproval bill shall be decided without debate.

"(4) It shall not be in order to consider under this subsection more than one disapproval bill for the same special message except for consideration of a similar Senate bill (unless the House has already rejected a disapproval bill for the same special message) or more than one motion to discharge described in paragraph (1) with respect to a disapproval bill for that special message.

"(e) CONSIDERATION IN THE SENATE.—

"(1) REFERRAL AND REPORTING.—Any disapproval bill introduced in the Senate shall be referred to the appropriate committee or committees. A committee to which a disapproval bill has been referred shall report the bill not later than the seventh day of session following the date of introduction of that bill. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the Calendar.

"(2) DISAPPROVAL BILL FROM HOUSE.—When the Senate receives from the House of Representatives a disapproval bill, such bill shall not be referred to committee and shall be placed on the Calendar.

"(3) CONSIDERATION OF SINGLE DISAPPROVAL BILL.—After the Senate has proceeded to the consideration of a disapproval bill for a special message, then no other disapproval bill originating in that same House relating to that same message shall be subject to the procedures set forth in this subsection.

"(4) AMENDMENTS.—

"(A) AMENDMENTS IN ORDER.—The only amendments in order to a disapproval bill are—

"(i) an amendment that strikes the reference number of a cancellation from the disapproval bill; and

"(ii) an amendment that only inserts the reference number of a cancellation included in the special message to which the disapproval bill relates that is not already contained in such bill.

"(B) WAIVER OR APPEAL.—An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required in the Senate—

"(i) to waive or suspend this paragraph; or

"(ii) to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a disapproval bill under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

"(6) LIMIT ON CONSIDERATION.— (A) After no more than 10 hours of consideration of a disapproval bill, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table.

"(B) A single motion to extend the time for consideration under subparagraph (A) for no more than an additional five hours is in order prior to the expiration of such time and shall be decided without debate.

"(C) The time for debate on the disapproval bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

"(7) DEBATE ON AMENDMENTS.—Debate on any amendment to a disapproval bill shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

"(8) NO MOTION TO RECOMMIT.—A motion to recommit a disapproval bill shall not be in order.

"(9) DISPOSITION OF SENATE DISAPPROVAL BILL.—If the Senate has read for the third time a disapproval bill that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a disapproval bill for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate disapproval bill, agree to the Senate amendment, and vote on final disposition of the House disapproval bill, all without any intervening action or debate.

"(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a disapproval bill shall be limited to not more than four hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the

House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

"(f) CONSIDERATION IN CONFERENCE—

"(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a disapproval bill passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

"(2) HOUSE CONSIDERATION.—(A) Notwithstanding any other rule of the House of Representatives, it shall be in order to consider the report of a committee of conference relating to a disapproval bill provided such report has been available for one calendar day (excluding Saturdays, Sundays, or legal holidays, unless the House is in session on such a day) and the accompanying statement shall have been filed in the House.

"(B) Debate in the House of Representatives on the conference report and any amendments in disagreement on any disapproval bill shall each be limited to not more than one hour equally divided and controlled by a proponent and an opponent. A motion to further limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(3) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a disapproval bill shall be limited to not more than four hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

"(4) LIMITS ON SCOPE.—(A) When a disagreement to an amendment in the nature of a substitute has been referred to a conference, the conferees shall report those cancellations that were included in both the bill and the amendment, and may report a cancellation included in either the bill or the amendment, but shall not include any other matter.

"(B) When a disagreement on an amendment or amendments of one House to the disapproval bill of the other House has been referred to a committee of conference, the conferees shall report those cancellations upon which both Houses agree and may report any or all of those cancellations upon which there is disagreement, but shall not include any other matter.

"DEFINITIONS

"SEC. 1026. As used in this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

"(2) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(3) CALENDAR DAYS OF SESSION.—The term 'calendar days of session' shall mean only those days on which both Houses of Congress are in session.

"(4) CANCEL.—The term 'cancel' or 'cancellation' means—

"(A) with respect to any dollar amount of discretionary budget authority, to rescind;

"(B) with respect to any item of new direct spending—

"(i) that is budget authority provided by law (other than an appropriation law), to prevent such budget authority from having legal force or effect;

"(ii) that is entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; or

"(iii) through the food stamp program, to prevent the specific provision of law that results in an increase in budget authority or outlays for that program from having legal force or effect; and

"(C) with respect to a limited tax benefit, to prevent the specific provision of law that provides such benefit from having legal force or effect.

"(5) DIRECT SPENDING.—The term 'direct spending' means—

"(A) budget authority provided by law (other than an appropriation law);

"(B) entitlement authority; and

"(C) the food stamp program.

"(6) DISAPPROVAL BILL.—The term 'disapproval bill' means a bill or joint resolution which only disapproves one or more cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or limited tax benefits in a special message transmitted by the President under this part and—

"(A) the title of which is as follows: 'A bill disapproving the cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

"(B) which does not have a preamble; and

"(C) which provides only the following after the enacting clause: 'That Congress disapproves of cancellations _____', the blank space being filled in with a list by reference number of one or more cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates.

"(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority—

"(i) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; and

"(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

"(B) The term 'dollar amount of discretionary budget authority' does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

"(iii) any existing budget authority rescinded or canceled in an appropriation law; or

"(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

"(8) ITEM OF NEW DIRECT SPENDING.—The term 'item of new direct spending' means any specific provision of law that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(9) LIMITED TAX BENEFIT.—(A) The term 'limited tax benefit' means—

"(i) any revenue-losing provision which provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

"(ii) any Federal tax provision which provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986.

"(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

"(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

"(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

"(iii) any difference in the treatment of persons is based solely on—

"(I) in the case of businesses and associations, the size or form of the business or association involved;

"(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax return filing status;

"(III) the amount involved; or

"(IV) a generally-available election under the Internal Revenue Code of 1986.

"(C) A provision shall not be treated as described in subparagraph (A)(ii) if—

"(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect.

"(D) For purposes of subparagraph (A)—

"(i) all businesses and associations which are related within the meaning of sections 707(b) and 1563(a) of the Internal Revenue Code of 1986 shall be treated as a single beneficiary;

"(ii) all qualified plans of an employer shall be treated as a single beneficiary;

"(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision.

"(E) For purposes of this paragraph, the term 'revenue-losing provision' means any provision which results in a reduction in Federal tax revenues for any one of the two following periods—

"(i) the first fiscal year for which the provision is effective; or

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective.

"(F) The terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

"(10) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

"IDENTIFICATION OF LIMITED TAX BENEFITS

"SEC. 1027. (a) STATEMENT BY JOINT TAX COMMITTEE.—The Joint Committee on Taxation shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall provide to the committee of conference a statement identifying any such limited tax benefits or declaring that the bill or joint resolution does not contain any limited tax benefits. Any such statement shall be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

"(b) STATEMENT INCLUDED IN LEGISLATION.—(1) Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the Joint Committee on Taxation, but only in the manner set forth in paragraph (2).

"(2) The separate section permitted under paragraph (1) shall read as follows: 'Section 1021(a)(3) of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.', with the blank spaces being filled in with—

"(A) in any case in which the Joint Committee on Taxation identifies limited tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the Joint Committee on Taxation in such statement in the second blank space; or

"(B) in any case in which the Joint Committee on Taxation declares that there are no limited tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

"(c) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law pursuant to Article I, section 7, of the Constitution of the United States—

"(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in section 1021(a)(3) only to cancel any limited tax benefit in that law, if any, identified in such separate section; or

"(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in section 1021(a)(3) to cancel any limited tax benefit in that law that meets the definition in section 1026.

"(d) CONGRESSIONAL IDENTIFICATIONS OF LIMITED TAX BENEFITS.—There shall be no judicial review of the congressional identification under subsections (a) and (b) of a limited tax benefit in a conference report.".

SEC. 3. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress or any individual adversely affected by part C of title X of the Congressional Budget and Impoundment Control Act of 1974 may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this part violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 4. CONFORMING AMENDMENTS.

(a) SHORT TITLES.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(1) striking "and" before "title X" and inserting a period;

(2) inserting "Parts A and B of" before "title X"; and

(3) inserting at the end the following new sentence: "Part C of title X may be cited as the 'Line Item Veto Act of 1996'.".

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following:

"PART C—LINE ITEM VETO

"Sec. 1021. Line item veto authority.
"Sec. 1022. Special messages.
"Sec. 1023. Cancellation effective unless disapproved.
"Sec. 1024. Deficit reduction.
"Sec. 1025. Expedited congressional consideration of disapproval bills.
"Sec. 1026. Definitions.
"Sec. 1027. Identification of limited tax benefits.".

(c) EXERCISE OF RULEMAKING POWERS.—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking "and 1017" and inserting ", 1017, 1025, and 1027".

SEC. 5. EFFECTIVE DATES.

This Act and the amendments made by it shall take effect and apply to measures enacted on the earlier of—

(1) the day after the enactment into law, pursuant to Article I, section 7, of the Constitution of the United States, of an Act entitled "An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget."; or

(2) January 1, 1997;

and shall have no force or effect on or after January 1, 2005.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill, insert the following: "An Act to give the President line item veto authority with respect to appropriations, new direct spending, and limited tax benefits.".

And the House agree to the same.

BILL CLINGER,
GERALD SOLOMON,
JIM BUNNING,
PORTER GOSS,
PETER BLUTE,
Managers on the Part of the House.

TED STEVENS,
BILL ROTH,
FRED THOMPSON,
THAD COCHRAN,
JOHN MCCAIN,
PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
DAN COATS,
JIM EXON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to grant the power to the President to reduce budget authority, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

BACKGROUND AND NEED FOR THE LEGISLATION

The American people consistently cite runaway federal spending and a rising national debt as among the top issues of national concern. Over the past fifteen years alone, the national debt of the United States has quintupled. From 1789 through 1981, our total national debt amounted to $1 trillion. Yet today, just fifteen years later, that debt exceeds $5 trillion, and without significant reforms an additional $1 trillion will be added over the next four years. This astonishing growth in federal debt has fueled public support for measures to ensure greater fiscal accountability in Washington. This legislation, along with other measures to balance the federal budget considered in the 104th Congress, moves to meet that demand by enhancing the President's ability to eliminate wasteful federal spending and to cancel special tax breaks.

No one would contend that a line item veto on its own will be enough to restrain spending and bring the federal budget into balance. However, a January 1992 GAO report indicates that this type of fiscal discipline could have a significant impact upon federal spending, concluding that if Presidents had applied this authority to all matters objected to in Statements of Administration Policy on spending bills in the fiscal years 1984 through 1989, spending could have been reduced by a six-year total of about $70 billion.

The conference report on S.4, the Line Item Veto Act, delegates limited authority

to the President to cancel new spending and limited tax benefits. This authority is in addition to the President's existing authority under the Impoundment Control Act of 1974 (title X of the Congressional Budget Act). The Impoundment Control Act permits the President to submit proposed rescissions of discretionary budget authority to Congress, but prohibits those rescissions from taking effect without congressional approval. In addition to applying solely to appropriation laws, the statutory provisions of the Impoundment Control Act have proven too restrictive. While Congress has initiated and passed rescissions on its own, Congress has agreed to only $23.7 billion of $74 billion in rescissions proposed by Presidents (both Democrat and Republican) since enactment of title X in 1974.

PURPOSE

The purpose of the conference report is to promote savings by placing the onus on Congress to overturn the President's cancellations of spending and limited tax benefits. In addition, recognizing that discretionary spending represents only about one-third of the entire federal budget, the conference report expands the President's current rescission authority to include both new direct spending and limited tax benefits.

Under the conference report, the President may cancel any dollar amount of discretionary budget authority in an appropriation law or its accompanying reports, or may cancel any item of new direct spending or limited tax benefit from an authorization or revenue act. After notifying Congress of his cancellations in a special message, the Congress is given a specified period for expedited review of the President's proposal.

If Congress fails to enact disapproving legislation within the period for expedited consideration, the savings are set aside for deficit reduction through a lockbox mechanism.

SUMMARY OF THE SENATE BILL

The Senate bill was introduced by Senator Dole on Wednesday, January 4, 1995. On March 20, 1995, the Senate began consideration. During consideration in the Senate, Senator Dole (for himself, and Senators McCain, Coats and Domenici) offered an amendment in the form of a substitute.

The Senate bill gives the President line item veto authority by dis-aggregating certain types of bills under a procedure known as "separate enrollment." Separate enrollment requires that the enrolling clerks of the House and Senate separately enroll each item of spending in an appropriation bill and each item of new direct spending or any targeted tax benefit contained in an authorizing bill. Each of these individual bills is presented to the President. The President may exercise his Article I power to veto any one, or all, of the individual bills. The Congress may exercise its Constitutional prerogative to override the President's veto(es).

According to the Senate bill, the House and Senate Appropriations Committees report appropriation measures following current procedure except that any appropriation bill reported by the Committee must contain the same level of detail as is provided in the Committee report that accompanies the bill. This requirement ensures that appropriation bills do not contain large dollar lump sums with the details directing how the money should be expended noted only in the committee report.

An authorization bill that contains an item of new direct spending or a targeted tax benefit that is brought to the floor must contain such provision in a separate section and must identify the item of new direct spending or the targeted tax benefit in the report that accompanies the bill.

Any appropriation or authorization bill that fails to comply with the above requirements is subject to a point of order that may only be waived by a three-fifths vote of the House or Senate.

Upon passage of an appropriation or authorization bill, the enrolling clerk of the originating House is required to enroll each item contained in the legislation separately. After all the items are enrolled as separate bills, both the House and Senate vote on all the bills en bloc prior to their submittal to the President.

The provisions of the bill become effective on the date of enactment and sunset in five years.

As defined in the bill, an item in an appropriation bill is:

(1) any numbered section;

(2) any unnumbered paragraph; or

(3) any allocation or suballocation contained in a numbered section or an unnumbered paragraph made to conform to the level of detail in the accompanying report.

The following items are not required to be separately enrolled:

(1) provisions that do not appropriate funds;

(2) provisions that do not direct the expenditures of funds for a specific project; and

(3) provisions that create an express or implied obligation to expend funds and

(a) rescind budget authority;

(b) limit, condition or otherwise restrict the expenditure of budget authority; or

(c) place a condition on the expenditure of budget authority by explicitly prohibiting the use of the funds.

By not separately enrolling the items just noted, language that places restrictions or conditions on the expenditure of funds, also known as fencing language, may not be separately vetoed apart from some dollar amount.

An item in an authorization bill is (1) any numbered section, or (2) any unnumbered paragraph that provides new direct spending or a new targeted tax benefit.

A targeted tax benefit is any provision that (1) the Joint Committee on Taxation estimates would lose revenue in the first fiscal year and over the five fiscal years covered by the budget resolution, and (2) provides more favorable treatment to a taxpayer or a targeted group of taxpayers when compared to a similarly situation taxpayer or group of taxpayers.

The Senate bill contains a "lockbox" provision, a prohibition on emergency spending bills containing non-emergency spending items, and a sunset of all tax provisions at least every 10 years.

Finally, the Senate bill contains provisions allowing a Member of Congress to challenge the constitutionality of the bill under expedited procedures and a severability clause stating that if any one provision of the Act is found to be unconstitutional, the remainder of the Act will be held harmless.

SUMMARY OF THE HOUSE AMENDMENT

The House amendment is based on the "enhanced rescission" format. It authorizes the President to rescind all or part of any discretionary budget authority or veto any targeted tax benefit if the President determines that such rescission; (1) will help reduce the federal budget deficit; (2) will not impair any essential government functions; and (3) will not harm the national interest.

The amendment requires the President to notify the Congress of such a rescission or veto by special message within 10 days (excluding Sundays) after enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

The amendment allows the President in each special message to propose to reduce the appropriate discretionary spending limit by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message. It also requires the President to submit a separate special message for each appropriation Act and for each revenue or reconciliation Act. The President may only transmit one special message for each Act.

The House amendment makes such a rescission effective unless the Congress enacts a disapproval bill. Any budget authority rescinded is no longer available for obligation and a tax benefit is not effective unless the Congress passes a disapproval bill within 20 days, and assuming a veto, overrides that veto within 5 days.

The House amendment provides special procedures for consideration of a rescission disapproval bill in each House.

Upon receipt of the President's special message, if a disapproval bill is introduced, it is referred to the appropriate committee. The specific form of a disapproval bill is noted in the House amendment, and such disapproval bill must be introduced within 3 days in order to qualify for the special procedures in the House. The Senate committee is not required to report the bill and there is no provision mandating discharge.

The House committee to which the bill is referred shall report it without amendment, and with or without recommendation, no later than the eighth calendar day of session after the date of its introduction. If the Committee fails to report the bill, it is in order to move that the House discharge the bill from committee.

After a bill is discharged from Committee, it is in order to move that the House move to consideration of the bill. All points of order against the bill and its consideration are waived and the motion is highly privileged. Motions to reconsider the vote by which the motion is agreed to or disagreed to are not in order.

Consideration of the bill is limited to two hours equally divided between proponents and opponents of the bill. Amendments to the bill are not in order, except that a Member may make a motion to strike the disapproval of any rescission(s) of budget authority if such a motion is supported by at least 49 other Members. Motions to reconsider the vote on the disapproval bill are not in order. It is only in order in the House to consider one disapproval bill with respect to any specific Presidential rescission message.

If a rescission disapproval bill is considered by the Senate, debate is limited to 10 hours to be divided equally and controlled by the Majority and Minority leaders. Debate on any motions or appeals in connection with the bill are limited to one hour each, divided equally. Motions to further limit debate are not debatable. A motion to recommit is not in order unless such motion is to recommit the bill with instructions that it be reported back within one day.

Further, the House amendment mandates that it is not in order in the Senate to consider any rescission disapproval bill relating to any matter other than the items noted in the President's special message. Amendments to a rescission disapproval bill are not in order. The provisions noted in this paragraph may only be waived by an affirmative vote of three-fifths of the Senate.

The House amendment provides for annual General Accounting Office (GAO) reports on Presidential use of the line item veto authority. It also specifically prohibits the President from using the authority under the Act to change prohibitions or limitations (fencing language) in an appropriation Act.

The bill generally defines a targeted tax benefit as a provision in a revenue or reconciliation Act that provides a tax deduction, credit, exclusion, preference, or concession to 100 or fewer beneficiaries.

Finally, the bill provides a process for expedited judicial review of provisions of this Act.

CONFERENCE AGREEMENT

Section 1. Short title

This bill, when enacted, may be cited as the "Line Item Veto Act."

Sec. 2. Line item veto authority

Section 2 of the conference report amends title X of the Congressional Budget and Impoundment Control Act of 1974 to add a new part C comprising sections 1021 through 1027.

In general, part C grants the President the authority to cancel in whole any dollar amount of discretionary budget authority provided in an appropriation law or any item of new direct spending or limited tax benefit contained in any law. Congress has the authority to delegate to the President the ability to cancel specific budgetary obligations in any particular law in order to reduce the federal budget deficit.

The conferees note that while the conference report delegates new powers to the President, these powers are narrowly defined and provided within specific limits. The conference report includes specific definitions, carefully delineates the President's cancellation authority, and provides specific limits on this cancellation authority. The delegation of this cancellation authority is not separable from the President's duties to comply with these restrictions. To the extent the President broadly applies this new cancellation authority or reaches beyond these limits to expand the application of this new authority, the President will be reaching beyond the delegation of these authorities. Given the significance of this delegation, the conference report includes a sunset of this authority.

Sec. 1021. Line item veto authority

Section 1021(a) permits the President to cancel in whole any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit contained in any bill or joint resolution that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States. The cancellation may be made only if the President determines such cancellation will reduce the federal budget deficit and will not impair any essential government function or harm the national interest. In addition the President must make any cancellations within five days of the date of enactment of the law from which the cancellations are made, and must notify the Congress by transmittal of a special message within that time.

The conferees specifically include the requirement that a bill or joint resolution must have been signed into law in order to clarify that the cancellation authority only becomes effective after the President has exercised the constitutional authority to enact legislation in its entirety. This requirement ensures that the President affirmatively demonstrates support for the underlying legislation from which specific cancellations are then permitted.

The term "cancel" was specifically chosen, and is carefully defined in section 1026. The conferees intend that the President may use the cancellation authority to surgically terminate federal budget obligations. The cancellation authority is specifically limited to any entire dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit. The cancellation authority does not permit the President to rewrite the underlying law, nor to change any provision of that law. The President may only terminate the obligation of the Federal Government to spend certain sums of money through a specific appropriation or mandatory payment, or the obligation to forego the collection of revenue otherwise due to the Federal Government in the absence of a limited tax benefit.

Likewise, the terms "dollar amount of discretionary budget authority," "item of new direct spending," and "limited tax benefit" have been carefully defined in order to make clear that the President may only cancel the entire dollar amount, the specific legal obligation to pay, or the specific tax benefit. "Fencing language" may not be canceled by the President under this authority. This means that the President cannot use this authority to modify or alter any aspect of the underlying law, including any restriction, limitation or condition on the expenditure of budget authority, or any other requirement of the law.

The conferees intend that, even once the federal obligation to expend a dollar amount or provide a benefit is canceled, all other operative provisions of the underlying law will remain in effect. If the President desires a broader result, then the President must either ask Congress to modify the law or exercise the President's constitutional power to veto the legislation in its entirety.

The lockbox provision of the conference report has also been included to maintain a system of checks and balances in the President's use of the cancellation authority. Any credit for money not spent, or for revenue foregone, is dedicated to deficit reduction through the operation of the lockbox mechanism. This ensures that the President does not simply cancel a particular dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit in order to increase spending in other areas.

Section 1021(b) requires the President to consider legislative history and information referenced in law in identifying cancellations. It also requires that the President use the definitions in section 1026, and provides that the President use any sources specified in the law or the best available information.

Section 1021(c) states that the President's cancellation authority shall not apply to a disapproval bill, as defined in section 1026. The provision is intended to prevent an endless loop of cancellations.

Sec. 1022. Special messages

Section 1022 provides that, if the President cancels provisions within a law, a special message must be submitted to Congress. A separate special message must be submitted for each law from which a cancellation is made.

Similar to the requirements in section 1012 of the Impoundment Control Act of 1974, the conference report requires that the President's special message include relevant supporting material about each cancellation and its budgetary impact. The conferees intend this requirement to ensure that the Congress and the public receive sufficient information with which to judge the President's action.

Specifically, the President's special message must include:

(1) the dollar amount of discretionary budget authority, items of new direct spending or limited tax benefits which have been canceled;

(2) corresponding reference numbers of each cancellation;

(3) the determinations required under section 1021 and any supporting material;

(4) the reasons for each cancellation;

(5) the estimated fiscal, economic and budgetary effect of each cancellation (to the maximum extent practicable);

(6) all facts, circumstances and considerations relating to each cancellation;

(7) the estimated effect of each cancellation upon the objects, purposes and programs for which the canceled authority was provided (to the maximum extent practicable); and

(8) the adjustments that will be made pursuant to section 1024 ("Deficit Reduction") to the discretionary spending limits under section 601 of the Budget Act and an evaluation of the effects of those adjustments upon sequestration procedures.

The President's special message must specify any account, department or establishment of the government and any specific project or governmental functions impacted by each cancellation.

The conference report requires that, if applicable, the special message include the specific states and congressional districts impacted and the total number of cancellations imposed during the current session of Congress on those states and congressional districts. This is to ensure that the Congress has information to determine if there is a disproportionate impact on a particular state or congressional district.

The President's special message must be transmitted to the House of Representatives and to the Senate within five calendar days (excluding Sundays) of enactment (by the President's signature) of the law to which any cancellations apply. It is the intention of the conferees that the President's cancellations be made as soon as possible after the enactment of the law. The maximum time of five calendar days is provided to ensure that all supporting material required for inclusion in the special message can be provided by the Administration. It is the view of the conferees that additional time (beyond five calendar days) would unnecessarily prolong the process.

The special message must be transmitted to both Houses of Congress on the same day, and must be received by the Clerk of the House and to the Secretary of the Senate if either House is not in session on that day.

Any special message must be printed in the first issue of the Federal Register published after the transmittal.

Sec. 1023. Cancellation effective unless disapproved

Upon receipt of the President's special message in both the House of Representatives and the Senate, each dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit identified in the special message is immediately canceled. The cancellation of a dollar amount of discretionary budget authority automatically rescinds the funds. With respect to an item of new direct spending or a limited tax benefit, the cancellation renders the provision void, such that the obligation of the United States has no legal force or effect.

The cancellation of a dollar amount of discretionary budget authority, an item of new

direct spending, or a limited tax benefit is nullified only if a disapproval bill is enacted into law. The conferees intend that, if a disapproval bill is enacted, the President shall expend the funds or implement a provision as originally directed by Congress. The effective date for any cancellation disapproved in a disapproval bill is the original date provided in the law to which the cancellation applied.

Section 1023(b) provides that, when a dollar amount of discretionary budget authority canceled by the President is part of a larger sum in an appropriation law, such cancellation will result in the commensurate reduction of each relevant appropriation account by that dollar amount. These reductions are a necessary conforming change to ensure that all sums required to be spent by the appropriation law accurately reflect the cancellation contained in the President's message. This is a technical mechanism to maintain mathematical consistency and does not grant the President any additional authority.

To illustrate the mechanism for commensurate reductions in discretionary budget authority the conferees provide the following example:

The FY '96 Agriculture Appropriations Act (Public Law 104–37) appropriates a total of $421,929,000 for agricultural research and education, of which $49,846,000 is made available for special grants for agriculture research. The conference report accompanying this law contains a table that allocates the $49,846,000 total into lesser dollar amounts all of which correspond to individual research programs. This table includes, for example, a $3,758,000 allocation for: "Wood Utilization Research (OR, MS, NC, MN, ME, MI)".

Assuming the President exercised the authority to cancel this $3,758,000, this dollar amount would be automatically subtracted from the $421,929,000 total and from the $49,846,000 earmark. If the $3,758,000 was included in any other larger dollar amount in the appropriation law, then all such other dollar amounts would likewise be simultaneously reduced by $3,758,000.

Sec. 1024. Deficit reduction

Section 1024 establishes a deficit reduction, or "lockbox", procedure for the cancellations of discretionary budget authority, new direct spending, or limited tax benefits. The conference report's lockbox procedures are incorporated into existing procedures governing discretionary spending limits and pay-as-you-go requirements under the Balanced Budget and Emergency Deficit Control Act.

The conference report requires the Office of Management and Budget (OMB) to estimate the discretionay budget authority and outlay savings that result from cancellations from an appropriation law and include those calculations as part of the estimate OMB must submit to Congress under section 251 of the Balanced Budget and Emergency Deficit Control Act. The conference report also requires OMB to calculate a reduction to the spending caps that is equal to the budget authority reduction and related outlay savings that result from a cancellation.

After the expiration of the time period for congressional consideration of a disapproval bill plus 10 days, OMB is required to adjust the spending caps downward by the amount of budget authority and outlay savings in its next sequester report.

In the case of the cancellation of direct spending or limited tax benefits, OMB is required to estimate the deficit decrease as a separate entry in its pay-as-you-go report to Congress. In order to ensure that the savings from the cancellation of new direct spending or limited tax benefits are devoted to deficit reduction and are not available to offset a deficit increase in another law, the conference report provides that the savings from these cancellations shall not be included in the pay-as-you-go balances under the Balanced Budget and Emergency Deficit Control Act. Similarly, if a disapproval bill is enacted that overturns the cancellation of an item of direct spending or a limited tax benefit, OMB will not score this legislation as increasing the deficit under pay as you go.

Section 1024 also requires the Congressional Budget Office (CBO) to submit its estimate of the savings resulting from a cancellation to the Budget Committees of House and Senate. This is consistent with existing provisions in the Balanced Budget and Emergency Deficit Control Act which require CBO estimates and require OMB to make comparisons of its estimates with those made by CBO. The conferees expect CBO and the Budget Committees to carefully monitor OMB's estimates of cancellations.

The conferees intend that any savings from a cancellation be dedicated to deficit reduction and not used as an offset for future spending. The conference report is silent on congressional enforcement mechanisms because existing scoring conventions will have the effect of dedicating any savings from these cancellations to deficit reduction. Under existing congressional scoring conventions, CBO and the Budget Committees only score the budgetary impacts that directly result from legislation. The cancellation of an item will represent an administrative action and will not be scored as savings. Therefore, the savings from a cancellation will not be available as an offset for congressional scoring purposes. During the period for consideration of a disapproval bill CBO should not score the cost associated with a disapproval of a cancellation.

If there is an effort to include in legislation a cancellation already made by the President and claim the savings from such a cancellation as an offset for a provision that increases the deficit, the conferees expect the Budget Committees to ensure these savings are not used as an offset.

Sec. 1025. Expedited congressional consideration of disapproval bills

Section 1025 adopts the House provision with modifications providing for expedited procedures to consider disapproval bills. The conferees clearly intend this language to stand separate and apart from the language currently found in part B of title X of the Budget Act with regard to consideration of proposed rescissions, reservations, and deferrals of budget authority. The language of the conference report is directed solely at Congress' ability to respond to the cancellation authority of the Executive and is in no way intended to impact on or be defined by existing title X procedures.

The conference report provides Congress with 30 calendar days of session to consider a disapproval bill under expedited procedures. A "calendar day of session" is defined as only those days during which both Houses of Congress are in session. It is assumed Congress would want to act quickly on any disapproval bills. This time period is available to provide Congress with flexibility to schedule consideration of a disapproval bill during a busy legislative session.

During this time period, a disapproval bill may qualify for the expedited procedures in each House. However, upon the expiration of this period, a disapproval bill may no longer qualify for these expedited procedures in the House of Representatives. In the Senate, a disapproval bill which began consideration under these expedited procedures may continue within such procedures notwithstanding the expiration of the time period.

Upon final Congressional adjournment, if a disapproval bill relating to a special message was pending before either House of Congress or any committee thereof or was pending before the President (i.e. a pocket veto), and the time period has not expired, a new disapproval bill with respect to the same message may be introduced within the first five calendar days of session of the next Congress. This disapproval bill qualifies for the expedited procedures outlined above and the period for Congressional consideration begins anew.

A special Presidential message relating to a law could include a number of cancellations. In establishing expedited procedures for the consideration of a disapproval bill, the conference report seeks to find a balance between providing a procedure to guarantee that Congress can quickly disapprove the President's cancellations while giving Congress the flexibility to pick and choose among the cancellations to include in the disapproval bill. In both Houses of Congress, quick action is encouraged in that only one bill may ultimately be acted upon for each special message using these expedited procedures.

It should be noted that the expedited procedures provide strict time limitations at all stages of floor consideration of a disapproval bill. The conferees intend to provide both Houses of Congress with the means to expeditiously reach a resolution and to foreclose any and all delaying tactics (including, but clearly not limited to: extraneous amendments, repeated quorum calls, motions to recommit, or motions to instruct conferees). The conferees believe these expedited procedures provide ample time for Congress to consider the President's cancellations and work its will upon them.

Section 1025(a) provides for the receipt and referral of the special message in both Houses of Congress. Upon the cancellation of a dollar amount of discretionary budget authority, an item of direct spending or a limited tax benefit under section 1021(a), the President must transmit to Congress a special message outlining the cancellation as required by section 1022.

When Congress receives this special message it shall be referred to the Budget Committees and the appropriate committee or committees in each House. For example, the message pertaining to the cancellation of a dollar amount of discretionary budget authority from an appropriation law would be referred to the Committee on Appropriations of each House. A special message pertaining to the cancellation of an item of direct spending would be referred to the authorizing committee or committees of each House from which the original authorization law derived. Any special message relating to more than one committee's jurisdiction, i.e. a cancellation message from a large omnibus law such as a reconciliation law, shall be referred to the appropriate committees in each House. Each special message shall be printed as a document of the House of Representatives.

Procedures in the House of Representatives

In order for a disapproval bill to qualify for the expedited procedures in the House of Representatives as outlined in section 1025(b), it must meet two requirements.

First, a disapproval bill must meet the definition of a disapproval bill as set forth in section 1026. Second, the disapproval bill must be introduced no later than the fifth calendar day of session following the receipt of the President's special message. Any disapproval bill introduced after the fifth calendar day of session is subject to the regular rules of the House of Representatives regarding consideration of a bill.

Any disapproval bill introduced in the House of Representatives must disapprove all of the cancellations in the special message to which the disapproval bill relates. Each such disapproval bill must include in the first blank space referred to in section 1026(6)(C) a list of the reference numbers for all of the cancellations made by the President in that special message.

Any disapproval bill introduced pursuant to 1025(c) shall be referred to the appropriate committee or committees. It is not the intention of the conferees that a disapproval bill pursuant to a special message regarding a reconciliation law be referred to the Budget Committee. Any committee or committees of the House of Representatives to which such a disapproval bill has been referred shall report it without amendment, and with or without recommendation, not later than the seventh calendar day of session after the date of its introduction.

If any committee fails to report the disapproval bill within that period, it shall be in order for any Member of the House to move that the House discharge that committee from further consideration of the bill. However, such a motion is not in order after the committee has reported a disapproval bill with respect to the same special message. This motion shall only be made by a Member favoring the bill and shall be made one day after the calendar day on which the Member offering the motion has announced to the House that Member's intention to make such a motion and the form of that motion. Furthermore, this motion to discharge shall only be made at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member gives the House proper notice.

This motion to discharge shall be highly privileged. Debate on the motion shall be limited to not more than one hour and shall be equally divided between a proponent and an opponent. After completion of debate, the previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion was agreed to or not agreed to shall not be in order. It shall not be in order to consider more than one such motion to discharge a disapproval bill pertaining to a particular special message.

After a disapproval bill has been reported or a committee has been discharged from further consideration, it shall be in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the disapproval bill. If the bill has been reported, the report on the bill must be available for at least one calendar day prior to consideration of the bill. All points of order against the bill and its consideration, except a point of order pertaining to a one-day layover requirement, shall be waived. If the bill has been discharged, all points of order against the bill and its consideration shall be waived. The motion that the House resolve into the Committee of the Whole shall be highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate on the disapproval bill shall be confined to the bill and shall not exceed one hour equally divided between and controlled by a proponent and an opponent of the bill. After completion of the one hour of general debate, the bill shall be considered as read for amendment under the five minute rule. Only one motion that the Committee rise shall be in order unless that motion is offered by the manager of the bill.

No amendment shall be in order, except that any Member, if supported by forty-nine other Members (a quorum being present), may offer an amendment striking the reference number or reference numbers of a cancellation or cancellations from the disapproval bill. This process allows Members the opportunity to narrow the focus of the disapproval bill, striking references to cancellations they do not wish to disapprove, while retaining in the disapproval bill references to cancellations they wish to overturn. A vote in favor of the disapproval bill is a vote to spend the money the President sought to cancel. A vote against the disapproval bill is a vote to agree with the President to cancel the spending.

No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without any intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

All appeals of decisions of the Chair relating to the application of the rules of the House of Representatives to this procedure for consideration of the disapproval bill shall be decided without debate.

It shall be in order to consider only one disapproval bill pertaining to each special message under these expedited messages except for consideration of a similar Senate bill. However, if the House has already rejected a disapproval bill with respect to the same special message as that to which the Senate bill refers, it shall not be in order to consider that bill.

In the event of disagreement between the two Houses a conference should be promptly convened. It shall be in order to consider a conference report in the House of Representatives provided such report has been available to the House for one calendar day (excluding Saturdays, Sundays or legal holidays, unless the House is in session on such a day) and the accompanying statement has been filed in the House.

Debate in the House of Representatives on the conference report and any amendments in disagreement on any disapproval bill shall each be limited to not more than one hour equally divided and controlled by a proponent and an opponent. A motion to further limit debate shall not be debatable. A motion to recommit the conference report shall not be in order and it shall not be in order to reconsider the vote by which the conference report is agreed to or disagreed to.

Procedures in the Senate

Any member of the Senate may introduce a disapproval bill containing any combination of cancellations included in the President's special message. The disapproval bill shall be referred to the appropriate committee or committees. If necessary, referral to multiple committees is permissible to accommodate disapproval bills which relate to cancellations from omnibus bills (i.e. reconciliation bills). A committee shall report the bill with or without amendment within seven days during which the Senate is in session or be discharged. A disapproval bill received from the House of Representatives shall not be referred but shall be automatically placed on the Calendar. It is the intent of the conferees that only one disapproval bill for each special Presidential message be considered under the expedited procedures. This however, is not meant to limit the Senate's ability to choose between a Senate-originated and a House-originated disapproval bill, it is intended that there be only one legislative vehicle.

A motion to proceed to the consideration of a disapproval bill is not debatable. Section 1025(e)(6) provides a ten hour overall limitation for the floor consideration of a disapproval bill. Except as provided in section 1025(e)(9) (which addresses disposition of a Senate disapproval bill), this limit on consideration is intended to cover all floor action with regard to a disapproval bill. This section is specifically meant to preclude the offering of amendments or the making of dilatory motions after the expiration of the 10 hours. Consideration of a message from the House of Representatives with respect to a disapproval bill is limited to four hours, as is consideration of a conference report and any amendments reported in disagreement. Again the intent of the conferees is to preclude the offering of amendments or motions after the expiration of time so as to facilitate the adoption of any conference report or the disposition of any message from the House. In limiting the time for consideration the conferees do not intend to allow the process to be halted by the delay in the making of necessary and appropriate motions. Therefore motions to concur, disagree or disagree and request a new conference may be made at the expiration of time.

Amendments to a disapproval bill, whether offered in committee or from the floor of the Senate, are strictly limited to those amendments which either strike or add a cancellation that is included in the President's special message. The conferees note that these expedited procedures are reserved solely for disapproval bills which overturn one or more cancellations contained in a President's special message. No other matter may be included in such bills. To enforce this restriction in the Senate, a point of order (which may be waived by a three-fifths vote) would lie against any amendment that does anything other than strike or add a cancellation within the scope of the special message. To the extent that extraneous items are added to disapproval bills, and the Senate has not waived the point of order against such an item, the conferees intend that such legislation would no longer qualify for the expedited procedures.

The conference report also provides that any conferees on a disapproval bill must include any cancellations upon which the two Houses have agreed and may include any or all cancellations upon which the two Houses have disagreed, but may not include any cancellations not committed to the conference.

Sec. 1026. Definitions

(1) Appropriation Law. As used in this Act, the term "appropriation law" includes any Act which provides general, special, supplemental, deficiency, or continuing appropriations of federal funds, which has been presented to the President in accordance with

Article I, section 7 of the Constitution of the United States, and which has been affirmatively signed into law by the President.

(2) Calendar Day. The term "calendar day" means a standard 24-hour period beginning at midnight.

(3) Calendar Day of Session. The term "calendar day of session" means only those days on which both Houses of Congress are in session. This definition excludes periods of recess and adjournment by either House.

(4) Cancel. In the case of discretionary budget authority, the term "cancel" means to rescind an entire dollar amount. The term rescind is clearly understood through long experience between the Executive and Legislative branches with respect to appropriated funds. The conferees do not intend that any new interpretation be applied to the term rescind, but rather intend to narrow the scope of cancellation authority as compared with the authority provided under section 1012 of the Budget Act.

For items of new direct spending, three definitions are provided to specifically tailor the cancellation authority to the type of direct spending involved. In the case of direct spending that is budget authority provided by law other than an appropriation law, the term cancel means to prevent that budget authority from having legal force or effect. For example, in the case of budget authority that provides authority to contract for a particular project, the effect of a cancellation by the President would be to foreclose the ability of the Federal Government to enter into an agreement to pay the amount of money provided in the law. The cancellation affects only the money that would otherwise be spent, and may not be used to alter or terminate any condition contained in the law.

For entitlement authority, the term cancel means that the President may prevent the specific provision that results in the deficit-increasing obligation of the Federal Government from having legal force or effect. The cancellation affects only the legal obligation to pay a benefit, and does not change or affect any other aspect of the law.

With respect to direct spending that is conducted through the food stamp program, the term cancel means that the President may prevent the specific provision of law that results in an increase in expenditures from having legal force or effect. Again, the authority is narrowly defined, and is limited only to eliminating the increase in food stamp obligations that would otherwise occur. No other aspect of the law could be altered, terminated or otherwise affected.

Finally, with respect to limited tax benefits, the term cancel means to prevent the specific provision of law that provides the benefit from having legal force or effect. Again, the authority granted the President is very narrow—only to collect the tax that would otherwise not be collected or to deny the credit that would otherwise be provided. The President may not change, alter, or modify any other aspect of the law.

(5) Direct Spending. The term "direct spending" is an existing term that is defined in section 250(8) of the Balanced Budget and Emergency Deficit Control Act of 1985. The conference report makes technical modifications to the definition to make it appropriate for use in part C of title X, but the conferees intend the term "direct spending" to have the same meaning as it does under the Balanced Budget and Emergency Deficit Control Act.

(6) Disapproval Bill. For the purposes of the conference report, the term "disapproval bill" is defined as a bill or a joint resolution which only disapproves one or more cancellations of dollar amounts of discretionary budget authority, items of new direct spending or limited tax benefits in a special message transmitted by the President under section 1022.

The disapproval bill is defined to include a list by reference number of one or more of the cancellations in the President's special message, allowing the opportunity for amendments relating to specific cancellations. The structure of the disapproval bill is carefully defined and proscribed to ensure that only a list of reference numbers identifying cancellations from a particular special message, and nothing, more are included in a bill that is eligible for the expedited procedures that are provided under section 1025. Since it is the intent of the conferees to ensure that the expedited procedures are reserved for bills that only disapprove any or all of the President's cancellations, the definition is designed to ensure that matters beyond the scope of the President's special message are not permitted to be added to a disapproval bill. However, the conferees recognize the legitimate interest members may have in limiting the focus of a disapproval bill to include only a subset of the cancellations in a President's special message.

Specifically, a disapproval bill referencing the President's cancellations has the following title: "A bill disapproving the cancellations transmitted by the President on _____," with the blank space being filled with the date of transmission of the relevant special message and the number of the relevant public law.

The disapproval bill does not have a preamble and provides only the following: "That Congress disapproves of cancellations _____, as transmitted by the President in a special message on _____, regarding _____." The first blank space is to be filled in with a list by reference number of one or more of the cancellations contained in the President's special message. The second blank space is to be filled in with the date of transmission of the President's special message. The third blank space is to be filled in with the number of the public law in which the special message relates.

(7) Dollar Amount of Discretionary Budget Authority. The term "dollar amount of discretionary budget authority" is carefully defined in section 1026(7) in order to ensure that the President's authority to cancel discretionary spending in appropriation laws is clearly delineated. The conference report delegates the authority to the President to cancel in whole any dollar amount specified in an appropriation law.

In addition, to increase the President's discretion, the conference report allows the President to cancel a dollar amount of budget authority provided in an appropriation law by specific amounts identified by the Congress in the statement of managers, the governing committee report, or other law. By limiting the delegation of authority, the conferees intend to preclude arguments between the Executive and Legislative Branches and to ensure that the delegation is not overbroad or vague. As is described in further detail below, the conferees have sought to provide the President the ability to rescind entire dollar amounts, even if not specified as a dollar amount in the law itself, so long as the dollar amount can be clearly identified and is in an indivisible whole with which Congress has previously agreed.

The conferees note that the definition specifically excludes certain types of budget authority that are addressed by other provisions in part C of title X, as well as any restriction, condition, or limitation that Congress places on the expenditure of budget authority or activities involving such expenditure. The exclusion of restrictions, conditions, or limitations is included to make clear that the President may not use the authority delegated in section 1021(a) to cancel anything other than a specific dollar amount of budget authority.

The cancellation authority cannot be used to change, alter, modify, or terminate any policy included by Congress, other than by rescinding a dollar amount. Obviously, if the Congress has included a restriction in the law that prohibits the expenditure of budget authority for any activity, there is no dollar amount to be rescinded by the President, nor would any money be saved for use in reducing the federal budget deficit, which is a requirement for the use of the authority provided under section 1021(a).

As described in subparagraph (A)(i), the President may cancel the entire dollar amount of budget authority specified in an appropriation law. The term "entire" means just that; the President may rescind, or "line out" the dollar amount of budget authority specified in the law, so that the dollar amount provided in the law becomes zero after the cancellation. For example, in Public Law 104–37, the Agriculture Appropriations Act for Fiscal Year 1996, $49,486,000 was provided in the law for special grants for agriculture research. Using the authority granted under section 1021(a)(1), as defined under section 1026(7)(A)(i), the President could cancel only the entire $49,486,000.

Further, again under subparagraph (A)(i), if the appropriation law does not include a specific dollar amount, but does include a specific proviso that requires the allocation of a specific dollar amount, then the President may rescind the entire dollar amount that is required by the proviso. A fictitious example of what the conferees intend in this case follows:

An appropriation law includes a provision that states "for the operation and maintenance of the Army, $1,400,000,000, provided Fort Fictitious is maintained at Fiscal Year 1995 levels,". In this instance, the President could ascertain what the operation of Fort Fictitious cost in FY 1995, and could rescind that entire amount from the $1.4 billion provided for Army O&M. The conferees note that the President would have to take the entire dollar amount required to operate Fort Fictitious in FY 1995, and could not simply take part of that amount. It is intended to be an all or nothing decision.

As a further specific illustration, the conferees note that the General Construction Account in Public Law 104–46, the Energy and Water Development Appropriations Act, 1996, states:

"$804,573,000 to remain available until expended, of which such sums as necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri * * *"

In this example, the President could cancel the entire $804,573,000 or could cancel an amount equal to the entire dollar amount that would be required to fund the rehabilitation costs of the Lock and Dam 25 project, noting in his message all information as required by section 1022.

In subparagraph (A)(ii) the President is given the authority to rescind the entire dollar amount represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report that accompanies an appropriation law. The term "governing committee report" is included to address the fact that the current practice in preparing the statement of managers for a conference report on an appropriation law is to simply address changes that were made in the statutory language and the accompanying committee reports, thus leaving intact and incorporation by reference tables, charts, and explanatory text in one of the two committee reports that were not modified by the conference.

An example of the authority described in subparagraph (A)(ii) is found in the Conference Report accompanying the FY 1996 Military Construction Appropriations Act (Public Law 104–32). The statement of managers accompanying the conference report contains a chart denoting allocations of dollars to various installations and projects. On page 38 there is an allocation of $10,400,000 for a physical fitness center at the Bremerton Puget Sound Naval Shipyard. Except for this chart there is no other reference to the physical fitness center in either the statute or narrative explanation in the Conference Report. Under the authority provided by the definition in subparagraph (A)(ii), the President could cancel the entire $10,400,000 provided for the physical fitness center, but could not cancel only a part of that amount.

The inclusion of subparagraph (A)(ii) is not intended to give increased legal weight or authority to documents that accompany the law that is enacted. Rather, as an exercise of its authority to specify the terms of the delegation to the President, Congress is choosing to use those documents as a means of allowing the President increased discretion to reduce dollar amounts of discretionary budget authority provided in an appropriation law. In order to ensure that the delegated authority is clear, the conferees have limited that authority to dollar amounts identified by Congress in the appropriation law, the accompanying statement of managers, the governing committee report or other law. Since Congress often provides detailed identification of dollar amounts in the accompanying documents, they represent an agreed upon set of dollar amounts that the President may rescind in their entirety.

Subparagraph (A)(iii) has been included by the conferees to address a specific circumstance where neither the appropriation law nor the accompanying statement of managers or committee reports include any itemization of a dollar amount provided in that appropriation law. However, another law mandates that some portion of the dollar amount provided in the appropriation law be allocated to a specific program, project, or activity that can be quantified as a specific dollar amount. In this case, the President could rescind the entire dollar amount required to be allocated by the other law, since that dollar amount has been identified by Congress as a specific dollar amount that must be spent. As is the case with the earlier provisions, the President could not rescind part of the dollar amount mandated by the other law. It is an all or nothing decision. Likewise, the President could not use the cancellation authority to change, alter, or modify in any way the other law.

An example of the authority provided in subparagraph (A)(iii) is found in section 132 of Public Law 104–106, the National Defense Authorization Act for Fiscal Year 1996. Section 132 states that "Of the amounts appropriated for Fiscal Year 1996 in the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities." In this example the President could "look through" the appropriation law to the authorization law that mandates that $50 million is available only for advanced submarine technology activities, and could cancel the entire $50 million.

However, had the appropriation law contained a provision that contradicted or otherwise made the mandate in the authorization law ineffective with respect to the allocation of the National Sealift Fund, then the President would not be able to use the amount in the authorization law as the basis for the cancellation of a dollar amount of discretionary budget authority. As with appropriation laws, the President cannot use the authority in subparagraph (A)(iii) to change, alter, or modify any provision of the authorization law.

Subparagraphs (A)(iv) and (A)(v) are variations on the authority granted in clauses (i) through (iii), and are intended to address the circumstance where Congress does not specify in the appropriation law, the accompanying documents, or other law a specific dollar amount, choosing instead to require the purchase of a particular quantity of goods. Subparagraphs (A)(iv) and (A)(v) allow the President to rescind the entire dollar amount of discretionary budget authority represented by the quantity specified in the law or documents. To determine the specific dollar amount, the President is required to multiply the estimated procurement cost by the total quantity of items specified in the law of documents. The President may then rescind the entire dollar amount represented by the product of those two figures. The conferees expect that the President will use the best available information, as represented by the President's budget submission or binding contract documents, to estimate the procurement cost.

The conferees have included the following examples in order to more clearly explain the definition of dollar amount of discretionary budget authority as defined by section 1026(7). These examples are used solely for illustrative purposes and the conferees are in no way commenting on the merit of any of these programs. The conferees do not intend for these examples to represent all instances where cancellation authority may be used.

The FY 1996 Agriculture Appropriations Act (Public Law 104–37) appropriates $49,846,000 in special grants for agriculture research. The Conference Report accompanying this law contains a table that allocates the $49,846,000 total into lesser dollar amounts all of which correspond to individual research programs. This table, for example, contains a $3,758,000 allocation for "Wood Utilization Research (OR, MS, MN, ME, MI)".

Using the definition in section 1026(7)(A)(i) and (ii), the President could cancel either the entire $49,846,000 specified in the statute or the entire $3,758,000 described in the chart in the Conference Report. However, because the Congress did not break down the allocations for each state associated with this project the President would not have the authority to take a portion of the $3,758,000 allocated to wood utilization research.

The conferees intend that cancellation authority only applies to whole items. If an item (or project) occurs in more than one state, and the law or a report that accompanies an appropriation law lists an item (project) and then lists a series of states, it is the entire item that must be canceled.

In the example listed above, "Wood Utilization Research" appears in the report as: "Wood Utilization Research (OR, MS, NC, MN, ME, MI)."

The conferees believe it is important to note that this line in the report must be canceled in its entirety. The President's cancellation authority is strictly limited. The President has no authority in this example to cancel wood utilization research for Michigan only.

To further illustrate this example, the conferees submit the following example that corresponds to a chart contained in the same conference report: "Aflatoxin (IL), 133,000; Human Nutrition (AR), 425,000; Human Nutrition (IA), 473,000; Wool Research (TX, MT, WY) 212,000."

In this case, the President may cancel aflatoxin (IL), Human Nutrition (AR), Human Nutrition (IA), and/or Wool Research (TX, MT, WY). Although there are two human nutrition research projects listed in two different states, because of the manner in which they are listed, each project may be separately canceled. Again, the President may only cancel the entire wool research program and may not cancel only wool research in Texas.

Section 1026(7)(B) describes what is not included in the definition of "dollar amount of discretionary budget authority." Subparagraphs (B)(i) and (B)(ii) exclude items of new direct spending, for which cancellation authority is provided under other sections of part C of title X. Subparagraph (B)(iii) excludes from the definition any budget authority canceled or rescinded in an appropriation law in order to ensure that those cancellations or rescissions cannot be undone by the President using the cancellation authority.

As described earlier, subparagraph (B)(iv) excludes from the definition any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or governing committee report on the expenditure of budget authority or on activities involving such expenditure. The following two examples illustrate the conferees' intent that the President cannot use the cancellation authority to alter the Congressional policies included in these restrictions, conditions, or limitations.

The Labor, Health and Human Services and Education and Related Agencies Appropriations Act, H.R. 1217, as amended by the Senate Appropriations Committee contained the following section:

"SEC. 103. No amount of funds appropriated in this Act for fiscal year 1996 may be used to implement, administer, or enforce any executive order, or other rule or order, that prohibits Federal contracts with, or requires that debarment of, or imposes other sanction on, a contractor on the basis that such contractor or organizational unit thereof has permanently replaced lawfully striking workers."

The President's cancellation authority only applies to entire dollar amounts. The above example of "fencing language" is a limitation and contains no dollar amount. Therefore, the President has no authority to alter or cancel this statement of Congressional policy.

If a limitation or condition on spending—"fencing language"—is not written as a separate numbered or unnumbered paragraph,

but instead is written as a proviso to an appropriated amount, the President still has no power to cancel the proviso.

The Energy and Water Development Appropriations Act, 1996, (Public Law 104–46), Title II, Department of the Interior, General Administrative Expenses, states:

"For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,150,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377); *Provided*, that no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

Using this example, the President may cancel $48,150,000 or the $1,400,000 noted, but may not cancel or alter in any way the proviso restricting the use of other appropriated funds contained in this Act.

The conference report also allows the President to cancel the entire amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included. The conferees recognize that from time to time, budget authority may be mandated to be spent on a specific program or project without a specific dollar amount being listed. However, in order to comply with the proviso, the President would have to expend appropriated funds.

(8) Item of New Direct Spending. The term "item of new direct spending" means a provision of law that results in an increase in budget authority or outlays relative to the baseline set forth pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Under the Balanced Budget and Emergency Deficit Control Act of 1985, a reauthorization or an extension of a major entitlement program would not result in an increase in direct spending. As a consequence, such legislation would not constitute an item of new direct spending pursuant to the conference report. This does not mean that legislation must result in a net increase in spending in order to be subject to this cancellation authority. A provision of a future law that increases direct spending would be subject to the President's cancellation authority whether or not it is offset by another provision that reduces direct spending or increases revenues in the same law.

Unlike an appropriation law, which specifically designates a dollar amount for a specific program, direct spending can arise from a number of interactions among provisions in a new law, other provisions in that same new law, and underlying law. The conference report provides the President with the authority to cancel the legal obligation provided by the new law that results in new direct spending. The cancellation authority is limited to the specific provisions in the new law signed by the President that result in the legal obligation to expend funds and does not extend to other previously enacted laws.

The following are examples of direct spending increases that have been enacted. These examples are given to illustrate how cancellation authority could apply to similar items of new direct spending if included in a law to which part C of title X would apply. These examples are used solely for illustrative purposes and the conferees are in no way commenting on the merit of any of these programs. The conferees do not intend for these examples to represent all instances where cancellation authority may be used.

The 1995 Balanced Budget Act included provisions that increased direct spending, but this Act was vetoed in its entirety by the President using his Constitutional authority and thus no provisions of that Act would be subject to the cancellation authority under part C. In the Omnibus Budget Reconciliation Act of 1993, the Congress enacted provisions that led to a net reduction in direct spending of $78.8 billion over five years. While this law led to a net reduction in direct spending, it included several provisions that increased direct spending. More specifically, the following are selected examples of provisions that increased direct spending that illustrate how the President's cancellation authority could be applied:

Section 13982 increased Forest Service payments and section 13983 increased Bureau of Land Management (BLM) payments to counties affected by the Northern Spotted Owl. These provisions were estimated to increase direct spending by $43 million in fiscal year 1994 and $215 million over the period of fiscal years, 1994–1998. The President could cancel the entire amount of the legal obligation created by section 13982 for the Forest Service to make payments or the entire amount of the legal obligation in section 13983 for BLM to make payments.

Sections 13811 through 13813 dealt with Customs overtime pay, additional benefits, and user fees. Section 13812(c) provided cash awards for foreign language proficiency to Customs Officers that was estimated to increase direct spending by $2 million in fiscal year 1994 and $10 million over the period of fiscal years 1994–98. The President could cancel that legal obligation for the entire amount of funding provided for cash awards to Customs Officers. However, the President could not reach to provisions that reduced direct spending, such as the extension of Customs fees and overtime reform or other provisions that did not directly deal with an increase in direct spending.

Sections 13901 through 13971 of the law made a number of changes to the food stamp program that were estimated to lead to a net increase indirect spending of $56 million in fiscal year 1994 and $2.7 billion over the period of fiscal years 1994–1998. More specifically, section 13923 increased direct spending by raising the asset test and indexed this asset test for inflation for determining eligibility for food stamps. The President would have the authority to cancel the entire specific legal obligation so that the increase in the asset test would have no legal force or effect. In addition, the President could cancel the entire legal obligation to make the inflation adjustment so that this asset test would not be indexed for inflation. However, the President's cancellation authority would not apply to provisions that did not affect direct spending or reduced direct spending, such as section 13951 that expedited claim collections and adjustments to error rate calculations.

(9) Limited Tax Benefit. In general, a "limited tax benefit" is any provision under the Internal Revenue Code that is either (1) a revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (unless the effect of the provision is that all similarly situated persons receive the same treatment); or (2) a provision that provides transitional relief to 10 or fewer beneficiaries.

The number of beneficiaries affected by a provision is determined by considering each fiscal year in which the provision will be in effect; if the number of beneficiaries falls below the requisite threshold for any one of those fiscal years, the provision could be identified as a limited tax benefit. For purposes of determining the number of beneficiaries, certain individuals and businesses would be aggregated: all businesses and associations which are related (within the meaning of Internal Revenue Code sections 707(b) and 1563(a)) would be treated as one beneficiary; all qualified plans of a single employer would be treated as one beneficiary; all holders of the same bond issue would be treated as one beneficiary. However, individual shareholders of a corporation, partners of a partnership, members of an association, or beneficiaries of a trust would not be counted as separate beneficiaries simply because a benefit is provided to the respective corporation, partnership, association, or trust.

Revenue-losing Provisions that Affect 100 or Fewer Beneficiaries. A provision is defined as "revenue-losing" if it results in a reduction in federal tax revenues for any one of the following two periods: (1) the first fiscal year for which the provision is effective; or (2) the period of the five fiscal years beginning with the first fiscal year for which the provisions is effective.

A revenue losing provision that affects 100 or fewer beneficiaries is not a limited tax benefit if one of the exceptions is met. First, if a provision has the effect of providing all persons in the same industry or engaged in the same activity with the same treatment, the item is not a limited tax benefit even if there are 100 or fewer persons in the affected industry. For example, a provision that sets forth the depreciation treatment for equipment that is used only by automobile manufacturers will not be treated as a limited tax benefit solely because there are fewer than 100 automakers located in the United States.

Similarly, a provision that provides the same treatment for all persons who engage in research and development activities, or all persons who adopt children, or all persons who engage in drug testing, would not be treated as a limited tax benefit simply because 100 or fewer persons are expected to engage in that activity in any of the fiscal years in which the provision is effective. In such circumstances, the benefit is provided as an incentive to anyone who chooses to engage in the activity rather than to a closed group of specific taxpayers.

A second exception applies to provisions that have the effect of extending all persons owning the same type of property, or issuing the same type of investment instrument, the same treatment. For example, a provision that sets forth the depreciation treatment for a highly-specialized type of computer equipment that is owned by fewer than 100 taxpayers (who are not necessarily in the same industry) would not be treated as a limited tax benefit as long as any person who purchases such equipment is entitled to the same treatment. Similarly, a provision that affects the deductibility of interest with respect to certain types of debt instruments would not be a limited tax benefit, as long as any person who issued that type of debt instrument receives the same treatment.

The conference report further clarifies that a provision is not a limited tax benefit if the only reason the provision affects different persons differently is because of (1) the size or form of the business or association involved (e.g., a provision that gives preferential treatment to small businesses); (2)

general demographic conditions affecting individuals, such as their income level, marital status, number of dependents, or tax return filing status; (3) the amount involved (e.g., a cap based on the dollar amount of a taxpayer's investment or the number of units produced by a taxpayer); or (4) a generally-available election provided under the Internal Revenue Code (e.g., if taxpayers who engage in a certain activity are given a choice between two alternative treatments, and fewer than 100 taxpayers are expected to choose one of the alternatives).

Transition Rules

Any Federal tax provision that provides temporary or permanent transitional relief to 10 or fewer beneficiaries in any fiscal year would be a limited tax benefit except to the extent that the provision provides for the retention of prior law for all binding contracts (or other legally enforceable obligations) in existence on a date contemporaneous with Congressional action specifying such a date. For example, a provision in a chairman's mark which retains current law with respect to binding contracts in existence on the date the mark is released would not be a limited tax benefit. In addition, a technical correction to previously enacted law (if it is scored as having no revenue effect) would not be a limited tax benefit for this purpose.

This provision covering transition rules is intended to address the type of special rules used extensively in prior tax legislation. For example, in the Tax Reform Act of 1986 (the "1986 Act"), which included a number of revenue raising tax provisions, various specifically identified taxpayers were provided special rules that exempted them from treatment under the general revenue raising provisions. One provision in the 1986 Act changed the rules for how multinational corporations could allocate interest expenses for foreign tax credit purposes. The provision included a favorable rule for banks, and also included a special exception allowing "certain" non-banks to use the favorable bank rule. The special exception applied to any corporation if "(A) such corporation is a Delaware corporation incorporated on August 20, 1959, and (B) such corporation was primarily engaged in the financing of dealer inventory or consumer purchases on May 29, 1985, and at all times thereafter before the close of the taxable year." Public Law 99–514, 100 Stat. 2548, sec. 1215(c)(5). If 10 or fewer taxpayers were expected to benefit from the special exception, this provision would constitute a limited tax benefit under the conference agreement definition, and would be subject to the President's cancellation authority.

The conferees submit the following two examples for what may or may not be a limited tax benefit. All examples are used solely for illustrative purposes and the conferees are in no way commenting on their merit. Furthermore, the conferees do not intend for these examples to represent all instances where cancellation authority may be used.

The Omnibus Reconciliation Act of 1993 included a provision that created an income tax credit for entities that make qualified cash contributions to one of 20 "community development corporations" to be selected by the Secretary of Housing and Urban Development using certain selection criteria.

Under the conference report, the Joint Committee on Taxation (JCT) would estimate how many contributions would be designated as eligible for the credit, based on the information available to the Committee at the time the legislation was being considered. If the JCT determined more than 100 contributors would benefit from the credit, then the provision could not be canceled. If fewer than 100 contributors were estimated to benefit from the provision, then the provision could be canceled.

If the conference report did not include the information from JCT in the required form, then the President would have the authority to make the determination.

H.R. 831 (enacted in the 104th Congress) included a provision to restore a prior-deduction for 25 percent of the amount paid for health insurance for self-employed individuals and the individuals' spouses. The 25 percent deduction had expired after December 31, 1993. H.R. 831 restored the 25-percent deduction for 1994 and increased the deduction to 30 percent for taxable years beginning after 1994.

Under the conference report, this provision would not be a limited tax benefit because it applies to all self-employed individuals who purchase their own health insurance, and thus this provision would benefit more than 100 individuals.

(10) OMB. The term "OMB" means the Director of the Office of Management and Budget.

Sec. 1027. Identification of limited tax benefits

The conferees intend to limit the authority delegated to the President by Congress under section 1021 with respect to the application of that authority to limited tax benefits. A limited tax benefit is a carefully delineated provision under the definition in section 1026(9). This section ensures the proper application of this definition, and hence the President's cancellation authority, to any tax provision. The conference report provides the conferees on any revenue or reconciliation measure with the opportunity to identify for the President what may constitute a limited tax benefit, under the procedures in this section, in each revenue or reconciliation law.

The conference report states that the JCT shall examine any revenue or reconciliation bill or joint resolution (that amends the Internal Revenue Code) prior to its filing by a committee of conference in order to determine whether or not that bill or joint resolution contains any limited tax benefits under the definition in section 1026(9). The statement from the JCT shall state that the bill either contains no limited tax benefits or contains limited tax benefits.

In the case of a revenue or reconciliation bill or joint resolution containing one or more limited tax benefits the statement shall list each of those provisions. In the case of a revenue or reconciliation bill or joint resolution containing no limited tax benefits, the statement shall state that determination. This statement shall be submitted to the conference committee on such a bill or joint resolution and shall be made available by the JCT to any Member of Congress upon request.

If the conference report includes the information from the JCT and that information identifies provisions in the conference report which quality as limited tax benefits under the definition in section 1026(9), then the President may cancel those, and only those, items as identified. On the other hand, if such a conference report contains a statement from the JCT stating that there are no provisions in the conference report qualifying under the definition in section 1026(9) as a limited tax benefit, then the President may not exercise the cancellation authority under section 1021(a)(3) because Congress has provided that no tax provisions are eligible for cancellation under this authority.

The conference report specifies how the information provided by JCT may be included in the bill. At the end of the bill, the permitted separate section should read as follows: "Section 1021(a) of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____", with the blank spaces being filled in with the appropriate information. In the case in which the JCT identifies limited tax benefits in a conference report, the word "only" would appear in the first blank and a list of all of the provisions of the bill or joint resolution identified by the JCT in that Committee's statement shall appear in the second blank. In the case in which the JCT declares that there are no limited tax benefits in the conference report, the word "not" would appear in the first blank and the phrase "any provision of this Act" would appear in the second blank.

The conferees intend that the decision to include the information provided by JCT in the bill or joint resolution that amends the Internal Revenue Code shall be left to the discretion of the appropriate conferees. With respect to any potential violations or any rules relating to the scope of a conference, the conferees intend that the inclusion of such an identification shall not constitute a violation of any rules of the House of Representatives or the Senate, respectively.

In the event the legislation amending the Internal Revenue Code is signed into law that does not contain the information provided by JCT, any identification of what constitutes a limited tax benefit under the definition in section 1026(9) may be made by the President. If any provision qualifies as a limited tax benefit (within the confines of the definition of such a benefit in section 1026(9)) and the President identifies such a benefit, the President may exercise the cancellation authority under section 1021(a)(3).

Section 3. Judicial review

Any Member of Congress or other adversely affected individual is given standing to seek declaratory judgement and injunctive relief on the ground that any provision of this law violates the Constitution. Suit must be brought in the United States District Court for the District of Columbia. A copy of any complaint brought under this Act must be promptly filed with the Secretary of the Senate and Clerk of the House, and each House reserves the right to intervene in any action according to its own internal rules.

Appeals from the District Court must be filed within 10 calendar days after an order is entered and may be taken directly to the Supreme Court of the United States. A period of 30 calendar days is provided for filing a jurisdictional statement with the Supreme Court, and the conference report prohibits any single Justice from issuing a stay of the District Court's order. Both the District Court and the Supreme Court are directed to advance on the docket and expedite to the greatest extent possible any action brought with regard to the constitutionality of this law.

Section 4. Conforming amendments

Section 4 makes three conforming amendments. First, this section amends the short title of the Congressional Budget and Impoundment Control Act of 1974 to clarify that the short title of Impoundment Control Act shall refer to parts A and B of title X. The amendment further specifies that part C of title X shall be cited as the Line Item Veto Act of 1996.

Second, section 4 makes a conforming amendment to the table of contents in the

Congressional Budget and Impoundment Control Act to include a listing of the contents of part C, referencing sections 1021 through 1027.

Third, section 4 amends section 940(a) of the Congressional Budget Act of 1974 to clarify that the provisions of sections 1025 and 1027, relating to Congressional consideration of a disapproval bill and identification of limited tax benefits, in an exercise of the rulemaking powers of the House of Representatives and the Senate. As a result, sections 1025 and 1027 are considered part of the rules of each House, respectively, and it supersedes other rules only to the extent that it is inconsistent with those rules. This is also a recognition of the constitutional right of both Houses to change these rules at any time, in any manner and to the same extent as in the case of any other rule of each House.

Section 5. Effective dates

Section 5 provides an effective date of the earlier of (1) the day after the enactment of an Act entitled "An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget."; or (2) January 1, 1997. It provides that this part shall sunset January 1, 2005.

BILL CLINGER,
GERALD SOLOMON,
JIM BUNNING,
PORTER GOSS,
PETER BLUTE,
Managers on the Part of the House.

TED STEVENS,
BILL ROTH,
FRED THOMPSON,
THAD COCHRAN,
JOHN MCCAIN,
PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
DAN COATS,
JIM EXON,
Managers on the Part of the Senate.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.J. Res. 165. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956) "An Act to establish legal standards and procedures for product liability litigation, and for other purposes.".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress that the United States is committed to military stability in the Taiwan Strait and the United States should assist in defending the Republic of China (also known as Taiwan) in the event of invasion, missile attack, or blockade by the People's Republic of China.

APPOINTMENT OF CONFEREES ON H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 3019, be instructed to:

(a) agree to the position in the Senate amendment increasing funding above the levels in the House bill for programs of the Department of Education;

(b) agree to the position in the Senate amendment increasing funding above the levels in the House bill for programs of the Environmental Protection Agency;

(c) agree to the position in the Senate amendment that provides a minimum of $975,000,000 from within the $1,903,000,000 provided for Local Law Enforcement Block Grants within the Department of Justice for the Public Safety and Community Policing grants pursuant to title I of the Violent Crime Control and Law Enforcement Act of 1994 (COPS on the beat program);

(d) agree to the position in the Senate amendment increasing funding above the levels in the House bill for job training and worker protection programs of the Department of Labor;

(e) agree to the position in the Senate amendment deleting Title V of the House bill placing onerous new red tape requirements on Federal grantees; and

(f) agree to the position in the Senate amendment specifying a maximum grant award of $2500 under the Pell Grant Program; and

(g) agree to the position in the Senate amendment providing fiscal year 1997 funding of $1,000,000,000 for the Low-Income Energy Assistance Program of the Department of Health and Human Services.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

I know Members want to get out of here, and I join in that sentiment. It was not my choice to deal with this issue tonight, but we are dealing with it. So I would like Members to know what it is that we are asking them to vote on.

What we have pending before the House is a motion to go to conference on the long term. The chairman of the committee has just moved that the House go to conference on the long-term continuing resolution. Earlier today, we passed another one of our week-to-week CRs.

Mr. Speaker, the problem we face is that with the five bills that still are not in law, the five appropriation bills for this fiscal year, those bills have come in at a rate of about $25 billion below the amount being asked for by the President of the United States. The President has indicated that if language differences can be eliminated so that we can remove some of the special interest language provisions that have been inserted in the bill, that he is willing to sign off on the bill if he can get roughly $8 billion back out of that $25 billion. So he is asking for about 30 cents on the dollar.

The Senate, rather than providing the 30 cents on the dollar, has added back about $3.8 billion, which represents about 14 cents out of every dollar that the President wanted. In my view, we are not going to be able to finish that conference by the end of next week unless we can cut through a lot of the fog and recognize that where we have to start in that conference is at the Senate level. So what I am trying to do here tonight is to bring us closer to that point.

What this motion would do is instruct the conferees to accept the Senate increases in education, which would mean increases in Goals 2000, an increase of $814 million in chapter 1. We are asking to put $814 million in for title I because we think that we should make it easier, not harder, for kids to learn how to read and to learn how to deal with math.

Mr. Speaker, we are asking to put back $200 million for safe and drug-free schools because we think that our communities are going to be safer and our kids healthier if they learn at an early age to stay away from drugs.

We are adding $8 million for charter schools, some additional money in the education area, including vocational and adult education. We are asking to add back $137 million for Head Start, which is what the Senate has added back. In the Labor Department, we are asking that funding be added back for school-to-work programs, for dislocated worker assistance, for one stop career shopping, for summer youth, $635 million for summer youth.

Mr. Speaker, we are asking in the Veterans, HUD and independent agencies bill that we add $115 million for operating programs to the EPA, including enforcement activities, $300 million for EPA, States and tribal assistance

grants, water and wastewater infrastructure financing. The Senate bill added $50 million or $150 million for EPA Superfund program. We are asking that we accept the Senate judgment on those programs.

We are also asking to accept the Senate level for the cops on the beat program rather than the House insisting on its block grant program as a substitute for the cops on the beat program. We think that program has been demonstrated to be successful. The President places a very high priority on that item and will not sign a bill, in my judgment, unless we do considerably better than the Senate has done on this program. We intend in conference to insist on a higher level for cops on the beat than the Senate has provided, but what we want to do is to try to begin the process at least recognizing as the Senate did that we have to restore at least 50 percent of that going in.

Mr. Speaker, we are also asking that Members delete the Istook amendment, which in essence creates a huge blizzard of paperwork on most of the groups who have the temerity to want to comment to their elected Representatives on the actions that we are taking. We think they have that right, and the Istook amendment gets in the way of that.

We are also asking that we restore $1 billion for the low-income heating assistance program and take the Pell grant program up to maximum grants of $2,500 rather than the amount in the House bill.

We believe that that is the very minimum that is necessary to get the conference off to a good start. It is my firm belief that in fact we will have to go further in those restorations before the President signs the bill.

The President is not going to settle for 15 cents on the dollar, as the Senate has provided. He is going to insist that we do a better job than that in protecting education, protecting environmental cleanup, protecting our efforts to fight crime.

I would ask for a yea vote on the motion.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 30 minutes.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING], distinguished chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, I would caution my colleagues to be very, very careful about this, what appears to be a very, very attractive package, particularly when talking about areas in education. I would not tie the conferees hands until we know exactly where these offsets are and how legitimate those offsets are.

Mr. Speaker, I would encourage Members not to fall victim to something that sounds awfully, awfully good, particularly for those of us who deal in the education field, because the offsets may end up eventually being Members' favorite programs, because at the present time they probably could be more smoke and mirrors than anything else.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank all of my colleagues for their indulgence. I shall not take much time.

We have here a motion to instruct conferees. We are in the process of appointing the conferees so that they can begin the conference. I am hopeful that this is the beginning of the end for the fiscal year 1996 bills.

The conferees will go into session and will deliberate and I expect we will report back toward the end of next week and that we will produce a bill that can pass both Houses and be sent to the President and will be signed into law and we can move on to fiscal year 1997.

Mr. Speaker, let me say that my friend from Wisconsin has raised a number of issues for additional spending. He wishes to spend a lot of money on a lot of different programs. He wishes us to conform with the Senate on some of the additional spending that they have had, and of course he is not satisfied with the bill as it left the House.

On education, I would only point out that the Federal Government, which has not traditionally throughout the history of this Nation been involved in education, has been since roughly 1970 or shortly before and now pays about 6 percent of the total education tab. Roughly $23–$25 billion is what we pay, the American taxpayer pays, through the Federal Treasury. The U.S. taxpayer pays roughly $23 billion for education in this country, to be dispensed through the United States Treasury, but the taxpayers also pay another $200 billion-plus in the States and localities on education.

□ 2030

The fact is that education is primarily the province of the local and the State government, and while we can always look for more ways to spend more money, we are never going to make a dent with our involvement.

I have to point out the fact that since the Federal Government has become involved, grades for the scholastic aptitude tests for students at all levels of education have declined, not increased, so it is hard to make the argument that Federal payment for education bills has really accomplished much of anything.

That being the case, we are going to meet with the Senate, and we are going to have to come to a conclusion. I would only point out to my colleagues that, if we accept the gentleman's proposal to instruct conferees, we might as well not go to conference because the gentleman from Wisconsin [Mr. OBEY] would have us agree to virtually all of the Senate's positions on a fistful of issues, practically all of which would indeed cost more money.

Now in the House passed bill, we are within our budget caps. If we spend more money, we have to pay for it or else we will be in excess of our budget that we have passed in this House and that passed in the Senate before. I am not sure that we can come up with additional pay-fors for additional spending. It is good to be a very excruciating debate between us, and Members of the Senate, and both parties, and then also to work out an agreement with the President where he feels comfortable enough to sign it. It is going to be a difficult negotiation.

I would urge my colleagues to vote "no" on the motion to instruct. Let us go to conference with some flexibility to negotiate. Do not give us a mandate to agree to their proposals. If we have a mandate that is given us by bipartisan Members of this House, the fact is that the conference will be over very quickly whether or not the President ultimately decides to sign the bill.

But I would urge my colleagues to stick with the committee, not weaken us before we go to conference. Vote "no" on the motion to instruct, and let us go home for the evening.

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

Mr. OBEY. Mr. Speaker, I yield myself just 30 seconds.

The Senate has offset all of the funding that they have provided so they do not add to spending levels for this fiscal year, and all of the items for fiscal year 1997 will be constrained by the caps, as everyone knows. So this is not an issue of how much spending there shall be. This is an issue of where that spending ought to be targeted.

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

Mr. LIVINGSTON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 207, not voting 30, as follows:

[Roll No. 90]

YEAS—194

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Weldon (PA)
Weller
Williams
Wise
Woolsey
Wynn

NAYS—207

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Barton
Boehner
Clay
Collins (IL)
de la Garza
Dicks
Forbes
Gephardt
Gibbons
Hayes
Johnston
Kolbe
Lazio
Manton
McDade
Meehan
Moakley
Owens
Payne (NJ)
Radanovich
Rose
Roth
Stark
Stockman
Stokes
Studds
Waters
Waxman
Wilson
Yates

□ 2149

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Radanovich against.

Mr. ZELIFF changed his vote from "aye" to "no."

Mr. BERMAN changed his vote from "no" to "aye."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Without objection, the Chair appoints the following conferees:

For consideration of the House Bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

Messrs. LIVINGSTON, MYERS of Indiana, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, and WOLF, Mrs. VUCANOVICH, and Messrs. LIGHTFOOT, CALLAHAN, WALSH, OBEY, YATES, STOKES, BEVILL, MURTHA, WILSON, DIXON, HEFNER, and MOLLOHAN.

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

Messrs. PORTER, YOUNG of Florida, BONILLA, ISTOOK, MILLER of Florida, DICKEY, RIGGS, WICKER, LIVINGSTON, OBEY, STOKES, and HOYER, Ms. PELOSI, and Mrs. LOWEY.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WOMEN IN PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DeLAURO) is recognized for 5 minutes.

GENERAL LEAVE

Ms. DeLAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DeLAURO. Mr. Speaker, I am honored to join Congresswoman LUCILLE ROYBAL-ALLARD tonight in kicking-off this series of special orders recognizing women from around the Nation for their accomplishments in public service. Congresswoman ROYBAL-ALLARD and myself organized this series of special orders this evening with the Women's Caucus in celebration of Women's History Month. Due to the overwhelming participation in this event, I will keep my remarks brief. I thank all of my colleagues who will be speaking this evening in recognition of the tremendous accomplishments and contributions of women in public service.

Mr. Speaker, I am proud to announce the names of two extraordinary women from the third Congressional District of Connecticut who have been selected for acknowledgement during Women's History Month 1996. These women were selected by a committee I organized,

comprised of over 20 women leaders in my district. The committee included members of the business community, civic organizations, cultural, and religious groups. The Women of the Year for Women's History Month 1996 are Mrs. Anne Calabresi and State Senator Toni Harp.

Anne Calabresi is a cornerstone of community life in New Haven. She has been active in the organization of major city initiatives and events like the World of Difference Project. Sponsored by the Anti-Defamation League, the World of Difference Project has been working to end discrimination and forge community understanding in New Haven for the past 4 years. Anne works with the Special Olympics, which brought thousands of athletes and spectators to New Haven last year and also serves as the chairwomen of the Leadership Education and Athletics in Partnership [LEAP] program. Presently, she is serving as the vice-president of the International Festival of Arts and Ideas which will be held in New Haven this June. This festival attracts the best of international, national, regional, and local performers and artists. In addition to the educational and cultural benefits, the festival spurs tourism and economic development in New Haven. Whatever the endeavor, Anne's peers applaud her enormous energy, enthusiasm and love for the city of New Haven. She is indefatigable and is a source of information for all.

I am also proud to recognize State Senator Toni Harp tonight. State Senator Harp is a strong community leader and eloquent advocate for the needs of New Haven residents at our State Capitol. She is the ranking member on the Connecticut State Legislature's Public Health Committee. Toni is praised by her peers for her ability to balance out her professional duties at Hill Health Center in New Haven, her legislative duties in Hartford and her love and devotion for her family. On the State and Federal level, she has been a strong advocate for women, seniors and children, and working families. She is described as an excellent listener and someone who is not afraid to stand up and be heard on issues including affirmative action, child welfare and the advancement of women. Toni presently serves on the Board of Directors for the Connecticut Student Loan Foundation and as the treasure of the Legislative Black and Puerto Rico Caucus.

I thank Anne Calabresi and State Senator Harp for their tireless efforts and countless contributions to our community. I am proud to acknowledge them during Women's History Month. Both women are true rolemodels for young women and girls.

At this time, I am happy to yield the remainder of my time to the coordinator of this series of Special orders, Congresswoman ROYBAL-ALLARD.

□ 2100

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentlewoman for yielding.

Although I am going to be speaking later, I just wanted to take this opportunity to thank my colleague the gentlewoman from Connecticut [Ms. DELAURO] for joining me in sponsoring this event and for helping to make this tribute to women possible. She is to be commended for her deep commitment to helping to elevate the status of women in this country.

HONORING MRS. SENORINA RENDON AS WOMAN OF THE YEAR FOR CALIFORNIA'S 33D CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to thank my colleagues who have joined us to commemorate women's history month by recognizing outstanding women in our Nation.

Throughout the month of March, we in this country honor women from the past and present, who have, each in their own way, made a positive difference in their communities and toward the betterment of our Nation.

These women come from all walks of life, cultures and economic backgrounds.

They are the women who work in our fields and our factories, in Federal, State and local governments and in the armed services in defense of our country. They are the women who work hard at home to preserve the family, the very foundation of our country.

The struggles and pioneering efforts of the women who came before us, and the courage and determination of the women of today, have opened new opportunities for all of us.

It was not that long ago when women were thought of only as mothers, daughters, sisters, and men's wives.

The fact that I am here this evening celebrating Women's History Month with my colleagues, many of whom are women, is indicative of the changing role of women in our society.

We all know, however, that there is significant room for improvement.

Even today, working women still earn only 70 cents for every dollar paid to their male counterparts, the glass ceiling has still not been shattered, women are still victims of sexual harassment at both work and school, gender equity in education is not yet a reality, and women are still much more likely to live in poverty than men.

But because of women such as those we are honoring tonight, I am confident that we will not only continue to elevate the status of women, but strengthen our communities and our society as a whole.

This evening, I would like to recognize one of the many women in my district who embodies this spirit, Mrs. Senorina Rendon.

Mrs. Rendon, a resident of the city of South Gate CA, has always been an active force in her community.

She is a member of the South Gate PTA and formerly served as its president.

She combats the problem of gang violence in her community, through her work with police officers and local youth.

For the past 6 years, Mrs. Rendon has been the president of the South Gate High School parents group, where she works to motivate parents to get involved in their children's education.

Her ultimate goal is to give all the students in her community the opportunity to attend college.

Mrs. Rendon knows first hand the benefits of education.

While volunteering in her community, and raising six children, all of whom have graduated from high school and two from college thus far, Mrs. Rendon herself has gone back to school to continue her own education.

Mrs. Rendon exemplifies the utmost dedication to both family and community.

She is a shining example of an outstanding woman in public service and I am honored that she is the "woman of the year" for the 33d Congressional District.

Mr. Speaker, I yield the remainder of my time to the gentleman from Utah [Mr. ORTON].

TRIBUTE TO MARTHA HUGHES CANNON IN CONJUNCTION WITH WOMEN'S HISTORY MONTH

Mr. ORTON. I thank the gentlewoman for yielding.

Mr. Speaker, in conjunction with Women's History Month, I rise today to pay tribute to an extraordinary woman in the political history of our Nation: Martha Hughes Cannon.

Born on July 1, 1857, Martha Hughes Cannon led a distinguished life that included completing medical school at the age of 23, starting a medical practice in Utah, working tirelessly for the cause of women's suffrage, establishing Utah's first training school for nurses, and becoming the first woman in the history of our Nation to be elected to a State Senate.

Martha Hughes Cannon was elected to the Utah State Senate in 1896—her achievement all the more noteworthy since she ran in a field that pitted her against her husband, Angus M. Cannon. As a State senator, she introduced legislation to provide education for deaf and blind children, to create a State board of health, and to provide for rules and regulations in a number of sanitation and public health areas.

In 1898, she traveled to Washington to deliver a powerful speech to a Congressional Committee in favor of

granting women the right to vote in the United States.

This year, Utah celebrates the 100th anniversary of its statehood. As part of statehood celebrations, a statue of Martha Hughes Cannon will be unveiled in the Utah State Capitol rotunda on July 24, 1996. It is a fitting tribute to her tremendous contribution to our State.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, it is a wonderful privilege to stand here to commemorate Women's History Month. I stand before you tonight to share my belief that the 104th Congress has done so much to further the cause of women, women and their rights, which is so important not only to me but to my mother and to my daughter Heidi.

I speak of women's rights in the broadest sense. I believe that the interests of women are inseparable from those of the rest of our Nation. Women, men, children all have a stake in the strength and prosperity of America. What is good for our country is good for all of us.

We in this Congress have taken great strides towards balancing the Federal budget, restraining an intrusive government, and limiting military interventionism. These are noble goals. Though yet to be fully attained, they are within the reach of this Congress and will benefit men and women alike.

The continuing struggle to balance the budget through the judicious restraint of Federal spending is fraught with implications for women's rights. Successfully balancing the budget will provide the following benefits for women and all Americans:

It is going to create 6.1 million new job opportunities in the early part of the 21st century. The best way to promote opportunities for women is to create an economy which can accommodate all those who wish to work.

A balanced budget would also bring a 2 percent decline in interest rates. Women would have easier access to home, business, and education loans, thereby increasing their economic and educational opportunities.

A balanced budget would definitely mean that we would have a future free of debt. We as mothers would bequeath to our children a future of greater opportunity and a government of increased virtue and vitality.

We in this Congress have labored mightily to scale back the size and scope of an overly intrusive government. With the restraint of government comes an increase in liberty and enterprise. Excessive regulation is the bane of the individual entrepreneur.

The Republican Party has vigorously championed the elimination of needless bureaucratic obstacles for private enterprise. In an increasingly competitive job market women can only benefit from an environment which encourages the creation of small business. Government must step out of the way of the women entrepreneur.

By opposing the overtly and overly interventionist policies of the Clinton Administration, we of this Congress have done our best to keep our troops home and their families together. The deployment of United States soldiers to Bosnia serves no American interest and needlessly puts the lives of our young men and women, in jeopardy. The women who have been sent to Bosnia have had to leave their families, their husbands, their children behind. The women whose husbands have been deployed are left with added financial and parenting responsibilities. Restraining foreign intervention is good for women and good for our country.

Mr. Speaker, as we take time to reflect upon the contributions of women throughout history, let us not diminish their legacy by concentrating narrowly upon the ideological agenda of a few. Those great women who came before us struggled for equality of opportunity, not the equality of result. They struggled for increased liberty, not the security bestowed by government.

We in the Republican Party are the rightful inheritors of this noble legacy. Our efforts to promote individual liberty mirror those wonderful women's struggles for freedom of opportunity. Let us act worthy of them by continuing to fight for a much brighter future, one in which the strength and dignity of women are allowed to flourish in an atmosphere of liberty and abundance.

HONORING OFELIA LOZANO AS WOMAN OF THE YEAR FOR CALIFORNIA'S 34TH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Mr. Speaker, I thank the gentlewoman from Connecticut [Ms. DELAURO] and the gentlewoman from California [Ms. ROYBAL-ALLARD] for calling this special order tonight to honor women and the contribution of women to the Nation of America.

Mr. Speaker, today I have the distinct privilege and honor of naming longtime Pico Rivera resident and community activist Ofelia Lozano as the 34th Congressional District's Woman of the Year.

Since moving to Pico Rivera 39 years ago, Ofelia has unselfishly given of her time and energy to a myriad of causes which have made our city a better place to live and the future a better place to grow up.

She has been a member of the Pio Pico Women's Club for the past 25 years, serving as its president and vice president.

She has also been active with the Pico Rivera Christmas Basket Committee, an exemplary organization committed to distributing food to the needy, to seniors and to a number of youth athletic teams.

But perhaps her most noted contribution has been her untiring efforts on behalf of North Park Middle School and its nationally recognized and award-winning marching band. In the band's early years, it was Ofelia Lozano who raised much needed funds to permit the band to compete, and now that the band has been selected to play in next year's Rose Bowl game and the Rose Bowl parade, it is Ofelia Lozano who again has committed countless hours to helping the band meet its goal of raising the $10,000 that it needs to play in that parade.

Mr. Speaker, Ofelia Lozano is not only worthy of this recognition but most importantly deserving of it. She is a true friend and an ardent supporter of the youth of Pico Rivera. She indeed exemplifies the modern woman, the activist, the mother, who is out there struggling on behalf of all the duties that she has, yet she has time to give to her community, to her city, to the children of our city and to this Nation. Indeed, I congratulate her.

Mr. TORRES. Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

HONORING AMY PAULIN AS WOMAN OF THE YEAR FOR NEW YORK'S 18TH CONGRESSIONAL DISTRICT

Mrs. LOWEY. Mr. Speaker, I thank my colleagues the gentlewoman from California [Ms. ROYBAL-ALLARD] and the gentlewoman from Connecticut [Ms. DELAURO] for organizing this tribute to women from around the country who have made extraordinary contributions to their communities.

I am here to honor an outstanding constituent, Amy Paulin of Scarsdale, NY. Amy, like myself, the mother of three children, has dedicated herself to the women and families of Westchester County. In fact, Amy was selected the 1995 Woman of the Year by a coalition of women in my district.

The list of Amy's community activities fills pages and in each role she has epitomized the concept of citizenship.

Amy was president of the League of Women Voters for 3 years. While Amy was president, the league registered 2,000 voters, and issued nonpartisan Voters Guides to 85 percent of the voters in Westchester County. In addition, the league sponsored debates for political candidates and was actively involved in shaping local legislation.

□ 2115

One of the highlights of Amy's presidency was her success at urging the creation of the Westchester County

Board of Legislators Task Force on Families. When Amy realized that no board committees addressed women and children's issues, she brought it to the attention of the chair of the county board. Then, Amy led a successful lobbying effort that convinced the board that such a task force was indeed necessary. Amy is currently the only citizen-member of the task force, which just released a very important report on Westchester County's response to child abuse.

In addition to Amy's superb work with the league, she sits on the board of: The Westchester Children's Association, the Westchester Women's Agenda, the YWCA of White Plains, the Westchester Coalition for Legal Abortion, the UJA-Federation Scarsdale Women's Campaign, and the Scarsdale Middle School P.T.A.

As you can see, Amy's commitment to women and families is very serious. Westchester County has benefited from her tireless efforts on behalf of our families. I am honored to have the opportunity to honor Amy Parlin as Woman of the Year.

HONORING KATHARINE HOUGHTON HEPBURN DURING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Madam Speaker, I first want to commend my colleagues for the attention they have brought to Women's History Month. Their hearings, seminars, and legislative measures have focused much needed attention on women—their health, their reproductive rights and the need for gender equity in class and on the courts. I am pleased to be a part of tonight's activity saluting extraordinary women from our districts and from around the world.

I rise today to salute Connecticut's Katharine Houghton Hepburn, one of the earliest advocates for gender equity in education and reproductive rights for women. Her name may sound familiar for other reasons as she was the mother of actress Katharine Hepburn. But not enough is known about her own achievements. Orphaned at 14, it's been said that her mother's dying words to her were "get an education"—and she did, entering Bryn Mawr's Class of 1899 at the age of 16.

She obtained degrees in chemistry and physics—precisely because those were the subjects she most dreaded, and later earned a master's degree in art history from Radcliffe.

After college, Katharine Houghton married a prominent Connecticut doctor and became a determined suffragist and an outspoken birth control advocate. Her opposition was formidable. Connecticut State obscenity laws at the time made it illegal to mail any information on birth control and it was even a crime for doctors to distribute birth control information or tell anyone where it might be obtained. In a 1941 interview, Houghton said that when she confronted Connecticut State Legislators with the birth control issue, they were embarrassed and terrified. "They nudged each other like schoolboys," she said, "but after ten years of it, they got used to us." And one can only imagine what her neighbors of upscale Fenwick, CT, thought of her views. Houghton once said that they were worried her campaign to make birth control available for all women would only lead to their corruption. She responded by saying:

> We are not trying to produce immorality * * * we are trying to explain the use of human intelligence to control human nature.

At the same time, her work on behalf of the suffragist movement continued. And in 1920, right after the 36th State gave women the right to vote, Connecticut Democrats approached Houghton and asked her to run for the U.S. Senate. Connecticut had not yet ratified the 19th amendment, though, so she continued with the task at hand. As her daughter's fame grew, so did her own and in 1933, she led a procession of women up to Capitol Hill to push for a bill that would have permitted physicians to distribute birth control information. Among the marchers—Margaret Sanger and Amelia Earhart. Houghton worried that her activities would harm her daughter's burgeoning acting career. But Katharine Hepburn strongly supported her mother's work. "I detest the newspaper's reference to her as Katharine Hepburn's mother," she said, "My mother is important. I am not." Let's all remember Katharine Houghton's importance today. She fought for women when the country, her State, and even her own neighborhood, were opposed to her causes. But she continued on for decades for most of her life—inspiring women and creating an America that would make good on her promise of equal opportunity and equal justice for all.

Madam Speaker, I would like to yield now to my friend and colleague from North Carolina [Mrs. EVA CLAYTON].

Mrs. CLAYTON. Madam Speaker, I thank the gentlewoman for yielding to me, and thank my colleagues who have arranged this special tribute to women.

Madam Speaker, as we celebrate Women's History Month, I think of the numerous contributions women have made to make this world a better place to live.

When I look at the First Congressional District of North Carolina, I find an extraordinary woman, a woman who is a fine example of womanhood who has dedicated her life to improving the lives of others. She has taken on many difficult task, oftentimes sacrifing herself and spending her own money to improve the lives of others.

She is a living legend in North Carolina. She is Mrs. Alice Ballance, a mother, a grandmother, and businesswoman.

Her commitment to her family and community has made her stand head and shoulders above the masses. She is many things to many people, but above all she is a champion of the disadvantaged and children.

"Miss Alice" as she is affectionately known around Bertie County in the First Congressional District of North Carolina, has proven again and again her commitment to being a model citizen. "Miss Alice" has maintained close ties to her community, church, and family, and has worked tirelessly to improve the lives of the poor and disadvataged citizens of her county. She organized and established child and adult care for the children and seniors of her county.

Her activism dates back to the civil rights era of the sixties. She has testified before the U.S. Senate on behalf of North Carolinians and founded the People's Program on Poverty to assist the needy citizens of Bertie County. She has been recognized by several national and regional organizations for her many community activities.

Mr. Speaker, today I salute a woman who is part of our rich and proud history in North Carolina. A woman whose contribution to our society has made North Carolina a better place to live.

She is the essence of leadership, the epitome of statesmanship, and the embodiment of selflessness and commitment.

More importantly, she is not afraid to fight for her principles and to stand up for her beliefs. Pride, achievement, and success are her watchwords. Alice Ballance has paved the road of opportunity for women like me and I am happy to name her North Carolina's First Congressional District, Woman of the Year.

HONORING HELEN RUDEE AND ELIZABETH TERWILLIGER DURING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, first of all I would like to thank my colleagues and good friends for organizing this Women of the Year special order as part of our Women's History Month celebration.

Madam Speaker, I come to the floor of the House this evening to honor two outstanding women, Helen Rudee and Elizabeth Terwilliger, from the Sixth Congressional District of California.

When talking about Helen Rudee, it is hard not to sound repetitive because

Helen Rudee was the first in just about everything she has done. Helen was the first woman president of the Santa Rosa Board of Education. She was the first woman on the Sonoma County Board of Supervisors. And she was the board's first chairwoman. In addition to her outstanding record in elected office, Helen raised four children and participated in just about every volunteer organization in Sonoma County.

This year, Helen is the recipient of the Konocti Girl Scout Council Jewel of a Woman Award for sharing her leadership skills with other young women in our community. It is truly fitting that we recognize Helen during Women's History Month. Helen Rudee is a woman who has made history, and she continues to make history.

I am also proud to honor Elizabeth Terwilliger, a real life trail blazer, who in 1991 was the recipient of President George Bush's Points of Light Award.

Long before environment became a household word, Elizabeth Terwilliger pioneered environmental education in Marin County. Now in her eighties, she continues to lead children, teachers, parents, and grandparents on hiking, canoeing, and bicycling adventures 6 days a week.

Mrs. Terwilliger's tireless commitment to our environment has inspired other volunteers to form the nonprofit Terwilliger Nature Education Center. Where every year, over 65,000 San Francisco Bay Area children enjoy the spectacular beauty of Marin County's trails, marshes, and beaches because of the Terwilliger Center.

Again, it is my great honor to recognize Helen Rudee and Elizabeth Terwilliger as 1996 Women of the Year. They have left an indelible mark on Sonoma and Marin Counties, and their legacy will inspire generations to come.

Madam Speaker, I yield now to the gentlewoman from New York, CAROLYN MALONEY.

Mrs. MALONEY. I thank the gentleman for yielding, and I likewise join her in thanking ROSA DELARUO and LUCILLE ROYBAL-ALLARD for organizing this special order in honor of women during Women's History Month.

Madam Speaker, I rise today to honor as my Woman of the Year a former Congressman, New York's tireless advocate for women, Bella Abzug. On behalf of women everywhere, I salute this remarkable woman, whose dedication and courage deserves recognition as we honor her and as we follow her lead.

Bella, who was born the same year that women won the right to vote, has spent her entire life fighting for women's rights. As a Member of Congress she wrote the first law banning discrimination against women in obtaining credit, and she initiated an organization which has become known as the Congressional Caucus on Women's Issues.

Today, Bella continues her advocacy for women with her Women's Environment and Development Organization, a group which will soon introduce its Contract with American Women.

Today, in a Congress far more hostile to women's rights than any I can remember, I will do what Bella would appreciate the most, honor her spirit by reminding our adversaries that we will refuse to lose. We will succeed in overcoming the anti-women actions of this Congress because we have millions of women with us across this country.

Madam Speaker, we will succeed, because brave women Like Bella Abzug have taught us how to succeed.

Madam Speaker, I rise today to honor, as my "woman of the year", former Congresswoman and tireless advocate for women's rights—Bella Abzug.

On behalf of women everywhere, I salute this remarkable woman, whose dedication and courage deserve recognition—as we honor her, and, as we follow her lead.

Bella, who was born the same year women won the right to vote, has spent her entire life fighting for women's rights.

As a member of Congress, she wrote the first law banning discrimination against women in obtaining credit; and, she initiated what became known as the Congressional Caucus on Women's Issues.

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Madam Speaker, We will succeed, because brave women like Bella Abzug have taught us how to succeed.

From every possible forum, Bella Abzug has spent her entire life fighting for women's rights.

In 1970, Bella became the first woman to run for and win a seat in Congress on a women's rights and peace platform.

Her term in office was far too short—only 6 years. But, her accomplishments however, were many.

She wrote the first law banning discrimination against women in obtaining credit, loans, and mortgages. She introduced precedent-setting bills on comprehensive child care, social security for homemakers, abortion rights, and Gay rights. One of the earliest votes Bella cast was to approve the Equal Rights Amendment, and, she introduced a resolution proclaiming August 26th Women's Equality Day. The resolution was approved and signed into law by President Nixon.

Bella's work in and outside of Congress led to her national and international renown as a forceful and tenacious organizer of women. She held the first planning sessions for the National Women's Political Caucus [NWPS] in her office, and, in 1971 became its first co-Chair. Since its inception, the NWPC has been a major force in recruiting women to run for office; in maintaining a database of women in politics; and in putting women's issues on the national and international agendas.

Today, Bella has turned her attentions to women's rights in the global arena. Bella is the Co-founder of the Women's Environment & Development Organization [WEDO]. WEDO is an international network which organizes women to help save the planet from worsening environmental threats, and from pollution and poverty.

As co-Chair of WEDO, Bella presided over the World Women's Congress for a Healthy Planet, held in Miami in 1991. The women's agenda which emerged from that Congress became the focus of activities used in connection with preparations for the Earth Summit in Rio de Janeiro in 1992, which Bella and WEDO leaders from around the world participated in.

Most recently, I am pleased to say that Bella was a key organizer at the extremely successful Fourth U.N. World Conference on Women in Beijing, China in September of 1995. I was proud to join Bella in Beijing, and I am proud to continue working with her to "Bring Beijing Home." Bella and the WEDO network continue to work at the United Nations, organizing women's caucus meetings at subsequent major international conferences of particular concern to women.

Bella's international work has been recognized as crucial to the inclusion of women's perspectives, demands, and participation in policy-making in U.N. platforms for action and resulting programs.

Madam Speaker, in honoring Bella Abzug here today, it is impossible to include all the contributions she has made to the advancement of women's rights. So, we must merely recognize and honor the enormity of her life's work. And, we must take up her baton to ensure continuation of her work—especially in this 104th Congress, the most hostile Congress to women's rights in my memory.

We face a great deal more than the 104th Congress' hostility toward women. We must also face the following facts: 96 percent of our country's top executives are males; the more a professional field is dominated by women, the lower the pay scale; women are the sole breadwinners in more than 25 percent of the world's families; and prostitution and pornography are the only industries in which women earn more than men.

Today, I rise to inform this Congress that in the honor and spirit of Bella Abzug, whom I put forward as my "Woman of the Year," that we refuse to lose.

We will succeed in enacting legislation which will counter the anti-woman actions of the extremists of the 104th Congress. We will succeed in enacting pro-woman legislation because women like Bella have blazed the way. We will succeed because over 150 years of women who faced greater obstacles than we do did not give up.

We will succeed because Bella succeeded before us. We will succeed because of those that fought before her. We will succeed because we have a perpetual and ever-forward looking movement of women righting relentlessly for equal rights.

We will follow Bella's lead, and remind ourselves that, "It's up to the women!"

Mr. FRAZER. Madam Speaker, I rise to address the House on this very important special order celebrating March as Women's History Month. First, I want to thank the distinguished Member from California, Ms. WOOLSEY, for holding this special order.

It gives me great pride to celebrate the accomplishments of an outstanding African-American educator from St. Croix, VI, Mrs. Eulalie Rohlsen Rivera. Mrs. Eulalie Rohlsen Rivera was born August 2, 1909, in Frederiksted, St. Croix. She earned her assistant-grade teachers license in 1932 and her principal license in 1934. Mrs. Rivera grew up in the Ebenezer Orphanage on St. Croix. During her teens she was assigned to teach the kindergarten class. This assignment launched her teaching career. She briefly taught at the Christiansted Kindergarten and later at the Diamond School from there she went on to teach at La Princesse School and the Claude Markoe School where she remained until her retirement in 1974.

Mrs. Rivera is truly a great civic leader. She gave of her time and talents to such organizations as the Women's League of St. Croix, Frederiksted Democratic Club, Frederiksted Hospital Auxiliary, Lutheran Church Sunday School, St. Croix Business and Professional Women's Club, League of Women Voters of St. Croix, Committee on Aging, and the Friends of Denmark.

In 1967 Mrs. Rivera was named "Woman of the Year" by the Frederiksted Business and Professional Women's Club and "Teacher of the Year" at the Claude O. Markoe School.

On February 19, 1974 the Legislature of the Virgin Islands renamed the Grove Place Elementary School, the Eulalie Rivera School. In 1980, still striving to make a difference in the lives of children and teachers in the Virgin Islands, Mrs. Rivera ran for Virgin Islands Board of Education in 1982 and won. She served two terms, one term as vice chairman of the board. She retired from the board in 1985 but returned to serve two additional terms.

Mrs. Rivera is a prime example of dedicated public service and civil leadership. It is this legacy which makes her an outstanding African-American female.

Madam Speaker, it gives me great pride to celebrate the accomplishments of another outstanding African-American educator from St. Thomas, Virgin Islands, Ms. Jane Eliza Tuitt.

Ms. Tuitt was born in Hanna's Rest, St. Croix on January 8, 1908. Her education started in the public school system of St. Croix, but at the age of 8 she was sent to Antigua, to attend the Thomas Oliver Robinson Memorial School, the cultural center of the West Indies. After graduation at the age of 10, she returned to St. Thomas to continue her secondary education. In 1931, she entered Hampton University and earned a bachelors degree, and later returned to receive a Masters Degree from Columbia University in New York. She continued her advanced studies at Cornell University and New York University.

Ms. Tuitt dedicated her entire adult life, to the education of the young people in the Virgin Islands. Her professional career in education started in 1923 as an elementary school teacher in St. Thomas. In 1935, she accepted the principalship of Christiansted Grammar School, but after three months she journeyed to St. Thomas where she joined the faculty of Charlotte Amalie High School as a science teacher. Climbing the educational ladder, she served as Supervisor of Elementary Education, from 1945–47, Assistant Superintendent of Education of St. Thomas 1947–55, Director of Elementary Schools 1955–56, Acting Commissioner of Education 1956–58, and Assistant Commissioner of Education 1958–63, and Commissioner of Education from 1963–66.

In 1966, she left the Department of Education to become Associate Dean at the University of the Virgin Islands, where she also served as chair of the Teacher Education Division and Professor of Education. She retired from the university in 1971.

Ms. Tuitt was an outstanding role model for teachers and students in the Virgin Islands. Here legacy and contributions to education have been noted by Hampton University, by awarding her outstanding Alumnae. She also, established Jane E. Tuitt Scholarship Fund, at the University of the Virgin Islands, which is awarded to students in teacher education, nursing, business, science mathematics, social science, and the humanities.

Ms. WATERS. Madam Speaker, I rise to thank Congresswoman ROYBAL-ALLARD and Congresswoman DELAURO for providing this opportunity for us to highlight women who have had an impact on our lives and on the lives of others in our communities and in our Nation. Today we are here to honor a Woman of the Year, someone who we know to be an exceptional person from our district, who we seek to recognize for her leadership in a particular issue or field.

I am so proud and delighted to honor Ms. Kai Parker from Gardena, CA, in my district. Ms. Parker is an advocate for children, an activist in the community, a member of several boards and commissions, and a political appointee—serving as the Gardena Human Resources Commissioner.

Kai Parker has devoted her life to helping people reach their highest potential, from young children to seniors. In her current position as executive office coordinator of the Special Projects Bureau of Operations within the Department of Children Services in the County of Los Angeles, she has worked tirelessly to serve the children of Gardena, specifically children who come from foster homes. She has developed numerous, highly successful programs to develop skills and instill pride in people who come from disadvantaged backgrounds. Kai, herself, was raised in public housing, overcoming many obstacles along the way to her success. So she knows how self-respect can empower people to work hard and take them as far as they can go.

I had the opportunity to visit one of Kai's programs in Gardena called the African-Centered Saturday School. This program aims to provide a safe, nurturing environment for children who have been directed into the child custody system. Many of these children have been placed in protective custody, in a foster home, or with relatives, to distance them from parents who harmed them or who could not properly care for them. These are not bad kids, they are just unsafe. Many have experienced severe physical and emotional abuse, neglect, abandonment, poverty, substance abuse, developmental disabilities, educational handicaps, and many other serious social disorders. Yet, oftentimes, they still love their parents and do not understand what is happening to them. Kai has worked to decrease their trauma by loving them and empowering them to help themselves and turn their lives around.

Let me tell you about this program which serves 35 children between the ages of 6 months and 13 years. Those who attend Saturday School every Saturday from 9 a.m. to 3 p.m. receive academic instruction and tutoring, nutritious meals, and health care. They participate in field trips, special community events, recreation, and cultural activities. And this program is almost totally privately funded (after a jump-start from the city of Gardena).

One of the most important features of Saturday School is that the children are exposed to and encouraged to learn more about the African culture. They are taught about their African ancestors and their traditions and food, they learn Swahili, and through that they develop a sense of nobility, which in turn highlights their self-esteem. This program enriches their knowledge of their culture and of themselves. It seeks to instill pride in them so that, throughout their lives, the children will have a strong sense of who they are, as well as a vision of where they may want to go in their future.

Kai Parker's program, in only 2 years, has visibly developed and empowered the inner-city children it is designed to assist, as well as the community. It has brought together the whole Los Angeles community, or village, to help create whole citizens of these wonderful kids. From the donated church space to the tutoring offered by members of the Los Angeles Board of Education, community members from all walks of life volunteer to protect children. Thank you so much, Kai Parker, for creating this exemplary, highly successful program, and for all your inspirational work on behalf of our community.

One more thing. I am proud to say that Kai and I both work together as members of the Black Women's Forum. She has too many credentials and awards to list, but I must say that her efforts in helping welfare children and troubled youth through her many successful programs, from Saturday School to Summer Youth Institute Camps, have changed many lives. I commend her efforts to improve people's lives and am honored to name her my "Woman of the Year" from the 35th district of California.

Mr. FROST. Madam Speaker, as part of Women's History Month, I am pleased to have the opportunity to select Mrs. Izean Davidson, of Fort Worth, TX, as Woman of the Year.

Mrs. Izean Davidson, a life long Texan, has spent 42 years as an educator in the Texas public school system, serving as a classroom teacher and reading specialist. A leader in her community, Mrs. Davidson is a strong advocate for teaching the highest social and academic values to young adults. As a member of the Baker Chapel African Methodist Episcopal Church, she has worked tirelessly to implement programs which build self esteem and inspire young Texans.

In addition, Mrs. Davidson has participated in various organizations, boards and committees, including: the Fort Worth Mayor's Council, NAACP Board of Directors, Delegate to the National Democratic Convention for three successive terms, and Fort Worth Commission of the Status of Women.

It is an honor and a privilege to know Mrs. Izean Davidson. Clearly, her hard work and dedication to public service have improved the lives of many people in Fort Worth as well as in the State of Texas. I am proud to recognize Mrs. Davidson's contribution to women's history during this special month.

Mr. STOKES. Madam Speaker, I want to express my appreciation to our colleague, the gentle lady from the District of Columbia, ELEANOR HOLMES NORTON, for leading this important special order. This evening, she has reserved time so that we can have meaningful dialogue on the issue of women, wages, and jobs. It is a topic of paramount importance to this Congress and the Nation.

As I join my colleagues this evening, I am reminded that many years ago, a widowed mother scrubbed floors to earn a living and to provide an education for her two sons. Trying to balance raising a family and working a low-paying job, I recall that the family endured many hardships and struggles. This woman was my mother, Louise Stokes. As I join you today, I would like to remind my colleagues that women continue to face these same types of obstacles.

I am disappointed that this Republican-controlled Congress which came to Capitol Hill armed with its "Contract with America" and "Personal Responsibility" initiatives has not only neglected women, but they have sought to destroy decades of progress. During this Congress, we have been forced to defend womens' rights. We have fought to protect the programs which impact the lives of women and their families, including school lunch and child care programs, tax incentives for working families, and the elimination of the glass ceiling so that women and minorities can advance in the workplace.

Mr. Speaker, the issue of women in the workplace is particularly significant. In greater numbers, in more occupations, and for more years of their lives than ever before, today's women constitute nearly half of our Nation's work force. Unfortunately, they are still earning considerably less than their male counterparts. Although the passage of the equal pay act in 1963 attempts to ensure equal wages for men and women, in today's market, a woman earns 71 cents for every dollar of her male counterpart. Further, despite increased access to higher education, women with a college education earn, on the average, only slightly more than men with a high school diploma, and they earn about $10,000 a year less than men with comparable education.

While we focus tonight's special order on the status of women, we are reminded of how their lives touch the lives of millions of America's children. If we look at statistics, never has the number of working women with young children been higher—67 percent of women with children under the age of 18 are working or seeking employment. As such, child care is of paramount concern to working women and to women interested in entering the work force.

As you may know, this issue greatly affects our Nation's low-income women. In fact, the Republican welfare reform proposal, H.R. 4, includes provisions which would cause major reductions in child care funding. This would have a devastating impact on the ability of single parents to become employed. If we are serious about ending welfare, then we must be willing to make the investment and provide the vehicle that is so necessary to achieving this goal. To do anything less is an injustice to our children.

Mr. Speaker, I join Congresswoman NORTON and others gathered in the House Chamber as we reaffirm our commitment to addressing the needs of women throughout the Nation. Pay equity, child care, and equality in the job market, are goals that can be and must be achieved. We stand today challenging our colleagues to join in this important effort.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take this opportunity to recognize my friend, and idol, the late Congresswoman Barbara Jordan as Woman of the Year. She was a renaissance woman, eloquent, fearless, and peerless in her pursuit of justice and equality.

Congresswoman Jordan began her public career as a Texas State senator. She served her country with great distinction as a Member of Congress and as a member of the House Judiciary Committee.

She exalted us all to strive for excellence, to stand fast for justice and fairness, and to yield to no one in the matter of defending and upholding the most sacred principles of Democratic Government.

Barbara Jordan was a lawyer, legislator, scholar, author, and Presidential adviser. She was immensely gifted, and used every bit of her talent and skill to address, improve, and dignify the conditions of human life.

In the tradition of Frederick Douglass, Martin Luther King Jr., and Thurgood Marshall, she challenged the Federal Government and the American people to uphold the principles set forth in the American Constitution.

She gained national prominence in the 1970's as a member of the House Judiciary Committee during the impeachment hearings of President Richard Nixon. Her eloquent statement regarding her faith in the Constitution helped the Nation to focus on the principle that all elected officials, including the President, must abide by the mandates of the Constitution. We know what it took for Barbara Jordan to say "yea" when the House Judiciary Committee roll was called on July 30, 1974, and we are still admiring her for it.

During her tenure in Congress, Congresswoman Barbara Jordan was a leader on issues relating to voting rights, consumer protection, energy, and the environment. She leaves the American people, particularly Members of Congress, a powerful legacy of commitment to freedom, integrity in government, and belief in human progress.

We realize that Barbara Jordan was a tremendous moral force and she was calling upon all of us to account for our conscience as a nation. Her untimely death leaves a great void in our national leadership, and she is sorely missed as we grapple with the great moral issues of the day.

Mr. WARD. Mr. Speaker, in recognition of Women's History Month, I rise today to honor one of the many admirable women in my district who will go down in history for who she is and what she has accomplished.

Dr. Judith Greenwell Green is a dentist and community activist, who lives a ministry of meeting human and community needs, particularly those of children.

Dr. Green has practiced dentistry since 1987, is an adjunct professor of dentistry and when no one else would, she signed on to be the Dental Director for the Jefferson County Corrections Department, serving the jail's population.

In 1988, Dr. Green said she accepted a call from God for her to help save homeless children. She and her husband, James, then adopted a sibling group of three. Two years later they adopted another sibling group of three. In 1992, a sibling group of two joined the Green family. In 1995, two baby boys were adopted bringing the total of special needs children in the Green family to 10, joining with two biological children.

Along with meeting the demands of her family life and her career, she is very active in her community. She serves on numerous boards and committees, including the Leadership Louisville Board of Directors, Presbyterian Community Center, Muhammad Ali Museum, Wednesday's Child, Metro United Way Allocation Committee, Adoptive Parents of Kentucky, Blended Families, Kentucky Foster Care Review Board, Head Start Policy Council, Kentucky One Church One Child Committee, and the PTA's of King Elementary, Meyzeek Middle, and Central High schools and Community Catholic School.

Dr. Green is a member of several professional, civic, and community organizations including the Louisville Coalition of 100 Black Women, Junior League, Alpha Kappa Alpha Sorority, Business and Professional Women, Rams Football Booster Club, Imani School of Martial Arts Booster Club, YMCA Black Achievers, Kentucky Association of Women Dentists, and the American Dental Societies.

Dr. Green's awards, honors, and recognitions include the Kentucky One Church One Child Parents of the Year plaque, Kentucky Foster Care Review Board Outstanding Commitment to Children, and Louisville, Coalition of 100 Black Women service award.

Dr. Green is a Master Adoptive Presenter who speaks often to various religious, civic, and social organizations, espousing that her foster children have brought into her home and her life. She is a frequent lecturer for the Kentucky Cabinet for Human Resources Adoption and Foster Care training programs.

I am very proud of Dr. Green and pleased that she graces my community with all that she does. She truly deserves to be called Woman of the Year and serves as a wonderful tribute to all women who dedicate their lives to family and community, during Women's History Month.

Mr. UNDERWOOD. Mr. Speaker, I join my colleagues today in celebrating Women's History Month and in honoring the countless number of women in public service to our communities and our Nation.

We pay special tribute to women pioneers who have opened doors to many professions previously occupied by men only. We say thanks to such special women such as:

Jeannette Rankin of Montana who was the first woman to be elected in her own right to the U.S. House of Representatives;

Frances Perkins who was the first woman to serve as Secretary of Labor;

Barbara Jordan who was the first African-American to win election to the House of Representatives since Reconstruction; and to

PATSY MINK of Hawaii, who is the first Asian-American woman in the U.S. Congress.

We are where we are today with respect to women in public service because of long-term struggles to overcome ingrained habits of discrimination against women. And today we have a better understanding of the abilities and contributions which women have, for centuries, demonstrated to their families, to their local communities, and to the world as a whole.

Over the last few decades, we have seen a reassessment of the principle of equality of opportunity and the principle of social values. This reevaluation has helped to catapult women into leadership roles.

Prior to the establishment of affirmative action policies and the enactment of equal employment opportunity laws, there were hundreds of professions which were exclusively, de facto, for males only. Take, for example, law enforcement professions, managers in the government sector, or careers in the military officer ranks. Women were considered not qualified for these jobs and, in fact, were discouraged from applying or considering these professions. But women did not accept the "women need not apply" warnings. Women fought for their rights and insisted that employers cease and desist from these discriminatory policies. By breaking down barriers to entry and advancement in these fields, we now have female midshipmen at the U.S. Naval Academy, female police officers, and many women at the middle- and upper-management levels at local, State, and Federal government offices across the country.

Although history does not always reflect women's contributions to the social order, we are experiencing an increase in the number of women who are role models in the community and leaders in public service. It makes common sense to practice the policy of inclusion and equal opportunity. It makes sense to utilize the talents of women who have been responsible for nurturing our young and keeping our families together. And it makes sense to acknowledge women's contributions to strengthening and enriching the values of our society.

I am pleased to join in this tribute to women in public service. I am also proud to note that the congressional district I represent, The Territory of Guam, has a tradition of providing numerous opportunities for women to be involved in public service. I am attaching, for the RECORD, a listing of women of Guam who are leaders in the executive, legislative, and judicial levels of the Government of Guam, as well as women leaders in the private sector and numerous boards and commissions. I salute all of these women and extend to them a warm Si Yu'os Ma'ase—thank you—for their dedication and service to the community. They are an inspiration to all of us who aspire to maintain a more just and compassionate society.

WOMEN IN PUBLIC SERVICE

EXECUTIVE BRANCH

Lt. Governor Madeleine Bordallo—highest position held by a woman in Guam.

First Lady Geraldine Gutierrez—serves as the overall chairperson of several community committees.

Female Heads of Agencies: Taling Taitano, Guam Housing and Urban Renewal Authority; Zeny Custodio, Bureau of Women's Affairs; Anna Marie Sablan, Kumision i Fino Chamorro; Michelle B. Santos, Government of Guam Retirement Fund; Deborah J. Bordallo, Guam Council on the Arts & Humanities; Ginger Underwood, Guam Educational & Telecommunications Corp. (KGTF); Helen Ripple, Guam Memorial Hospital Authority; Jeanette Sablan Tanos, Dept. of Mental Health and Substance Abuse; Christine Scott-Smith, Guam Public Library; Ann B. Gutierrez, Guam Finance Commission; Elfrieda Koshiba, Compact Impact Information Program; and Katherine B. Aguon, Political Status Education Coordinating Commission.

Deputy Directors: Rebecca Olsen-Quintanilla, Dept. of Administration; Frances J. Balajadia, Bureau of Budget; Aurora Cabanero, Dept. of Mental Health and Substance Abuse; Therese Cruz-Paulino, Guam Visitors Bureau; Jeanne M. B. Pangelinan, Guam Council on the Arts & Humanities; Elizabeth M. Blas, Guam Election Commission; Elizabeth Hamilton, Guam Public Library; Andrea Finona, Guam U. S. Passport Office; Stacy Cruz, Guam Occupational Information Coordinating Committee; and Lydia T. Cruz, Chamorro Land Trust Commission.

Lourdes T. Pangelinan is the only woman who has served as the permanent Chief of Staff for the Governor of Guam. Others have served in acting capacities.

Dr. Rosa Roberta Carter has been the only female President of the University of Guam.

LEGISLATIVE BRANCH

Since 1986, women represented nearly ⅓ of the membership of the Guam Legislature. 1990 was the peak year when seven women were elected to serve in the 22nd Guam Legislature.

The highest vote-getter for a legislative campaign was a woman in the following years: 1986—Marilyn D.A. Manibusan (R); 1988—Madeleine Z. Bordallo (D); and 1990—Doris Flores Brooks (R).

The highest offices that female legislators have assumed are: Vice Speaker—Katherine B. Aguon; Legislative Secretary—Pilar Lujan, Elizabeth Arriola, Judith Won Pat-Borja; and Rules Committee Chairperson—Herminia Dierking.

Current Members: Senator Judith Won Pat-Borja (D), Legislative Secretary Chairperson, Committee on Education; Senator Lou A. Leon Guerrero (D), Assistant Majority Leader Chairperson, Committee on Health; Senator Hope A. Cristobal (D) (member of Commission on Self-Determination), Chairperson, Committee on Federal and Foreign Affairs; Senator Carlotta Leon Guerrero (R); Senator Elizabeth Barrett-Anderson (former Guam Atty. General); and Senator Joanne M. S. Brown (R).

Past Members: Lagrimas Leon Guerrero Untalan (Territorial Party)*; Cynthia Johnston Torres (Territorial Party)*; Katherine B. Aguon (R); Carmen Artero Kasperbauer (R); Madeleine Z. Bordallo (D); Elizabeth P. Arriola (D); Pilar C. Lujan (D); Marilyn D.A. Manibusan (R); Herminia Duenas Dierking (D); Marcia K. Hartsock (D); Martha Cruz Ruth (R); Doris Flores Brooks (R); and Marilyn Won Pat (D).

Total Democratic Women: 9

Total Republican Women: 8

*Both women were the first to be elected in the Guam Legislature in 1954

The highest staff position held by a female in the Guam Legislature is that of the Deputy Director, currently being held by Dorothy Perez.

JUDICIAL BRANCH

3 of 7 judges in the Supreme Court are women: Judge Janet Healy-Weeks; Judge Frances Tydingco-Gatewood; and Judge Katherine A. Maraman.

2 of the 3 full-time Supreme Court Justice nominees are women: Judge-nominee Janet Healy-Weeks and Judge-nominee Monessa Lujan.

VILLAGE MAYORS

Current: Isabel Haggard (Mayor of Piti) also Vice President, Mayor's Council of Guam; Rossana D. San Miguel (Mayor of Chalan Pago); Doris Palacios (Vice Mayor of Dededo); and Teresita C. Borja (Vice Mayor Tamuning).

Some Past Members: Patricia Quinata (Mayor of Dededo) and Cecilia Quinata Morrison (Mayor of Umatac).

BOARDS OF COMMISSIONS

Guam law requires all Government of Guam boards and commissions to maintain at least two female members.

Several Key Boards have Female Chairs: Guam Airport Authority—Pilar Cruz Lujan and Chamorro Land Trust Commission - Carol Ibanez.

POLITICAL PARTIES

Republican Party: Marilyn D.A. Manibusan was the first and to date, the only female chairperson of the Republican Party. She held office in 1986 and Pilar Cruz is currently the Vice Chairperson of Guam's Republican Party.

Democratic Party: Priscilla Tenorio Tuncap was the first female chairperson for the Democratic Party—(1990–1992) and Pilar Cruz Lujan is the current party chairperson, having been elected this past year. Nationwide, Madeleine Z. Bordallo is the longest-serving national committee woman on the Democratic National Committee. She has served in this capacity since the Kennedy era.

BUSINESS COMMUNITY

Antoinette Duenas Sanford is the only woman to have served as the Chairperson of the Guam Chamber of Commerce

Eloise Baza has served as the first female President of the Guam Chamber of Commerce for the last several years.

HONORING ADA LOIS SIPUEL FISHER AND HELEN COLE DURING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Madam Speaker, there have been two special women throughout my life, my deceased mother, Helen Watts, and my gracious wife, Frankie Watts, and, of course, my four wonderful daughters.

During this month of March, dedicated as National Women's Month, tonight I would like to pay tribute to two very special women from the great State of Oklahoma that have influenced my political life, Ada Lois Sipuel Fisher and Helen Cole.

Madam Speaker, Ada Lois Sipuel Fisher was born in Chickasha, OK, to parents only one generation removed from slavery. She received her bachelor's degree from Langston University and then in 1946, applied to the all-white University of Oklahoma law school. Because Oklahoma had no separate law school for blacks, she contended, the State's official policy of separate but equal education was illusory. Her simple request for an equal education sparked controversy across the country.

Ada Lois Sipuel Fisher was a strong woman who endured many trying times and eventually triumphed. Her effort to enroll in the University of Oklahoma in January 1946, would take Thurgood Marshall and more than three years and two trips to the Supreme Court. Ms. Fisher carried herself with dignity throughout the entire ordeal. Her patience and courage eventually won the support of thousands of Oklahomans, including the university president, and it also won justice for her and thousands of others who would follow in her footsteps.

Ada Lois Sipuel Fisher graduated from law school in 1951, earned a masters in history in 1968, and then spent many years as a professor and chair of social sciences at Langston University. In 1992, in recognition of her lifetime of serving, she was appointed a member of the board of regents of the university of Oklahoma.

The Sipuel Case was a legal landmark which pointed the way to the elimination of segregation in all of American public education. This woman's strength and positive attitude made Oklahoma a better State, and it made the United States a better nation.

Another dynamic Oklahoman is State senator, Helen Cole. Helen Cole is a native Oklahoman who has spent her career dedicated to helping others through public service in Oklahoma. She served in a variety of political offices including the State Republican Committee, Cleveland County precinct judge, and the State House of Representatives.

Throughout her life as a public servant, Helen Cole has championed many cases. She is deeply concerned with the drug problem in America and works to educate people through Alcohol and Drug Centers. She is also involved in promoting ethics in government and belongs to the League of Women voters where she strives to encourage others to take an active role in government.

In addition to her public achievements, Senator Cole is a wife and a mother. She is as dedicated to her family as she is in her service to our great State. She has been a rock of Gibraltar in difficult times for many, she has been a friend to me, a consultant, and a prayer partner. She has truly been a shining star. Mr. Speaker, it gives me great honor to recognize Ada Lois Sipuel Fisher and Helen Cole today. They are women who represent great integrity and principle—women we Oklahomans are proud to call our own.

□ 2130

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore (Mrs. SEASTRAND). The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I ask unanimous consent to substitute for the gentlewoman from Texas.

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

There was no objection.

ON ARMS TRANSFER TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise to express my strong opposition to the impending shipment of United States arms to Pakistan. The administration proposes shipping 368 million dollar's worth of conventional arms to Pakistan, despite the recent revelations that Pakistan received nuclear technology from China last year. While I have often come to well of the House to defend this administration's foreign policy, in this case I must express my complete opposition to the direction that we are going by in providing sophisticated and de-stabilizing weapons to Pakistan, a country that has repeatedly broken their assurances to us about their nuclear weapons development and acquisition intentions.

A provision in the Foreign Operations appropriations legislation that finally became law earlier this year would authorize the transfer of $368 million in sophisticated conventional weaponry, including three Navy P-3C antisubmarine aircraft, 28 Harpoon missiles, 360 AIM-9L missiles, and other Army and Air Force equipment. This provision, known as the Brown amendment, after its Senate sponsor, passed the Senate last year. Although the provision was never debated in the House, it carried in conference. I drafted a letter to the conferees, which was signed by 40 other Members from both sides of the aisle urging that this provision not be included in the bill. But, owing in large part to the support of the administration and the influence of the pro-Pakistan lobby, the provision was included in the bill and became law.

As far back as last summer, many of us in Congress—Democrats and Republicans, Members of both bodies—argued that providing these weapons to Pakistan was a bad idea, giving Pakistan's ongoing determinations to develop nuclear weapons, it involvement in arming, training, and financing terrorist movements and its often open hostility to Western interests. Last summer, it was reported that Pakistan received Chinese M-11 missiles, in direct violation of the Missile Technology Control Regime. These missiles are capable of carrying nuclear warheads, and can strike cities within a 275-mile radius. It was reported last year that Pakistan developed its nuclear weapons from a blueprint provided by the People's Republic of China, and Pakistan then gave this blueprint to Iran. Pakistan remains an unstable nation, where the military does not seem to be under strong civilian control, a country which supports the embargo of Israel and does not recognize the State of Israel.

Then came the revelations early this year, based on intelligence information, that Pakistan purchased 5,000 ring magnets from the People's Republic of China in late 1994 and early 1995. These ring magnets are used to enrich uranium, a key component for making nuclear weapons. This transfer, which Pakistan has repeatedly denied to the administration and the Congress, is a direct violation of the Glenn-Symington Amendment and the 1994 amendment to the Non-Proliferation Act. When the Senate and the Foreign Ops Conferees considered the Brown amendment, this information was not known. I believe that this information would most certainly have swung a few votes—had it been available.

By way of a little history: during the last decade, Pakistan was the third largest recipient of United States foreign military assistance. Pakistan asked for the help of the United States in becoming conventionally strong militarily and in exchange promised—promised—not to develop or obtain nuclear weapons. By 1985, United States intelligence had strong evidence that Pakistan was receiving United States arms while going back on its word about developing nuclear capability. As a form of leverage, the Congress in 1985 enacted the Pressler amendment, named for its Senate sponsor, requiring an annual Presidential certification that Pakistan does not have a nuclear device. In 1990, with overwhelming evidence of Pakistan's nuclear program, President Bush invoked the Pressler amendment. The United States essentially said: Yes, Pakistan has the bomb. Thus, all U.S. military assistance was ended—including weapons already contracted for and paid for but not delivered. Pakistani officials could not have been surprised, knowing these ramifications when they officially agreed to the enactment of the Pressler amendment in 1985. The only surprises may have been that they got caught

and that the full penalty of the law was imposed.

It is important to recognize that Pakistan has not agreed to do anything in exchange for the release of the seized equipment. In 1993, President Clinton did offer to return all or some of the weapons in the pipeline if Pakistan would agree to cap its nuclear program. Pakistan rejected this offer. In fact, by receiving the ring magnets from China, Pakistan was continuing to act—in defiance of the United States—to further its nuclear ambitions.

Finally, the administration came up with a compromise: While 28 F-16 fighter jets would not be delivered to Pakistan—they already have 40 F-16's—the 368 million dollars' worth of equipment would be delivered with no strings attached.

What we are doing, Mr. Speaker, is ending the ban on providing weapons to Pakistan, and receiving nothing in return.

The delivery of these weapons comes just about a month before the general elections in India, Pakistan's neighbor. Tensions between these two South Asian nations remain high. Pakistan has fought three wars with India during the past 48 years.

Clearly, India will see the delivery of these weapons as a slap in the face. The opposition BJP party in India, which has already gained in strength, is running on a platform promising a much harder line in terms of relations with Pakistan, relations with the United States, and India's own nuclear weapons development program. While this story may be buried on the back pages of American newspapers, I can guarantee you that the delivery of the United States weapons to Pakistan will be page 1 news in India—to the benefit of those forces in Indian society that oppose the recent move toward closer commercial and strategic cooperation between India and the United States. The United States has in the past few years become India's largest trading partner. Why are we jeopardizing this important new economic relationship?

Mr. Speaker, I have nothing against improved relations with Pakistan, but I believe this goal should be achieved through economic means. The Government of Pakistan devotes much too large of a share of its scarce resources to the military, to the detriment of the people. If the administration wants to engage Pakistan, let's engage them with more trade and support for democracy building institutions.

Nuclear nonproliferation is and should be a top U.S. foreign policy goal in this post-cold-war world. The Pressler amendment has been a pillar of America's nonproliferation efforts. We should not weaken this law with waivers or loopholes.

Pakistan keeps giving us every reason to keep the Pressler amendment in force.

Mr. Speaker, I will be working with some of my colleagues to enact a resolution of disapproval for this weapons transfer, and I hope we can achieve broad, bipartisan support. Providing these weapons to Pakistan would be a grave error that would threaten the stability of South Asia, international nuclear nonproliferation and the interests and prestige of the United States.

HONORING EUNICE MERRILL, WOMAN OF THE YEAR FOR THE FIFTH DISTRICT OF ALABAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. CRAMER] is recognized for 5 minutes.

Mr. CRAMER. Madam Speaker, it is an honor to come before the House tonight to pay tribute to a very special woman from the Fifth District of Alabama. She is Mrs. Eunice Merrill from Huntsville, AL.

Many years ago, at a time when there were very few women in Alabama running their own businesses, Miss Eunice opened Eunice's Country Kitchen.

It is a place where people of all ages and all stations in life gather together. It is truly a crossroads in our community, where everyone can share breakfast and a common table.

The food and the conversation are big attractions, but one of the main reasons people come from all around is Miss Eunice herself.

She treats everyone who walks through her door like they are family, whether they are long-time friends or first-time customers. No matter how early it is or how busy it is, Eunice always has a smile and a kind word for every person.

While she is beloved for her kindness and her hospitality, Miss Eunice is revered for her extraordinary work for charity, especially on behalf of the Arthritis Foundation.

But, last November, Mr. Speaker, tragedy struck Miss Eunice. She was leaving her house for work at 4 o'clock in the morning, as she did most every morning to begin fixing breakfast for her customers.

As she walked from her house to her car, Miss Eunice was brutally attacked and robbed. She was rushed to a hospital to undergo emergency surgery.

Not only did she survive the attack, but after a week's stay in the hospital, at the age of 78, Miss Eunice was back at work.

She didn't even postpone the fundraiser she had organized for the Arthritis Foundation, which she held, just as she planned, on the very first day she returned.

Mr. Speaker, Mrs. Eunice Merrill is a glowing testament to the heart and strength of the human spirit. While her story of survival is inspiring, it is simply one chapter in a life story of faith and perseverance.

I am proud, Mr. Speaker, to stand here tonight to honor the Woman of the Year for the Fifth District of Alabama, Mrs. Eunice Merrill.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Florida. Madam Speaker, I rise today to talk about the Medicare program, because we are about to receive the 1996 report from the board of trustees of the Medicare program. It was just a year ago that we received the 1995 report, in April 1995, stating that Medicare was going bankrupt. The report from the board of trustees stated that it was going to be running out of money this year and all the reserves of the Medicare program would be totally exhausted in 7 more years. And the trustees of the Medicare program are basically appointees of the Clinton administration, the Secretary of HHS, Donna Shalala, Secretary of Treasury, Mr. Rubin, the Secretary of Labor, Mr. Reich and others. This is a bipartisan report.

The fact is Medicare is going bankrupt. And what I want to talk about today is what has happened since the last report, as we are about to receive the 1996 report.

From my area in Florida, I have a very large number of seniors. In fact I have more seniors in my congressional district than any other congressional district in the United States. It is very important for all the seniors in my district. It is important to me personally. I have an 87-year-old mother who is on Medicare. But it is also important for all the people in my district because of the jobs and the impact on the economy.

Sarasota Memorial Hospital is the second largest employer in Sarasota County in Florida. So it is a jobs issue that is important, to take care of the seniors in my district, and it is something that we need to fight for and save. It is not a political issue. Medicare is too important an issue to be played with as politics.

Well, what did Congress do during the past year about the Medicare program? First of all, we listened. I sent letters out and asked for advice from my constituents and received over 1,000 responses. Members in Congress held over 1,000 town hall meetings all over the United States asking for input and advice, what they should do about the Medicare program. We listened, and we listened well, and got ideas. We came up with a plan.

Two things we found out: One is, Medicare is in crisis; and the other item we learned is, it is full of waste, fraud and abuse. Those are the two things that kept getting repeated time

and time again. We have a major problem with the Medicare program. We understand that. We need to do something about it. And it is the waste, fraud and abuse. So what did Congress do?

Congress passed the Medicare Preservation Act last year, and the Medicare Preservation Act had a tough waste, fraud and abuse program. It had stiff penalties for anybody that participated in fraud in the program. And it provided rewards for those that discovered fraud in the program.

I remember at one of my town meetings a mobile home park in Palmetto, FL, a lady standing up, saying about the illustration of fraud. She was admitted to the hospital and got a bill later for her own autopsy. That is the crazy things that were happening.

What we are offering were incentives. She could report this, and she would have a reward for finding out that problem and reporting it and getting a reward from the Medicare program.

So we focused on a waste, fraud and abuse program within the Medicare program. Our program saved Medicare from going bankrupt. But it continued to spend more money every year. In fact, right now the Medicare program spends $4,800 for every man and woman in the Medicare program. Over 7 years we were going to increase that to $7,100 per person in Medicare. That is a $2,300 increase over 7 years, more money every year. There are no cuts being proposed in Medicare. And it was a good program, giving seniors more choices.

So we did not just talk about Medicare. We acted.

The House passed a bill. The Senate passed a bill, and we jointly sent a plan to save the Medicare program to the President.

What happened? Well, sadly the President decided to play politics with it. He played politics by vetoing the Medicare plan that we proposed. He did not come up with any solutions or ideas. All he did was take political advantage saying, let us scare those seniors and scare them of Republicans. And that is too bad, because Medicare is too important to scare seniors over. It is too important to play politics with it.

Bill Clinton vetoed that plan. When he vetoed it, he knew secret information at that time that Medicare was in worse shape than the trustees reported last April. Because on February 5 of this year, in a New York Times article, we find out that Medicare is going bankrupt much faster than 7 years. It is in worse financial shape than we were told by the trustees in April of 1995. And when Bill Clinton vetoed that bill in December, he vetoed a plan that was in serious financial trouble. And yet he still has not offered any solution.

We need to face the Medicare problem. We have a good plan, and Bill Clinton needs to stop playing politics and give use the solution to Medicare, too.

DR. WENDE LOGAN-YOUNG, WOMAN OF THE YEAR FROM THE 28TH DISTRICT OF NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, I rise tonight to pay tribute to Wende Logan-Young. The Woman of the Year from the 28th District of New York is a friend, a daughter, a sister, a mother, and a grandmother in addition to being a doctor, a radiologist, and a pioneer in mammography and breast care. She has received awards too numerous to detail here but the list dates back to 1966 when she was honored as Outstanding Young Woman of the Year.

In the years since, Dr. Wende Logan-Young has become renowned for her untiring dedication to improving women's health. In 1976, Dr. Logan-Young established this Nation's first free-standing mammography center devoted exclusively to breast cancer detection. The Elizabeth Wende Breast Cancer Clinic, named in honor of her mother, has the unique goal of providing quality mammography and breast care to women in a comfortable and timely manner. Caring for 1,000 patients a week, the clinic has served the needs of hundreds of thousands of women since its inception. Unlike the typical physician's office, the clinic has the familiar feel of home. In one visit, every patient has her mammogram, has it interpreted fully and has all needed additional testing. Knowing how traumatic and anxiety producing the experience of breast cancer screening can be, Dr. Wende Logan-Young has created a healing, comforting environment. This year, the clinic celebrated its 20th anniversary.

In addition to caring for her patients, Dr. Logan-Young has served on numerous academic and professional organizations, including the American Cancer Society, American College of Radiology, and the National Cancer Institute of Canada. The author of many medical journal articles, the doctor has just completed the first volume of a three volume set of textbooks for radiologists providing a practical guide to breast cancer diagnosis.

As chair of the women's health task force and a long-time advocate of increased funding for breast cancer research, I take great personal satisfaction in honoring a pioneer in the field of breast cancer research and service. Please join me in giving recognition to this outstanding Woman of the Year from the 28th District of New York, Dr. Wende Logan-Young.

WOMEN IN PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, in the United States the history of women in public service is both significant and meaningful. Unfortunately, our history does not always adequately recognize these women's contributions.

Historically, women have received limited space in the history books, and few have questioned their absence. However, today we are all faced with the challenge to eliminate the negative stereotypes, myths, lies, and distortions about women's role in the progress of time.

In celebration of Women's History Month, I would like to recognize DeMetris Sampson as the Woman of the Year from the 30th Congressional District of Texas.

Ms. Sampson's activities are multifaceted. For the past 1½ years, she has chaired the task force on liquor related businesses near schools. As chairwoman, she has successfully formulated and lobbied for State law changes as well as local ordinance and administrative changes to address the proliferation of alcohol establishments located near Dallas schools.

In addition, Ms. Sampson has served for the past 9 years on the domestic violence task force for the city of Dallas. She has been instrumental in formulating changes in the law for the city's legislative package which is designed to protect battered spouses from repeat offenders.

The task force has also worked to focus the attention of the municipal, family, and criminal judiciary on domestic violence issues and reforms.

In 1991, Ms. Sampson was appointed to the East Texas State University board of regents by Gov. Ann Richards. Currently, she serves as the vice chairperson of the board.

In recognition of her work in the city of Dallas, Ms. Sampson was recently named the recipient of the Dr. Martin Luther King Junior Justice Award.

She is a successful practicing attorney and prominent community activist, and it is an honor to recognize DeMetris Sampson as the Woman of the Year. Through her tireless work and dedication Ms. Sampson is truly one of this Nation's greatest public servants.

GEORGIA AYERS, WOMAN OF THE YEAR FROM FLORIDA'S 17TH DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Madam Speaker, in our celebration of Women's History Month, we have chosen to honor exceptional women in public service. I rise here tonight to honor the Woman of the Year from my congressional district, Ms. Georgia Ayers, of Miami, FL.

Over the decade I have known Georgia Ayers, she has been a living example of the ideals of community service. She has dedicated her tremendous talents and energies—her life—to benefit others. She not only believes in helping those who have less in life—regardless of their race, creed, or gender, but she lives it. She started with few advantages herself, but chose to give her life to helping others get ahead.

Her awards and honors fill pages, and are a testimony to the respect she enjoys from Dade County's diverse communities. Just a few of the groups who have honored her include: the U.S. Coast Guard, the American

Cancer Society, the Southern Christian Leadership Conference, the National Conference of Christians and Jews, the Dade County Public Schools, the Dade County Community Action Agency, and Miami-Dade Community College, which is the largest community college in the entire Nation.

In a world where people's words don't always match their actions, Georgia Ayers stands out as direct, honest, and committed. Her actions match her words. With Ms. Ayers, you know where she stands on an issue and exactly what she wants to do about it, and her word is her bond. Yes, honest, plain-speaking and hardworking people can still make a difference in our society. Georgia Ayers is a shining example.

Of all the projects that Georgia Ayers has been involved in, perhaps the most important has been her work with young people in trouble with the law. Programs she has developed have turned around young people's lives and helped them find and establish their places as valued members of the community. In helping these youngsters, whose voices are often not heard in our society, she reminds me of the passage from the Bible "whatsoever you do to the least of these, you do to Me."

Georgia Ayers' leadership shows all of us what one dedicated woman can accomplish. In 1995, the Southern Christian Leadership Conference honored Ms. Ayers with the Dr. Martin Luther King, Jr. Award. She is well-deserving of this great honor, for her leadership reminds me of a paraphrase of Dr. King's remarks about the church. The role of a civic leader in our society is to be a thermostat—a changer of society, rather than a thermometer, which simply measures rather than molds popular thinking.

Georgia Ayers shows that one strong woman can be that thermostat, and can change society for the better. Her life inspires and challenges us all. Like Georgia Ayers, if more of us took it upon ourselves to become thermostats instead of thermometers, I have no doubt that the temperature of human compassion and dignity on the Earth could be raised to levels beyond what we can even imagine today.

Again, I thank Georgia Ayers for her exceptional leadership and service. She is truly deserving of being honored as the Woman of the Year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAY (at the request of Mr. GEPHARDT), after 4 p.m. today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. YATES, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CRAMER, for 5 minutes, today.

Mr. ORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. SAWYER, for 5 minutes, today.

Mr. WARD, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. LAZIO of New York) to revise and extend their remarks and include extraneous material:)

Mr. WATTS of Oklahoma, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, on March 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) and to include extraneous matter:)

Ms. DELAURO

Mrs. MALONEY.

Mr. SERRANO.

Mr. TOWNS.

Mr. TORRES in two instances.

Mr. KANJORSKI.

Mr. VENTO.

Mr. FAZIO.

Mr. CRAMER.

Mr. MENENDEZ.

Mr. MORAN.

Mr. EVANS.

Mr. HALL of Ohio.

Mr. GEPHARDT.

Mr. SABO.

Mr. STARK.

Mr. ACKERMAN.

Ms. WATERS.

Mr. SCHUMER.

Mr. HAMILTON.

(The following Members (at the request of Mr. MILLER of Florida) and to include extraneous matter:)

Mr. FRELINGHUYSEN.

Mrs. KELLY.

Mr. HAMILTON.

Mr. REED.

Mr. PAYNE of New Jersey.

Mr. CASTLE.

(The following Members (at the request of Mr. LAZIO) and to include extraneous matter:)

Mr. WALKER.

Mrs. ROUKEMA in two instances.

Ms. ROS-LEHTINEN.

Mr. WATTS of Oklahoma.

Mr. HUNTER.

Mr. CRANE.

Mr. GILMAN.

Mr. LIVINGSTON.

Mr. LAZIO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 956. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

H.R. 1787. An act to amend the Federal Food, Drug and Cosmetic Act to repeal the saccharin notice requirement.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

H.R. 1787. An act to amend the Federal Food, Drug and Cosmetic Act to repeal the saccharin notice requirement.

ADJOURNMENT

Mr. MILLER of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 41 minutes p.m.) the House adjourned until Friday, March 22, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2279. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2280. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Tanker Navigation Safety

Standards, Crew Qualifications and Training," pursuant to Public Law 101-380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2281. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Tanker Simulator Training," pursuant to Public Law 101-380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2282. A letter from the Secretary of Energy, transmitting the Department's report entitled "Beyond 2000: A Vision for the American Metal Casting Industry," pursuant to Public Law 101-425, section 10 (104 Stat. 919); to the Committee on Science.

2283. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the National Oceanic and Atmospheric Administration's [NOAA] deep seabed mining report, pursuant to 30 U.S.C. 1469; jointly, to the Committees on Resources and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. Supplemental report on H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes (Rept. 104-469, Pt. 4). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 388. Resolution providing for consideration of the bill (H.R. 125) to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices (Rept. 104-490). Referred to the House Calendar.

Mr. CLINGER: Committee of Conference. Conference report on S. 4. An act to grant the power to the President to reduce budget authority (Rept. 104-491). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEFAZIO (for himself, Ms. FURSE, Mr. BUNN of Oregon, and Mr. COOLEY):

H.R. 3134. A bill to designate the U.S. Courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the "Mark O. Hatfield United States Courthouse," and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself, Mr. ACKERMAN, Mr. MANTON, Mr. SERRANO, Mrs. LOWEY, and Mr. FLAKE):

H.R. 3135. A bill to amend the Elementary and Secondary Education Act of 1965 to allow certain counties flexibility in spending funds; to the Committee on Economic and Educational Opportunities.

By Mr. ARCHER:

H.R. 3136. A bill to provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Rules, the Judiciary, Small Business, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky:

H.R. 3137. A bill to amend the Internal Revenue Code of 1986 to clarify the reasonable cause exception from the penalty for failures to file tax returns or pay taxes; to the Committee on Ways and Means.

By Mr. CANADY:

H.R. 3138. A bill to amend title XVIII of the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3139. A bill to redesignate the U.S. Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, NY, as the "Rose Y. Caracappa United States Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. FOX:

H.R. 3140. A bill to prohibit gifts by lobbyists to Members of the House of Representatives, Senators, and officers and employees of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself and Mr. SCHAEFER):

H.R. 3141. A bill to amend title 49, United States Code, relating to scheduled passenger air service at reliever airports; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY.

H.R. 3142. A bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts (for himself, Mr. STARK, Mr. DEFAZIO, Mr. COSTELLO, and Mr. EVANS):

H.R. 3143. A bill to prohibit the use of funds for the construction or operation of the National Ignition Facility or any other facility that uses inertial confinement fusion at the Lawrence Livermore National Laboratory, California; to the Committee on National Security.

By Mr. LIVINGSTON (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. SPENCE, Mr. GILMAN, Mr. KASICH, Mr. HYDE, Mr. YOUNG of Florida, Mr. HUNTER, and Mr. HOKE):

H.R. 3144. A bill to establish a U.S. policy for the deployment of a national missile defense system, and for other purposes; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mr. SCHUMER):

H.R. 3145. A bill to amend the Public Health Service Act to prohibit health insurance discrimination with respect to victims of domestic violence; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 3146. A bill to provide for the exchange of certain Federal lands in the State of California for certain non-Federal lands, and for other purposes; to the Committee on Resources.

H.R. 3147. A bill to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management of certain non-Federal lands, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H.R. 3148. A bill to direct the Secretary of Health and Human Services to make matching payments to the State of New Jersey for activities to determine the incidence of cancer among residents of the Toms River area; to the Committee on Commerce.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, Mr. PAYNE of Virginia, Mr. JACOBS, Mr. BUNNING of Kentucky, Mr. CHRISTENSEN, Mr. BILBRAY, and Mr. BURR):

H.R. 3149. A bill to permit the approval and administration of drugs and devices to patients who are terminally ill; to the Committee on Commerce.

By Mr. VENTO:

H.R. 3150. A bill to expand and enhance the Federal Government commitment to eliminating crime in public housing and other federally assisted low-income housing projects, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATTS of Oklahoma:

H.R. 3151. A bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the Medicare Program for health care services provided to Medicare-eligible beneficiaries under TRICARE; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. QUILLEN):

H.J. Res. 166. Joint resolution granting the consent of Congress to the mutual aid agreement between the city of Bristol, VA, and the city of Bristol, TN; to the Committee on the Judiciary.

By Mr. TALENT:

H.J. Res. 167. Joint resolution proposing an amendment to the Constitution of the United States to limit the judicial power of the United States; to the Committee on the Judiciary.

By Mr. ARCHER:

H. Res. 387. Resolution returning to the Senate the bill S. 1518; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. VOLKMER and Mr. CHRISTENSEN.

H.R. 103: Mr. MASCARA and Mrs. FOWLER.

H.R. 125: Mr. TAYLOR of Mississippi.

H.R. 303: Mr. VOLKMER and Mr. CHRISTENSEN.

H.R. 789: Mr. SKELTON.

H.R. 911: Mr. MASCARA.

H.R. 922: Mr. TOWNS.

H.R. 1023; Mr. CLAY, Mr. TAUZIN, Mr. FALEOMAVAEGA, Mr. BUNNING of Kentucky, Mr. SPRATT, Mr. COBLE, Mr. BUNN of Oregon, Mr. BOUCHER, and Mr. MCCRERY.

H.R. 1044: Mr. LARGENT.

H.R. 1090: Mr. FARR.

H.R. 1131: Mr. CAMP and Mr. NEUMANN.

H.R. 1136: Mr. FAZIO of California, Mr. GENE GREEN of Texas, Mr. RAHALL, Mr. QUILLEN, Mr. DIXON, Mr. PASTOR, Mr. WILSON, Mr. STEARNS, Mr. FARR, Mr. BERMAN, and Mr. FLANAGAN.

H.R. 1314: Mr. PICKETT.

H.R. 1406: Mr. POSHARD, Mr. GIBBONS, Mr. LATOURETTE, Mr. OBERSTAR, Mr. ROSE, Mr. BREWSTER, Mr. VENTO, and Mr. MANTON.

H.R. 1484: Mr. LIPINSKI, Ms. LOFGREN Mr. LEWIS of Georgia, Mr. BEVILL, Mr. HILLIARD, and Mr. ENGLISH of Pennsylvania.

H.R. 1496: Mr. MENENDEZ.

H.R. 1619: Mr. COLEMAN.

H.R. 1711: Mr. HASTERT and Mr. SENSENBRENNER.

H.R. 1932: Mr. PETRI, Mr. BEREUTER, and Mr. HAYES.

H.R. 2011: Mr. LEVIN.

H.R. 2193: Mr. WILSON, Mr. STARK, Mr. RADANOVICH, Ms. ESHOO, Mr. SENSENBRENNER, Ms. JACKSON-LEE, and Mr. CHAPMAN.

H.R. 2214: Mr. ABERCROMBIE and Mr. OLVER.

H.R. 2270: Mr. ENSIGN.

H.R. 2450: Mr. PARKER, Mr. LARGENT, Mr. HOLDEN, and Mr. BLILEY.

H.R. 2497: Mr. BRYANT of Tennessee, Mr. BURR, Mr. PETRI, Ms. PRYCE, Mr. HANCOCK, and Mrs. VUCANOVICH.

H.R. 2697: Ms. WOOLSEY and Mr. TORRES.

H.R. 2777: Mr. VENTO.

H.R. 2779: Mr. SENSENBRENNER.

H.R. 2807: Mr. PETRI and Mr. WALSH.

H.R. 2811: Mrs. KELLY, Mr. SPENCE, Mr. JACOBS, Mr. FATTAH, Mr. MYERS of Indiana, and Mr. KING.

H.R. 2856: Mr. KLINK.

H.R. 2893: Mr. HORN, Mr. BACHUS, and Mr. VISCLOSKY.

H.R. 2900: Mr. LATHAM, Mr. HILLIARD, Mr. NORWOOD, Mr. CRAPO, Mr. ZELIFF, Mr. CLEMENT, Mr. BACHUS, Mr. KENNEDY of Rhode Island, Mr. TOWNS, and Mr. MONTGOMERY.

H.R. 2931: Mr. VENTO.

H.R. 2959: Mr. ENSIGN, Ms. MOLINARI, and Mr. UNDERWOOD.

H.R. 3002: Mr. EHRLICH and Mr. JOHNSON of South Dakota.

H.R. 3048: Mr. BARRETT of Wisconsin and Ms. PRYCE.

H.R. 3070: Mr. HASTERT, Mr. GILLMOR, Mr. STEARNS, Mr. KLUG, Mr. NORWOOD, and Mr. WELLER.

H.R. 3086: Mr. CALVERT, Mr. THOMAS, Mr. DUNCAN, and Mr. ENGLISH of Pennsylvania.

H.J. Res. 100: Mr. CHRISTENSEN.

H.J. Res. 159: Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. POMBO, and Mr. CRAPO.

H. Con. Res. 10: Mr. ROEMER and Mr. COOLEY.

H. Con. Res. 47: Mr. JACOBS and Mr. RAHALL.

H. Con. Res. 51: Mr. BILIRAKIS.

H. Con. Res. 102: Mr. CLYBURN, Mr. TORRES, and Ms. ESHOO.

H. Con. Res. 127: Mr. LATHAM, Mr. CALVERT, and Mr. BARCIA of Michigan.

H. Res. 49: Mr. SANDERS.

H. Res. 345: Mr. ACKERMAN and Mr. FALEOMAVAEGA.

H. Res. 347: Mr. JACOBS, Mr. SCARBOROUGH, Mr. HINCHEY, Mr. ABERCROMBIE, and Mr. LEWIS of Georgia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1972: Ms. FURSE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3136

(Public Debt Limit)

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 1: At the end, add the following new sections:

SEC. 2. LIMITATION ON ISSUANCE OF PUBLIC DEBT OBLIGATIONS AFTER DECEMBER 31, 2001.

(a) IN GENERAL.—No obligation subject to the limitation under section 3101(b) of title 31, United States Code, may be issued to the public after December 31, 2001. The preceding sentence shall not apply to any obligation (or series of obligations) issued to refund an obligation issued before January 1, 2002.

(b) SPECIAL RULE.—Upon the enactment of a joint resolution declaring a national emergency, subsection (a) is suspended for the 6-month period beginning upon such date of enactment. Congress and the President may, by law, extend such 6-month period of such declaration of war or national emergency is still in effect.

SEC. 3. SHORT-TERM BORROWING AFTER FISCAL YEAR 2001.

(a) IN GENERAL.—In addition to any other authority provided by law, the Secretary of the Treasury may issue obligations of the United States in an amount not to exceed $50 billion. The maturity date of the obligations may not extend beyond 120 days after their issuance. In any event, obligations issued under this section shall mature at the end of the fiscal year in which they were issued.

(b) OBLIGATIONS EXEMPT FROM PUBLIC DEBT LIMIT.—Obligations issued under subsection (a) shall not be taken into account in applying the limitation in section 3101(b) of title 31, United States Code.

SEC. 4. LIMITATION ON AMOUNT OF PUBLIC DEBT LIMIT.

An increase in the limitation under section 3101(b) of title 31, United States Code, shall not be effective to the extent such limitation after such increase is greater than—

(1) $5,432,000,000,000 during the fiscal year ending on September 30, 1997,

(2) $5,682,000,000,000 during the fiscal year ending on September 30, 1998,

(3) $5,908,000,000,000 during the fiscal year ending on September 30, 1999, and

(4) $6,116,000,000,000 during any fiscal year ending on or after September 30, 2000.

The preceding sentence shall apply notwithstanding any other provision of law unless such other law actually amends or repeals the preceding sentence.