

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).”;

(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)”;

(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.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. RIGGS, announced that the nays had it.

Mr. BRYANT demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 188 negative Nays 231

32.23 [Roll No. 88] AYES—188

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

NOES—231

- Allard Buyer Dickey
Archer Callahan Dooley
Armey Calvert Doolittle
Bachus Camp Dornan
Baker (CA) Campbell Dreier
Baker (LA) Canady Duncan
Ballenger Castle Dunn
Barr Chabot Ehlers
Barrett (NE) Chambliss Ehrlich
Bartlett Chenoweth Emerson
Barton Christensen English
Bass Chrysler Eshoo
Bateman Clement Everett
Bereuter Clinger Ewing
Bevill Coble Fawell
Bilbray Coburn Fields (TX)
Bilirakis Collins (GA) Flanagan
Bliley Combest Foley
Blute Cooley Forbes
Boehner Cox Fowler
Bonilla Cramer Fox
Bono Crane Franks (CT)
Brewster Crapo Franks (NJ)
Brownback Creameans Frisa
Bryant (TN) Cubin Funderburk
Bunn Cunningham Gallegly
Bunning Davis Ganske
Burr Deal Gekas
Burton Diaz-Balart Gerena

Gilchrest	Lazio	Ros-Lehtinen	Costello	Hunter	Pombo	Fields (LA)	Lewis (GA)	Rangel
Gillmor	Leach	Roth	Cox	Hutchinson	Pomeroy	Filner	Lofgren	Richardson
Gilman	Lewis (CA)	Salmon	Cramer	Hyde	Porter	Flake	Markey	Ros-Lehtinen
Goodlatte	Lewis (KY)	Sanford	Crane	Inglis	Portman	Foglietta	Martinez	Roybal-Allard
Goodling	Lightfoot	Saxton	Crapo	Istook	Poshard	Frank (MA)	Matsui	Rush
Goss	Linder	Scarborough	Creameans	Jacobs	Pryce	Gibbons	McDermott	Sabo
Graham	Livingston	Schaefer	Cubin	Johnson (CT)	Quillen	Gonzalez	McKinney	Sanders
Greenwood	Lofgren	Schiff	Cunningham	Johnson (SD)	Quinn	Green	Meehan	Schroeder
Gunderson	Longley	Seastrand	Danner	Johnson, Sam	Ramstad	Gutierrez	Meek	Scott
Gutknecht	Lucas	Sensenbrenner	Davis	Jones	Reed	Hall (OH)	Mink	Serrano
Hall (TX)	Manzullo	Shadegg	Deal	Kanjorski	Regula	Hastings (FL)	Mollohan	Skaggs
Hancock	Martini	Shaw	DeFazio	Kaptur	Riggs	Hilliard	Morella	Thompson
Hansen	McCollum	Shays	DeLauro	Kasich	Rivers	Hinchee	Nadler	Torres
Hastert	McCrery	Shuster	DeLay	Kelly	Roberts	Jackson (IL)	Neal	Towns
Hastings (WA)	McDade	Skeen	Deutsch	Kennelly	Roemer	Jackson-Lee	Oberstar	Velazquez
Hayes	McHugh	Smith (MI)	Dickey	Kildee	Rogers	(TX)	Olver	Ward
Hayworth	McInnis	Smith (TX)	Dixon	Kim	Rohrabacher	Jefferson	Ortiz	Watt (NC)
Hefley	McIntosh	Smith (WA)	Dooley	Kingston	Roth	Johnson, E. B.	Owens	Woolsey
Heineman	McKeon	Solomon	Doolittle	Klecza	Roukema	Kennedy (MA)	Pastor	Wynn
Herger	Mica	Souder	Doyle	Klink	Royce	Kennedy (RI)	Payne (NJ)	Yates
Hilleary	Miller (FL)	Spence	Dreier	Klug	Salmon	King	Pelosi	
Hobson	Molinari	Stearns	Duncan	Knollenberg	Sanford	LaFalce	Rahall	
Hoekstra	Montgomery	Stenholm	Dunn	Kolbe	Sawyer			
Hoke	Moorhead	Stump	Durbin	LaHood	Saxton			
Horn	Morella	Talent	Edwards	Lantos	Scarborough	Clay	Moakley	Stokes
Hostettler	Myers	Tate	Ehlers	Schaefer	Scarborough	Collins (IL)	Radanovich	Studds
Houghton	Myrick	Tauzin	Ehrlich	Latham	Schiff	Dornan	Rose	Waters
Hunter	Nethercutt	Taylor (NC)	Emerson	LaTourrette	Schumer	Johnston	Stark	Wilson
Hutchinson	Neumann	Thomas	English	Laughlin	Seastrand			
Hyde	Norwood	Thornberry	Ensign	Lazio	Sensenbrenner			
Inglis	Nussle	Tiahrt	Eshoo	Leach	Shadegg			
Istook	Orton	Upton	Everett	Levin	Shaw			
Johnson (CT)	Oxley	Vucanovich	Ewing	Lewis (CA)	Shays			
Johnson, Sam	Packard	Waldholtz	Farr	Lewis (KY)	Shuster			
Jones	Parker	Walker	Fawell	Lightfoot	Sisisky			
Kasich	Paxon	Walsh	Fazio	Lincoln	Skeen			
Kelly	Petri	Wamp	Fields (TX)	Linder	Skelton			
Kim	Pombo	Watts (OK)	Flanagan	Lipinski	Slaughter			
King	Porter	Weldon (FL)	Foley	Livingston	Smith (MI)			
Kingston	Portman	Weldon (PA)	Forbes	LoBiondo	Smith (NJ)			
Klug	Pryce	Weller	Ford	Longley	Smith (TX)			
Knollenberg	Quillen	White	Fowler	Lowey	Smith (WA)			
Kolbe	Quinn	Whitfield	Fox	Lucas	Solomon			
LaHood	Ramstad	Wicker	Franks (CT)	Luther	Souder			
Largent	Riggs	Wolf	Franks (NJ)	Maloney	Spence			
Latham	Roberts	Young (AK)	Frelinghuysen	Manton	Spratt			
LaTourrette	Rogers	Young (FL)	Frisa	Manzullo	Stearns			
Laughlin	Rohrabacher	Zeliff	Frost	Martini	Stenholm			
			Funderburk	Mascara	Stockman			
			Furse	McCarthy	Stump			
			Gallegly	McCollum	Stupak			
			Ganske	McCrery	Talent			
			Gejdenson	McDade	Tanner			
			Gekas	McHale	Tate			
			Gephardt	McHugh	Tauzin			
			Geren	McInnis	Taylor (MS)			
			Gilchrest	McIntosh	Taylor (NC)			
			Gillmor	McKeon	Tejeda			
			Gilman	McNulty	Thomas			
			Gingrich	Menendez	Thornberry			
			Goodlatte	Metcalf	Thornton			
			Goodling	Meyers	Thurman			
			Gordon	Mica	Tiahrt			
			Goss	Miller (CA)	Torkildsen			
			Graham	Miller (FL)	Torricelli			
			Greenwood	Minge	Traficant			
			Gunderson	Molinari	Upton			
			Gutknecht	Montgomery	Vento			
			Hall (TX)	Moran	Visclosky			
			Hamilton	Murtha	Volkmer			
			Hancock	Myers	Vucanovich			
			Hansen	Myrick	Waldholtz			
			Harman	Nethercutt	Walker			
			Hastert	Neumann	Walsh			
			Hastings (WA)	Ney	Wamp			
			Hayes	Norwood	Watts (OK)			
			Hayworth	Nussle	Waxman			
			Hefley	Obey	Weldon (FL)			
			Hefner	Orton	Weldon (PA)			
			Heineman	Oxley	Weller			
			Herger	Packard	White			
			Hilleary	Pallone	Whitfield			
			Hobson	Parker	Wicker			
			Hoekstra	Paxon	Williams			
			Hoke	Payne (VA)	Wise			
			Holden	Peterson (FL)	Wolf			
			Horn	Peterson (MN)	Young (AK)			
			Hostettler	Petri	Young (FL)			
			Houghton	Pickett	Zimmer			
			Hoyer					

NOT VOTING—12

Clay	Moakley	Stokes
Collins (IL)	Radanovich	Studds
DeLay	Rose	Waters
Johnston	Stark	Wilson

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. RIGGS, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 333
affirmative { Nays 87

§32.24 [Roll No. 89]
AYES—333

Ackerman	Berman	Buyer
Allard	Bevill	Callahan
Andrews	Bilbray	Calvert
Archer	Bilirakis	Camp
Armey	Bishop	Canady
Bachus	Bliley	Cardin
Baesler	Blute	Castle
Baker (CA)	Boehlert	Chabot
Baker (LA)	Boehner	Chambliss
Baldacci	Bonilla	Chapman
Ballenger	Bono	Chenoweth
Barcia	Borski	Christensen
Barr	Boucher	Chryslers
Barrett (NE)	Brewster	Clement
Barrett (WI)	Browder	Clinger
Bartlett	Brown (CA)	Coble
Barton	Brownback	Coburn
Bass	Bryant (TN)	Collins (GA)
Bateman	Bunning	Combest
Bentsen	Burr	Condit
Bereuter	Burton	Cooley

NOES—87

Abercrombie	Campbell
Becerra	Clayton
Beilenson	Clyburn
Bonior	Coleman
Brown (FL)	Collins (MI)
Brown (OH)	Conyers
Bryant (TX)	Coyne
Bunn	de la Garza

Dellums
Diaz-Balart
Dicks
Dingell
Doggett
Engel
Evans
Fattah

NOT VOTING—12

Clay	Moakley	Stokes
Collins (IL)	Radanovich	Studds
Dornan	Rose	Waters
Johnston	Stark	Wilson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§32.25 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. INGLIS, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, 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.

§32.26 PROVIDING FOR THE CONSIDERATION OF H. R. 125

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-490) the resolution (H. Res. 388) providing for consideration of the bill (H.R. 125) to repeal the ban on semi-automatic assault weapons and the ban on large capacity ammunition feeding devices.

When said resolution and report were referred to the House Calendar and ordered printed.

§32.27 SUBMISSION OF CONFERENCE REPORT—S. 4

Mr. CLINGER submitted a conference report (Rept. No. 104-491) on the bill of the Senate (S. 4) to grant the power to the President to reduce budget authority; together with a statement thereon, for printing in the Record under the rule.

§32.28 FURTHER DOWNPAYMENT ON A BALANCED BUDGET

On motion of Mr. LIVINGSTON, by unanimous consent, the bill (H.R. 3019) making appropriations for fiscal year 1996 to make further downpayment toward a balanced budget, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. LIVINGSTON, it was,

Resolved, That the House disagree to the amendment of the Senate and