

ures, to reform the legal immigraton system and facilitate legal entries into the United States, and for other purposes.

Mr. BONILLA, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

32.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, as modified, submitted by Mr. CHRYSLER:

Strike from title V all except section 522 and subtitle D.

It was decided in the affirmative { Yeas 238 Nays 183

32.16 [Roll No. 84] AYES—238

- Abercrombie Ford
Ackerman Fox
Allard Frank (MA)
Andrews Franks (NJ)
Armev Frisa
Baesler Frost
Baldacci Furse
Barcia Gejdenson
Barrett (WI) Gephardt
Becerra Gilman
Bentsen Gonzalez
Berman Goodling
Bishop Gordon
Blute Green
Boehlert Gunderson
Bonilla Gutierrez
Bonior Hall (OH)
Borski Hamilton
Boucher Hansen
Browder Harman
Brown (CA) Hastings (FL)
Brown (FL) Hayworth
Brown (OH) Hefner
Brownback Hilliard
Bunn Hoekstra
Camp Holden
Campbell Houghton
Cardin Hoyer
Chabot Jackson (IL)
Chapman Jackson-Lee
Christensen (TX)
Chrystler Jacobs
Clay Jefferson
Clayton Johnson (CT)
Clyburn Johnson (SD)
Collins (MI) Johnson, E. B.
Condit Kanjorski
Conyers Kaptur
Costello Kelly
Coyne Kennedy (MA)
Cramer Kennedy (RI)
Crane Kennelly
Danner Kildee
Davis Kim
de la Garza King
DeLauro Kleczka
Dellums Klink
Deutsch Klug
Diaz-Balart Knollenberg
Dicks LaFalce
Dingell LaHood
Dixon Lantos
Doggett LaTourrette
Dooley Lazio
Doyle Levin
Dunn Lewis (CA)
Durbin Lewis (GA)
Edwards Linder
Engel Livingston
English LoBiondo
Ensign Lofgren
Eshoo Lowey
Evans Luther
Farr Maloney
Fattah Manton
Fazio Manzullo
Fields (LA) Markey
Filner Martinez
Flake Mascara
Flanagan Matsui
Foglietta McCarthy
Forbes McDermott

- Torres
Torriceili
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
Beilenson
Bereuter
Bevill
Billbray
Bilirakis
Biley
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
Creameans
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
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Kolbe
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Longley
Lucas
Martini
McCollum
McCrery
McDade
McKeon
Metcalf
Meyers
Minge
Molinari
Montgomery
Moorhead

NOT VOTING—10

- Collins (IL)
Johnston
Moakley
Radanovich
Rose
Stark
Stockman
Stokes

- Waters
Wise

So the amendment was agreed to. After some further time,

32.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, as amended, submitted 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 "(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:

"(1)(i) 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 oppor-

tunity 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.

“(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 non-immigrants 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 pro-

vided for under regulations in such a case for the nonimmigrant workers under section 101(a)(15)(H)(ii)(a).

“(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 NON-IMMIGRANTS.—

“(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 equiv-

alent 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 non-immigrant 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).

“(1) 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 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 non-profit 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)”.

It was decided in the { Yeas 180 negative } Nays 242

32.18 [Roll No. 85]

AYES—180

Arney Bishop Bunn
Baker (CA) Bliley Bunning
Baker (LA) Boehner Burr
Ballenger Bonilla Callahan
Barr Bono Calvert
Barrett (NE) Boucher Camp
Bartlett Brewster Campbell
Bass Browder Canady
Bevill Brownback Chambliss
Bilirakis Bryant (TN) Chenoweth

Christensen Hastings (WA) Norwood
Chrysler Hayworth Nussle
Clinger Hefner Packard
Coble Heineman Parker
Coburn Herger Paxon
Collins (GA) Hilleary Payne (VA)
Combest Hobson Peterson (FL)
Condit Hoekstra Pickett
Cooley Houghton Pombo
Cox Hutchinson Pryce
Cramer Inglis Quillen
Crane Johnson (CT) Riggs
Crapo Jones Roberts
Creameans Kelly Rose
Cubin Kim Salmon
Cunningham Kingston Sanford
Deal Knollenberg Saxton
DeLay Kolbe Schaefer
Deutsch LaHood Seastrand
Dickey Latham Shadegg
Dooley LaTourrette Shuster
Doolittle Laughlin Sisisky
Dreier Lazio Skelton
Dunn Lewis (CA) Smith (MI)
Ehlers Lewis (KY) Smith (WA)
Emerson Lightfoot Solomon
English Lincoln Souder
Ensign Linder Spence
Everett Livingston Spratt
Ewing LoBiondo Stearns
Fawell Longley Stump
Fazio Lucas Tanner
Fields (TX) Manzullo Tauzin
Forbes McCollum Taylor (NC)
Fox McCreery Thomas
Funderburk McDade Thornberry
Gallegly McHugh Tiahrt
Gekas McInnis Upton
Gillmor McIntosh Vucanovich
Gilman McKeen Walker
Goodling Metcalf Walsh
Gordon Mica Watts (OK)
Graham Miller (FL) Weller
Greenwood Montgomery White
Gundersen Moorhead Whitfield
Gutknecht Morella Wicker
Hamilton Myers Wolf
Hancock Myrick Young (AK)
Hansen Nehercutt Young (FL)
Hastert Neumann Zeliff

NOES—242

Abercrombie Dingell Holden
Ackerman Dixon Horn
Allard Doggett Hostettler
Andrews Dornan Hoyer
Archer Doyle Hunter
Bachus Duncan Hyde
Baesler Durbin Istook
Baldacci Edwards Jackson (IL)
Barcia Ehrlich Jackson-Lee
Barrett (WI) Engel (TX)
Barton Eshoo Jacobs
Bateman Evans Jefferson
Becerra Farr Johnson (SD)
Beilenson Fattah Johnson, E. B.
Bentsen Fields (LA) Johnson, Sam
Bereuter Filner Kanjorski
Berman Flake Kaptur
Bilbray Flanagan Kasich
Blute Foglietta Kennedy (MA)
Boehlert Foley Kennedy (RI)
Bonior Ford Kennelly
Borski Fowler Kildee
Brown (CA) Frank (MA) King
Brown (FL) Franks (CT) Kleczka
Brown (OH) Franks (NJ) Klink
Bryant (TX) Frelinghuysen Klug
Burton Frisa LaFalce
Buyer Frost Lantos
Cardin Furse Largent
Castle Ganske Leach
Chabot Gejdenson Levin
Chapman Gephardt Lewis (GA)
Clayton Geren Lipinski
Clement Gibbons Lofgren
Clyburn Gilchrest Lowey
Coleman Gonzalez Luther
Collins (MI) Goodlatte Maloney
Conyers Goss Manton
Costello Green Markey
Coyne Gutierrez Martinez
Danner Hall (OH) Martini
Davis Hall (TX) Mascara
de la Garza Harman Matsui
DeFazio Hastings (FL) McCarthy
DeLauro Hefley McDermott
Dellums Hilliard McHale
Diaz-Balart Hinchey McKinney
Dicks Hoke McNulty