

supply disruptions, economic problems, and threats to our national security.

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.

□ 1142

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 Tuesday, March 19, 1996, amendment No. 5, printed in part 2 of House Report 104-483, offered by the gentleman from Washington [Mr. TATE], had been disposed of.

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. 3 offered by the gentleman from California [Mr. BEILEN-SON]; amendment No. 4 offered by the gentleman from Florida [Mr. MCCOL- LUM].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BEILEN-SON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. BEIL- ENSON], 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 amend- ment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic de- vice, and there were—ayes 120, noes 291, not voting 20, as follows:

[Roll No. 71]

AYES—120

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
de la Garza
DeLauro
Dellums
Diaz-Balart
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse

Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kolbe
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Matsui
McCarthy
McKinney
McNulty
Miller (CA)
Mink
Mollohan
Moran
Nadler

Neal
Oberstar
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roybal-Allard
Sabo
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaghter
Stark
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Maloney
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey

Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton

Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torrice
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—291

Allard
Andrews
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Biley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble

Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Deutsch
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geran

Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kelly
Kennelly
Kim
King
Kingston
Klecicka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin

Collins (IL)
Durbine
Hayes
Hostettler
Johnston
Kasich
Kennedy (MA)

NOT VOTING—20

Meehan
Minge
Moakley
Olver
Porter
Pryce
Radanovich

□ 1203

Messrs. BONO, THORNBERRY, BARR of Georgia, and HOLDEN, Mrs. MALONEY, and Messrs. BALDACCI, WARD, and LATHAM changed their vote from "aye" to "no."

Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. FLAKE, NEAL of Massachusetts, GENE GREEN of Texas, and KENNEDY of Rhode Island changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. MCCOLLUM

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. MCCOL- LUM] 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 amend- ment.

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 191, noes 221, not voting 19, as follows:

[Roll No. 72]

AYES—191

Ackerman	Frost	Mink
Andrews	Galleghy	Molinari
Baker (CA)	Ganske	Mollohan
Baker (LA)	Gejdenson	Montgomery
Baldacci	Gekas	Moorhead
Barr	Gephardt	Moran
Barton	Geren	Murtha
Bass	Gibbons	Myrick
Bateman	Gilchrest	Nadler
Beilenson	Gillmor	Neal
Bereuter	Gilman	Norwood
Berman	Goodlatte	Obey
Bilbray	Goss	Orton
Bilirakis	Graham	Packard
Bishop	Greenwood	Pallone
Bliley	Gutknecht	Pelosi
Blute	Hall (TX)	Peterson (FL)
Boehrlert	Harman	Peterson (MN)
Boehner	Hastings (WA)	Pomeroy
Bono	Hefner	Quillen
Boucher	Hobson	Rahall
Browder	Hoekstra	Rangel
Brown (CA)	Holden	Reed
Bryant (TN)	Horn	Riggs
Bryant (TX)	Hunter	Rogers
Burr	Hyde	Rohrabacher
Calvert	Istook	Roth
Campbell	Jackson-Lee	Roukema
Canady	(TX)	Royce
Castle	Johnson (SD)	Sabo
Clayton	Johnson, E. B.	Salmon
Clement	Kanjorski	Saxton
Clinger	Kaptur	Schiff
Clyburn	Kelly	Schroeder
Coble	Kildee	Schumer
Condit	Kim	Seastrand
Cramer	Klink	Shays
Cunningham	Kolbe	Shiskly
Danner	Lantos	Skelton
Deal	Largent	Smith (NJ)
DeFazio	Latham	Smith (TX)
DeLauro	LaTourrette	Stenholm
Deutsch	Leach	Tanner
Dicks	Levin	Tauzin
Dixon	Lightfoot	Taylor (MS)
Doggett	Lincoln	Thurman
Doyle	LoBiondo	Torkildsen
Dreier	Lowe	Torricelli
Duncan	Maloney	Traficant
Edwards	Manton	Upton
Ehlers	Markey	Vento
Ehrlich	Martinez	Volkmer
Eshoo	Martini	Waldholtz
Ewing	Mascara	Walsh
Farr	Matsui	Ward
Fawell	McCollum	Waxman
Fields (LA)	McHale	Weldon (PA)
Foley	McHugh	Weller
Fowler	McKeon	Wicker
Fox	McKinney	Wilson
Frank (MA)	McNulty	Wolf
Franks (CT)	Meyers	Young (AK)
Franks (NJ)	Mica	Zeliff
Frelinghuysen	Miller (CA)	Zimmer

NOES—221

Abercrombie	Brown (FL)	Coleman
Allard	Brown (OH)	Collins (GA)
Archer	Brownback	Collins (MI)
Army	Bunn	Combest
Bachus	Bunning	Conyers
Baesler	Burton	Cooley
Ballenger	Buyer	Costello
Barcia	Callahan	Cox
Barrett (NE)	Camp	Coyne
Barrett (WI)	Cardin	Crane
Bartlett	Chabot	Crapo
Becerra	Chambliss	Cremins
Bentsen	Chapman	Cubin
Bevill	Chenoweth	Davis
Bonilla	Christensen	de la Garza
Bonior	Chrysler	DeLay
Borski	Clay	Dellums
Brewster	Coburn	Diaz-Balart

Dickey	King	Roemer
Dingell	Kingston	Roy-Lehtinen
Dooley	Kleczka	Roybal-Allard
Doolittle	Klug	Sanders
Dorman	Knollenberg	Sanford
Dunn	LaFalce	Sawyer
Emerson	LaHood	Scarborough
Engel	Laughlin	Schaefer
English	Lazio	Scott
Ensign	Lewis (CA)	Sensenbrenner
Evans	Lewis (GA)	Serrano
Everett	Lewis (KY)	Shadegg
Fattah	Linder	Shaw
Fazio	Lipinski	Shuster
Fields (TX)	Livingston	Skaggs
Filner	Lofgren	Skeen
Flake	Longley	Slaughter
Flanagan	Lucas	Smith (MI)
Foglietta	Luther	Smith (WA)
Forbes	Manzullo	Solomon
Ford	McCarthy	Souder
Frisa	McCrery	Spence
Funderburk	McDade	Spratt
Furse	McDermott	Stark
Gonzalez	McInnis	Stearns
Goodling	McIntosh	Stockman
Gordon	Meek	Stump
Green	Menendez	Stupak
Gunderson	Metcalf	Talent
Gutierrez	Miller (FL)	Tate
Hall (OH)	Morella	Taylor (NC)
Hamilton	Myers	Tejeda
Hancock	Nethercutt	Thomas
Hansen	Neumann	Thompson
Hastert	Ney	Thornberry
Hastings (FL)	Nussle	Thornton
Hayworth	Oberstar	Tiahrt
Hefley	Ortiz	Torres
Heineman	Owens	Towns
Herger	Oxley	Velazquez
Hilleary	Parker	Visclosky
Hilliard	Pastor	Vucanovich
Hinchey	Paxon	Walker
Hoke	Payne (NJ)	Wamp
Houghton	Payne (VA)	Watt (NC)
Hoyer	Petri	Watts (OK)
Hutchinson	Pickett	Weldon (FL)
Inglis	Pombo	White
Jackson (IL)	Portman	Whitfield
Jacobs	Poshard	Williams
Jefferson	Quinn	Wise
Johnson (CT)	Ramstad	Woolsey
Johnson, Sam	Regula	Wynn
Jones	Richardson	Yates
Kennedy (RI)	Rivers	Young (FL)
Kennelly	Roberts	

NOT VOTING—19

Collins (IL)	Meehan	Rose
Durbin	Minge	Rush
Hayes	Moakley	Stokes
Hostettler	Olver	Studds
Johnston	Porter	Waters
Kasich	Pryce	
Kennedy (MA)	Radanovich	

□ 1215

The Clerk announced the following pair:

On this vote:

Mr. RADANOVICH for, with Mr. PORTER against.

Messrs. NETHERCUTT, JEFFERSON, CHRYSLER, GONZALEZ, and TOWNS changed their vote from "aye" to "no."

Mr. FOX of Pennsylvania, Ms. MCKINNEY, and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 6.

Amendment No. 6 will not be offered.

It is now in order to consider amendment No. 7 printed in part 2 of House Report 104-483.

AMENDMENT NO. 7 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATHAM: At the end of subtitle D of title III insert the following new section:

SEC. 365. AUTHORITY FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE IN DEPORTATION.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding after subsection (e) the following new subsection:

"(f)(1) The Attorney General may deputize any law enforcement officer of any State or of any political subdivision of any State to seek, apprehend, detain, and commit to the custody of an officer of the Department of Justice aliens subject to a final order of deportation or exclusion under this Act, if—

"(1) actions pursuant to such deputization are subject to the direction and supervision of an officer of the Department of Justice;

"(2) any deputization, its duration, an identification of the supervising officer of the Department of Justice, and the specific powers, privileges, and duties to be performed or exercised are set forth in writing; and

"(3) the Governor of the State, or the chief elected or appointed official of a political subdivision (as may be appropriate) consents to the deputization.

"(2) No deputization under this subsection shall entitle any State, political subdivision, or individual to any compensation or reimbursement from the United States, except where the amount thereof and the entitlement thereto are set forth in the written deputization or where otherwise explicitly provided by law."

The CHAIRMAN. Pursuant to the rule, the gentleman from Iowa [Mr. LATHAM] and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from Iowa, Mr. LATHAM.

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

Mr. Chairman, I rise today to offer this amendment in remembrance of Justin Younie, the 19-year-old son of Rick and Vicki Younie, who was brutally attacked, stabbed, and murdered in the small Iowa town in which he was born and raised. Justin's killers were illegal aliens to our country, our State, and to the quiet community of Hawarden.

While Justin's murder is the real tragedy from that night, many in the community were further incensed that the crime was committed by illegal aliens. In fact, one of his attackers had been through the deportation process with the Immigration and Naturalization Service.

Just as in Hawarden, many communities are fighting an increasing battle of illegal immigration. Local law enforcement agencies are understandably frustrated by this problem because there is legally nothing that a State or local law enforcement agency can do about a violation of immigration law other than calling the local INS officer to report the case.

State and local officials are further frustrated when a deported illegal alien reappears in their jurisdiction. The only recourse in this scenario is to again call the INS office and wait.

I offer this amendment today to empower State and local law enforcement agencies with the ability to actively fight the problem of illegal immigration.

My amendment will allow State and local law enforcement agencies to enter into voluntary agreements with the Justice Department to give them the authority to seek, apprehend, and detain those illegal aliens who are subject to an order of deportation.

By allowing—not mandating—State and local agencies to join the fight against illegal immigration, we will begin to slow down the revolving door at our country's borders, and will hopefully prevent tragedies such as the incident in Hawarden, IA.

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

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. BECERRA. Mr. Chairman, I seek time in opposition.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 20 minutes.

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

Mr. Chairman, let me first begin by saying that for anyone who has lost a member of the family as a result of some crime or has at the hands of someone committing criminal activity suffered harm or injury, let us all say that we are in grief for that individual and that we should express grave concern and take action to ensure that those types of criminal activities do not occur and that people are not hurt or injured.

There is nothing wrong with trying to use our law enforcement capacity, whether at a Federal, State or local level, to try to ensure that our citizens are able to live in safety and in harmony. But this amendment takes a step beyond that, and it does not just talk about making sure we have proper, safeguarded law enforcement activity. It actually breaks the ground of what we have had in this entire country of jurisdictional responsibility for law enforcement in the hands of our various law enforcement authorities.

Your never find the FBI, you never find the border patrol, trying to give someone a speeding ticket for speeding. You do not find the California Highway Patrol or any other State's highway patrol trying to enforce national immigration law. And that is because those are separate and distinct activities.

A California Highway Patrol officer is trained to know what the laws on the roads are, to be able to handle situations that occur on the road. A police officer is trained to deal with all the different types of activities he or she may encounter on the streets of his particular city.

A law enforcement officer with the border patrol is taught and trained on how to conduct himself and to be able to deal with the situation along the border and in the interior of our country when it comes to apprehending those who might be in this country without permission or those who are violating our Federal immigration laws.

But to now break those clear lines of division would have us allow a local law enforcement officer do the work of a Federal law enforcement officer. This amendment does not say that the local law enforcement officer has been trained on the laws of border enforcement or that that individual has been trained to deal with activities involving border enforcement or immigration law enforcement.

It is something that for the longest time this country has tried to avoid. Even recently in the last couple of years, we have seen how even Members of Congress here have expressed grave concern in expanding the powers of certain agencies, whether it is the ATF or the FBI or any other law enforcement agency. We even see at a local level how our police commissions and other agencies that oversee our law enforcement authorities are trying to ensure that, one, they have the capacity and resources to conduct the activity in their jurisdiction as law enforcement authorities, and, two, that they remain within the bounds of their jurisdiction.

This amendment breaches that jurisdictional limit. I believe it will lead to situations where we have people who are not trained to do the work doing the work beyond their capacity as local law enforcement trying to do Federal enforcement activities.

I must say as someone who is a member of an ethnic minority, it disturbs me when I hear that we will now have people who are not trained to do a specific type of law enforcement work out there doing something which has in the past caused harm, injury, and discrimination against certain classes of individuals.

I would urge Members to look closely at the amendment. I think it is well-intentioned. I think the gentleman is trying to deal with a situation out there in our country. But I do not believe at this stage we should be reaching the stage where we breach those very clear lines that have been delegated to our different law enforcement authorities from the Federal Government down to the local government.

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

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

Mr. Chairman, I would just like to make a couple of comments. This actually empowers the local law enforcement agencies. They are the ones who are out there every day in the small communities in Iowa. They know who is there illegally, under deportation orders, that they are criminals, and they are in the front line of law enforcement. That is why I think this is not an extension of the Federal control, but it is empowering us locally. That is why it is so important.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Iowa [Mr. LATHAM]. I offered a similar amendment last week in the House to the ef-

fective death penalty bill, and it was adopted.

Mr. Chairman, if our State is illustrative of anything, it is that illegal immigration is seriously out of control. Consider these statistics that the California Department of Justice has provided. Ninety-eight percent of all illegal immigrants who are deported for committing felonies in California will eventually return to the State. Of that number, 40 percent will commit crimes again.

I pointed out last week and I just observe again, we are seeing this in rural America as well. Indeed, the first drive-by shooting in a rural town in my district was committed by an illegal alien. He was convicted and served his sentence, and within one week after he was deported, he was back in the country.

Now, it turned out that he committed another crime. Interestingly enough, the local law enforcement officer had apprehended this individual before the second crime was committed, but he could not hang onto him because, and I find this amazing, I do not think most people really realize this, even if you are a criminal alien not entitled to be in the United States, if a local law enforcement officer discovers that, the Federal law does not allow this individual to be held. All the local law enforcement can do is call up the INS and notify them that they have observed this individual in the area and say where they saw him, and that is it.

Well, the INS is overwhelmed right now, Mr. Chairman, with problems related to illegal immigrants. It seems absurd to me that the Federal law precludes law enforcement from dealing with this situation when they discover it.

The amendment of the gentleman from Iowa [Mr. LATHAM], which I am proud to be a cosponsor of, will give them the tools that they need to deal with this. It does not require anything. Only if the local law enforcement wishes to assume this responsibility may they under the provisions of this bill.

But the fact of the matter is in the illustration that I gave, had local law enforcement had this power thanks to the amendment of the gentleman from Iowa [Mr. LATHAM], then this individual could have been detained right then when they found him, instead of being released, where he then went and committed a new crime. We all know that this country is awash in crime as it is, and maybe this points to one of the reasons, because our laws in certain respects are not as strong as they ought to be.

So I think this is an amendment whose time has really arrived, and I would strongly urge support for the Latham-Doolittle amendment.

Mr. BECERRA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleague for yielding me time, and especially for his leadership on this issue. I am trying to understand this amendment, and certainly I think all of us come to this issue of immigration and the question of illegal and legal immigration hopefully with somewhat of an open mind, but with a sense of fairness.

□ 1230

Mr. Chairman, I heard the gentleman who just spoke cite crime statistics. I would like us to look at that, because we are told and we have documentation by the Justice Department, FBI, and many local law enforcements that indicate that over the last couple of years, crime has gone down. One of the reasons it has gone down, of course, is the proponents and supporters of community-oriented policing, which combines prevention along with law enforcement. It means that our law enforcement officers on the local level can be focused on dealing with local crime issues and becoming part of the community.

I think this amendment may have good intentions, but it certainly is paved wrongly and the road goes in the completely wrong direction. This is not the direction we should send local law enforcement, to make them the entrappers of individuals who may look different or speak a different language. They have worked very well with the INS, the Border Patrol, and others in the local communities. But it is perfectly obvious that if anyone in a local jurisdiction is committing a crime, that local law enforcement can, in fact, act upon that crime. They can arrest that person. They can take him down to jail. The person can be indicted. That crime can be stopped.

Mr. Chairman, why should we engage local law enforcement officers in jobs they really do not want to be involved in? They have the responsibility of bringing law and order to a community, safety to a community. They need to do that job. It is the same unnecessary burden that we might put on teachers in our public school system for them to point out some young child who may be an illegal as they may perceive it.

We force them to do a job that is not theirs. This amendment forces local law enforcement, sheriffs and constables and police officers, to do a job that is not theirs.

Mr. Chairman, as someone who has participated in local government and worked extensively with our local law enforcement, supporting them through safety measures in terms of real gun laws that protect them against assault weapons, someone who has been a strong proponent of community-oriented policing and prevention activities, I know how important it is for local law enforcement to establish

trust with all of the ethnic and minority groups and communities in their cities. In particular, our large cities, like a Houston that has a multicultural community, it is important that those communities who speak a different language realize that when the police come, they are there to enforce the universal laws and prevent crime against those citizens, and anyone who is doing a crime will be arrested.

It is dangerous to put immigration authority in these local law enforcements so that they cannot do their real job, which is to protect those communities and protect the larger communities and to engender trust in the community so that they can get the job done. I appreciate the direction of the gentleman, however, I think it is the wrong direction. I think we are doing wrong on behalf of our local law enforcement to burden them with this responsibility, and I think we are also endangering our ethnic and minority communities across the Nation who want to work cooperatively with the police.

Mr. Chairman, I yield back and I ask Members not to support this amendment.

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

Mr. BILBRAY. Mr. Chairman, I would like to just sort of comment to the fact that I support this amendment. As somebody who has spent 20 years supervising law enforcement agencies, not just in local government but local government along the border, I must remind my dear colleague from Texas that this amendment does not make it mandatory that local law enforcement enforce the immigration aspect of the crimes that are being committed by illegal entering. It is voluntary.

Mr. Chairman, I want to remind my colleagues from both California and Texas we are talking about the commission of a crime. When somebody violates immigration law and comes into this country, they are not illegal only when they break another civil law, a local law enforcement, they are illegal because they have broken the laws of the United States.

It is, I just have to say, sort of interesting the fact that I do not know if my colleague from Texas or California are aware of things like the San Diego border task force, which is San Diego police officers patrolling the international border and getting in fire fights, gun fights with smugglers and other illegal activity that is related to the alien problem. I am not so sure that they have talked to the people that live along the frontier of this country and watch people jumping fences, violating their jurisdiction, but only being told that, well, this is a Federal issue and so local government should not be involved in the issue.

In fact, I would ask, Mr. Chairman, that some of these people may be inter-

ested in the fact that 2 years ago, while there was flooding along the Tijuana River Valley that citizens were told that their local law enforcement should not intervene and stop illegal aliens from walking through their areas while looting was going on because somehow this might violate the jurisdictional lines between the two.

Mr. Chairman, I would have to say to my colleague from California this is not an issue of the Federal Government encroaching out into the community. This is not an expansion of Federal jurisdiction. We are talking about the fact of doing what we talk about here, allowing the local community to contribute to the Federal effort. That is all we are saying, allow them to do it, Mr. Chairman. I strongly support the amendment.

Mr. BECERRA. Mr. Chairman, I yield myself 1 minute and 30 seconds.

In response to my friend from California, let me just say that the situation, the example that he cites, is one where currently we have the authority to do what is necessary to stop any looting activity, any violations that may occur in the neighborhoods of his community, my community, any community. We do not need to have the INS go out to any community if someone is looting a neighborhood. We do not need to have the INS go out if there is an individual that is breaking curfews. All those things are currently taken care of. What we are saying, however, is that we have to be very careful in having law enforcement try to do the work of the INS and Border Patrol officers.

If I can just cite for my colleagues' consideration at some point the reports by the Commission on Civil Rights, which has said that in the past there have been occasions when some very aggressive, zealous local law enforcement officials have actually detained people because of their foreign-looking appearance or because of their racial or ethnic appearance.

We have had instances where local law enforcement officials, believing they have the authority, have taken some of these measures without that authority and in fact caused the violation of certain rights that individuals have in maintaining their own privacy and being free of government intrusion, especially if they have committed no wrong. Just because one may look foreign does not mean one should be apprehended or stopped.

Those are some of the concerns that a number of communities have expressed with this legislation. Also, local law enforcement has expressed the concern of having the Federal Government allow the local governments to go into that particular field as well.

Mr. LATHAM. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I appreciate the concerns. I wish my colleague from California was worried about the civil liberties of the people

that are stopped by Federal agents, 70, 100 miles from the border, having their cars searched and being reviewed basically because Federal agents are now in our neighborhoods stopping all Americans. Frankly, if someone is going to stop and take a look at the immigration status, I think there is a level of comfort that, if we are going to have Federal agents doing it, it is not an intrusion on the community to allow, not to mandate but to allow local government to do the same.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong support of the amendment presented by my fellow Iowan. The Latham amendment would give State and local law enforcement officials authority to detain aliens violating deportation requirements in order to put them in the hands of proper INS authorities. This is in response to the brutal murder of Justin Younie in January 1995. Two illegal aliens stabbed Justin to death at a party in Hawarden, IA. These same individuals were also responsible for attacks on four others.

Mr. Chairman, I would like to express my deepest sympathies to the Younie family and the people of Hawarden for their terrible loss.

When we discuss the immigration problem plaguing our country, we immediately think of California, Florida, and Texas. What many may not realize is that this crisis also affects America's heartland. It is not just Miami, Los Angeles, and New York, but it is also Des Moines, Perry, and Hawarden.

Iowa is currently one of only seven States without an INS office.

For this reason, over the past year, I have been working diligently to get an INS office located in Des Moines, a centrally located office to help combat problems like this. A single INS office located in Nebraska serves all of Nebraska and Iowa. Federal immigration officials admit they are swamped and they cannot keep up with the increasing number of undocumented workers in these States. The director of Nebraska-Iowa INS says the number of noncitizens committing crimes is increasing at, quote, "an alarming rate," about 10 percent a year over the last 10 years.

One of the primary causes of this influx is that displaced migrant farm workers have found numerous employment opportunities in agribusiness located in Iowa. Jobs at Iowa meat packing plants continue to attract large numbers of migrant workers.

Mr. Chairman, the Latham amendment helps address the problem of the paucity of INS officers by giving local law enforcement officers authority to apprehend illegal aliens when the INS just is not there to do it.

For the Younie family, Iowa and our Nation, I urge Members to support the Latham amendment.

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

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, let us get down to brass tacks. What is this debate really about? There are those of us that really want to solve illegal immigration problems, and there are those that would like to keep it watered down and make sure that we do not have the resources to deal with illegal aliens. They would rather put their head in the sand than confront this vital issue to America.

We have been passing the costs on for illegal immigration down to State and local governments for years and years and years through our Federal mandates in requiring that certain services be provided for illegal aliens. Now that they have an opportunity to help us to get our hands, our arms around the problem, they want to say no. We are not mandating on to the States or the local community. We are simply giving them the opportunity.

Mr. Chairman, what this gets down to is that the other side would rather put its confidence in the Federal arm of law enforcement rather than the local arm, because they do not have confidence in the local arm of law enforcement. They believe that they are incompetent, that they cannot get the job done. We believe that local governments do a much more effective job. We would rather have them than those that brought us Ruby Ridge and Waco handling these types of affairs rather than the Federal Government ultimately. I think it would be a good idea.

Mr. Chairman, this amendment would allow the State and local government officials to apprehend and detain illegal aliens who are caught violating deportation orders. Currently these officials are allowed to notify the INS but not anything else. INS just does not have the manpower to apprehend the illegals that are flooding the border States, like Arizona, and would welcome the help from local law enforcement.

I have a citizen's task force composed of the chiefs of police from all over our valley of Phoenix, and they wholeheartedly endorse this measure. They believe they are competent law enforcement officials, and this would not run rampant over people's rights, as I think the other side who has no confidence in local law enforcement would allege.

Mr. BECERRA. Mr. Chairman, I yield myself 2 minutes to respond.

Mr. Chairman, I am disappointed that the gentleman would demean the debate here by saying that there are some of us who would rather see criminal activity run rampant and that we are not just as concerned as he is about making sure that everyone has a chance to live and work in safety. No one here wishes to have anyone worry about being assaulted or anything else having to do with criminal conduct.

What we are saying is that there are some legitimate concerns here. There

are people that I know who have been apprehended by law enforcement for improper reasons, and I want to make sure that that never happens. Do I have faith in the local law enforcement agencies that I know? Of course I do. I work very closely with them, both the Los Angeles Police Department, the LA County Sheriff's Department. They are very helpful in many activities that we work on together within our community.

To say that we are not interested in trying to reduce crime and to say that we do not trust our local law enforcement agencies, I think, just demeans this debate and gets us away from the substance of what we are trying to say.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

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

Mr. BERMAN. This may have been raised already, and if it is, I apologize. I see a potential for a problem in this in that we certainly do not want to discourage victims of violent crimes or robberies or burglaries from reporting their conduct to the police. I am a little concerned, if this were fully implemented, it may end up having serious crimes not reported, which will lead to criminals not being apprehended. So I just wanted to raise that particular issue, Mr. Chairman.

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

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Mr. LATHAM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have worked very closely with the gentleman from California, and I know that he does not support criminal activities and those kinds of things, and what I would say is that we are not having an attempt for police departments to take over the job of INS and Border Patrol. But I think, just like in the military, where the Air Force, and the Navy, and the Army, and the Marine Corps not working together, there is a detriment to what their goals are, and that is national security. The more that we can encourage the interoperability of INS, of DEA, of our police departments, and all our forces that are dedicated to securing our borders to making sure that crime is not illicit and running rampant in the streets, to stop the muling of drugs, we need to work together.

Let me give my colleagues a couple of classic examples. Down in San Diego I had an apartment house down in South Bay, San Diego, not even my district, but I go along on the San Diego police department drug ride-alongs. About 90 percent of the apartment was illegals, and INS would go in there and bust some of them, and they would get word, they would move out, they would not be there, and we knew that they were illegals. But yet San Diego P.D. could not go in there and bust those people.

We went into the place, and I mean it was so bad, the conditions, that it was unbelievable; I mean the filth, the debris, and I could see needles where druggers were using it. We would see a mattress where prostitutes were using it, and in the corner was a teddy bear, and yet we could not go in. There were violations, and it seemed like there were more rules to keep us from resolving the problem.

Mr. Chairman, that is the problem we are talking about, and we see potential problems.

We are fighting in California a monumental problem with illegal immigration, and we are trying to stop that. We look at the drugs coming across the flow, and on those drug ride-alongs, 99 percent have involved illegal aliens. American citizens that are dealing in drugs know that if an illegal is caught, then there is not as much penalty that is going to go to them versus if they are an American citizen.

So they use, I mean they use these people to sell the drugs, and they get busted, and it is a disaster in what is happening.

In shipping, we have ships coming in, and the preferred method of getting drugs now into the United States is with cargo because we cannot check all those containers. And we have police department, we have INS, we have Border Patrol with their dogs, all going through the containers from shipping. Now, this is not just our southern border, but coming in from all different countries, and they are working hand in hand to combat the problems that we have.

My wife is a principal in Encinitas, and we have many of the illegals living in the canyons, and yet the police department cannot go in there and bust or arrest these individuals. They are coming up at night, they are defecating on the lawn, they are using the water systems because they do not have showers down in the canyons, and the teachers are literally afraid to go into the classrooms at night and work with people in the school system.

If we cannot put and tie and make it legal to where all law enforcement agencies work together in an interoperability and not violate the rights of different people, I think that we can move in the same direction.

I wish I could get, as my colleagues know, the support of my friend from California because I know he is genuine in his interests. But we feel that every time we bring something like this up, that there is always a reason not to do it, and proposition 187, people from the gentleman's side, it is drastic, but we have a drastic problem and we are trying to solve it.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

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

Mr. BECERRA. Mr. Chairman, I appreciate the gentleman's words because I do wish to be able to work with him, and we have been able to work together

on other issues. The problem we have—

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired. Does the gentleman from Iowa yield further time?

Mr. LATHAM. Mr. Chairman, I yield another minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, the problem some of us have with the amendment, though, is it goes beyond what the gentleman just spent several minutes discussing, and that is the ability to go in there and detain and arrest someone who they know has committed wrongful activity, but actually allows now for law enforcement, local law enforcement, to seek out.

Now, my concern is how do we seek out someone who we believe might be an undocumented immigrant? How is a local law enforcement agency, do they have the information, unless they have been fully advised by the Immigration Service that they are doing some of these things?

Mr. CUNNINGHAM. Reclaiming my short time, Mr. Chairman, what we are asking is that our police department be allowed to work with Border Patrol, be able to work with INS, be able to work with those agencies so when they go in and help, that they can work in interoperability to resolve the problem. When there is violation of the law, we got somebody there that can really take care of it, and I do not believe that is asking too much. I thank the gentleman for the extra time.

Mr. BECERRA. Mr. Chairman, I yield myself a further minute.

Again, in response to what the gentleman said, if, in fact, there are these apartment complexes where there are needles laying around, if there is debris and filth, those are violations of our current State or local laws which would permit any local law enforcement agency to go in there, if for no other reason than to investigate. They would have the powers to do that. We would not have to wait for the INS to go in there and to do that.

So we have to be clear. And many times someone viewing this debate would say, well, why do these folks not want to let local law enforcement agencies uphold the law? That is not the case. Local law enforcement agencies currently have that authority.

What we are saying is, careful, we set up these boundaries for a reason. We should not break them unless we have compelling reasons. And when we have an amendment that says do not just help the INS apprehend people who are here as undocumented, but go out there and actively seek them out, that is a big concern. Because my father probably looks like someone who would be sought out, and I wonder what it would take to have a local law enforcement official say I better stop him.

And at the end of this debate I hope to be able to bring up one final example.

The CHAIRMAN. The Chair would advise the gentleman from Iowa [Mr. LATHAM] that he has 3 minutes remaining, and the gentleman from California [Mr. BECERRA] that he has 8 minutes remaining.

Mr. BECERRA. Mr. Chairman, I have no further requests for time that I am aware of, and I will reserve the balance of my time.

The CHAIRMAN. The Chair would also advise that the gentleman from California [Mr. BECERRA] does have the privilege of closing.

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

Mr. Chairman, first of all I would like to thank the chairman, the gentleman from Texas [Mr. SMITH], and his staff at the Subcommittee on Immigration Claims for all their assistance in drafting this amendment.

I would also like to thank the gentleman from California [Mr. DOOLITTLE] for his continued support in efforts to empower local law enforcement in the fight against illegal immigration.

I would also like to thank my staff, and especially Kate Coler, for working so hard on this amendment.

I just want to reemphasize this is a voluntary program where the INS, on a voluntary basis, with local law enforcement, or the State, join in an agreement, and whatever controls or restrictions put in that agreement, it is up to that agreement.

All we are saying is that the local law enforcement agencies should have an opportunity to work with INS, to be their eyes and ears out in the local communities. These people are on the frontline. These people are the ones who know if someone has violated a deportation order and is in their community under a criminal act by violating that order, and they should, in fact, have the power to detail, arrest, and transport that individual to INS so that they can be deported.

Quite honestly, we have to empower our local law enforcement. We cannot maintain this big control from a Washington base here, and this is what we should be looking forward to, have more people at the local level empowered to protect their communities.

Mr. Chairman, I move adoption of this amendment.

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

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

Mr. Chairman, as I believe I began with this debate, I would say again, I have no doubt about the gentleman's intentions and his good faith in trying to ensure that we do everything we can to make sure that law enforcement, whether local or Federal or State, has the opportunity to apprehend people who have committed crimes or who we strongly suspect of having committed a crime. And if the amendment, perhaps,

had been tailored a little narrower to deal with just that, then perhaps the objections being raised by some of us would not then be as strong.

Mr. LATHAM. Mr. Chairman, would the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I say this does apply specifically to individuals who are violating a deportation order. It is very narrow, very specific.

Mr. BECERRA. Mr. Chairman, I understand that, and I appreciate that the gentleman did narrow the amendment to that degree.

But it allows local law enforcement to seek out individuals. And the concern that some of us have is that by going beyond the ability to arrest or detain and actually go out there and proactively seek out individuals, there is a concern, and it lies on a couple of fronts. One, in local communities where we have large immigrant populations or large populations of individuals, as I mentioned, like my parents who might look or sound foreign, there is a concern that some officials within the local law enforcement agencies may be a little bit too zealous in their enforcement.

Now, if the gentleman is trying to ensure that all communities have the most effective law enforcement possible, the last thing we want to do is deter someone from wanting to report a crime, if he or she may have witnessed a crime, because they are afraid that the local law enforcement agent will be more concerned about the person's legal status than about what they witnessed.

The second matter is one that personally affected someone in the southern California area. This is an individual who happened to be driving home from work. He was in a pickup truck. He was dressed casually. He was pulled over, and in this case in fact, by the Immigration and Naturalization Service. He was pulled over, asked for identification. He was told that he would have to go with the INS officers for detention, and I believe that he did not have his particular identification on him except one form of identification, and that was his city badge that showed he was the mayor of the city of Pomona.

This was a gentleman from a city of about 95,000 people who was elected to be the mayor of the city of Pomona, and he was detained and was about to be taken in by these agents because they suspected that he might be undocumented.

Now, I grant that that is an isolated case that rarely occurs, and most individuals who are in our law enforcement agencies do their utmost to protect all of us, and we should appreciate that. But it does happen.

What we are saying is, careful, if there is a reason to breach that division, then let it be a compelling reason because local law enforcement agencies under current law are not prevented

from being able to enforce the laws to stop criminal activity. And Federal law enforcement agencies have every right to go into the situation, as was expressed by the gentleman from California [Mr. CUNNINGHAM], earlier of a situation where 90 percent of the people in a housing complex may be undocumented. If, in fact, they are undocumented, the INS should be up on top of that building in a minute, and if they are not, then we should be getting on the INS for not doing its job.

It does not require local law enforcement agencies to pull people off from patrolling the street and stopping folks who are committing other crimes to go out there enforcing the laws that the INS is supposed to enforce. We have the ability to let local law enforcement agencies protect the citizenry, make sure we are secure. And we have, and we should provide the INS the resources so they have adequate resources to put border patrol and law enforcement agents from the INS in the field to protect us from violations of our immigration laws.

So I would just say to the Members, please, consider what this is. I do not doubt, as I said, the intentions of the gentleman. I think, though, in practice, the intentions will not play out the way he believes, and there would be problems.

So I would encourage Members to oppose this amendment.

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

Mr. LATHAM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY].

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Chairman, I stand in strong support of this amendment.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Latham amendment, giving State and local law enforcement officials authority to apprehend immigrants violating deportation orders.

Giving this important authority to local law enforcement agencies will do more to increase the public's distrust of the law rather than to increase the effectiveness of immigration enforcement.

Our local law enforcement agencies are charged with the great responsibility of protecting citizens from crime. With this authority, the police will lose their effectiveness.

This amendment endangers the life and health of many people. A particular concern is the case of victims of domestic violence or spousal abuse. Women who fear the repercussions for their husbands or themselves will not venture forward to seek help or report abuse.

This provision also will serve to obstruct justice. Witnesses of violent crimes who fear deportation for themselves or someone close to them will choose not to come forward and cooperate with police because it would be too great a risk.

I urge my colleagues to vote against the Latham amendment, and allow our State and

local law enforcement officials to protect and serve within communities, rather to increase the fear.

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The CHAIRMAN. All time has expired on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Before putting the question, the Chair will make a brief announcement. The Chair must reiterate a portion of the Speaker's announcement of September 27, 1995, concerning the use of handouts on the floor.

In addition to meeting the standards of decorum, each handout must bear the name of the Member who authorizes its distribution.

The question is on the amendment offered by the gentleman from Iowa [Mr. LATHAM].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in part 2 of House Report 104-483.

AMENDMENT OFFERED BY MR. BRYANT OF TENNESSEE

Mr. BRYANT of Tennessee. 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. BRYANT of Tennessee: At the end of section 604(b), add the following: "Such procedures shall include, in the case of such an individual who is 18 years of age or older and not lawfully present in the United States, the hospital or facility promptly providing the Service with the individual's name, address, and name of employer and other identifying information that the hospital or facility may have that may assist the Service in its efforts to locate the individual."

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. BRYANT] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment that I believe fits with the philosophy of this Congress and of the American people. It certainly fits with the intent of H.R. 2202, which is to reform this country's immigration policy in the national interest, and I stress, in the national interest.

This amendment would do two things. First, it would require medical facilities to provide the INS with identifying information about illegal aliens who have received free emergency medical treatment from that medical facility which seeks reimbursement from the Federal Government. Second, it would waive this requirement in cases if the patient is a child under the age of 18 years old.

Currently, Mr. Chairman, this bill allows public medical facilities to seek to obtain Federal reimbursement for the cost of providing emergency medical services to illegal aliens. The bill

also requires medical facilities to confirm the patient's identity and immigration status with the INS as a condition of reimbursement.

Now, Mr. Chairman, we want to get around the argument right now that we are asking hospitals and medical providers to serve as policemen. Already they are required to obtain the patient's identity and immigration status in connection with the furnishing of this medical treatment.

My amendment simply takes the next step. It would require the medical facility, as a condition to obtaining Federal reimbursement from taxpayer dollars that we are pay in this country, it requires this medical facility to provide the INS with this information it already has; again, identifying information, such as the name, address, and employer of this person. Hopefully, this information will allow the INS to then come out and find that illegal alien and send that person out of the country.

Again, Mr. Chairman, this requirement would be waived if the patient, the illegal alien, is under the age of 18 years old. Also, Mr. Chairman, the requirement of information disclosure would only apply when the medical facility is actually seeking to obtain Federal reimbursement, again, from taxpayer dollars.

This amendment is intended to ensure that the INS receives the name, address, last known employer, and any sort of information that might be available on the illegal aliens. This information would certainly help them to locate these illegal aliens and enforce our immigration laws.

Let me state what this amendment does not do. It would not impose any additional paperwork burden on the hospitals or other medical providers. This information is already gathered, probably upon the patient's admittance, and certainly when the medical provider is ready to fulfill the bill's requirement of confirming the individual's immigration status when they seek to obtain Federal reimbursement from taxpayers' dollars. Further, this amendment would not pose any threat to the quality of medical care the illegal alien receives. This information disclosed is simply identifying information and not medical records.

Mr. Chairman, I believe the Federal Government should get something in return for its payment of taxpayer dollars. That something in this case is information that may help in the enforcement of our laws against illegal immigration.

Half of H.R. 2202 deals with cracking down on illegal immigrants. Opponents may argue that requiring disclosure of the patient's identity and location would deter illegal aliens from seeking medical care for fear of getting caught. I understand how a minor child of an illegal alien would be caught up in the middle of this situation and, therefore, my amendment does waive or exempt this disclosure requirement when the patient is under the age of 18.

However, when the injured person is an adult, he or she is fully responsible for their presence in this country. They are aware that they are here illegally, and they assume the risk all the time they are in this country of getting caught. Mr. Chairman, this argument with respect to adult illegals, that they would not seek needed medical care, certainly does not hold water. Illegal aliens need goods and services which they buy at public places where they could be caught, yet they go out and buy these. They often come into this country for jobs and use fraudulent documents to obtain jobs, and they take the risk of getting caught there.

Mr. Chairman, this amendment and this issue are not about a denial of medical care to illegal aliens. The bill already specifies that they may receive emergency medical services and public health immunizations, though the bill makes the illegal aliens ineligible for public assistance, contracts, and licenses.

We would never deny emergency medical care to another human being, even to a lawbreaker, but that is a separate issue. The issue here is that an illegal alien, healthy, sick, or injured, is still an illegal alien. Anyone present in the United States illegally is a lawbreaker, and should expect to suffer the consequences if caught. Mr. Chairman, an illegal alien assumes the risk of getting caught. If he is injured while here, it is merely incident to his unlawful immigration status.

Still, I think the national interest now, the national interest, is best served by helping the INS do a better job of catching these people who may be illegally in the country, to enforce our Nation's immigration laws. Certainly, hospitals would report an escaped criminal who came into the emergency room for treatment. We would expect a citizen to report a robbery in progress, and to tell the policeman the direction the robber ran and give a description of him. We call this civic duty.

Why would we not require such identifying information to be disclosed from an illegal alien when a facility is seeking reimbursement for having treated him from the Federal Government, from all our taxpayers in this country? Is that too much to ask of one who will receive Federal dollars? Surely the medical provider has an obligation to cooperate with the Federal Government if seeking these Federal dollars.

In closing, Mr. Chairman, I believe this amendment would further improve on an already very good bill, of which I am proud to be a cosponsor, and I urge the adoption of this amendment.

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

Mr. BECERRA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 10 minutes.

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

Mr. Chairman, again I must say that we have an amendment that sounds reasonable on its face, as something that we would want to make sure we could do to try to help curtail illegal immigration. And certainly the gentleman from Tennessee, whom I serve with on the Committee on the Judiciary, has always proven himself as someone who is interested in trying to do the right thing. Again, I do not doubt whatsoever that he is, again, attempting to do so.

This is an amendment that I know he had in committee that did not pass. It did fail in committee. I would say that the reason it failed was because, as the hospitals had expressed to us and as others have said, this would cause a dramatic chilling effect within our medical care system. What we would have is a situation where people may in fact not go for treatment or take a family member for treatment for fear of what would happen as a result of trying to approach a hospital.

Mr. Chairman, let me read from a letter which I will later submit for the RECORD. This is a letter from the Secretary of Health and Human Services, the Clinton administration in this letter indicating that it is opposing the Bryant amendment.

The letter from Secretary Donna Shalala says as follows:

While the administration strongly opposes undocumented immigration and supports the denial of means-tested government benefits to undocumented immigrants, the Bryant amendment would impose burdensome unfunded mandates on health care providers, seriously jeopardize the health of many U.S. citizens and legal immigrant children, and endanger overall public health.

The concern that the administration and others have expressed here, including hospitals, is that we would, in essence, chill the ability of health care providers to conduct the primary purpose of their being in our hospitals and our health care facilities, and that is, to provide medical assistance. What would happen in many cases is you would have to have these facilities acting as INS agents to try to find out if, indeed, the individual they are treating or are about to treat is here legally or is a U.S. citizen.

Mr. Chairman, I ask Members to take the example of someone, a friend, a relative in your family, who gets into a car accident and has to be rushed to a hospital. If a hospital looks at this individual and knows that it is under an obligation to do some reporting on status, immigration status of an individual, what will this hospital do or have to do in order to satisfy that requirement as it looks at a person who is seeking emergency medical care?

I would say that we are placing something that is of less importance—status—above health. I would hope that what we would do is first understand that the primary purpose of being a doctor, a nurse, a medical provider, is to be able to help those who are in need of medical assistance.

Mr. Chairman, this is an amendment that, again, it is difficult on its face to

argue against because it seems like this is something that could easily be done, but in practice, again, the effects will be very difficult, or will have a very dramatic effect on both the provider of the health care and the recipient, the prospective recipient, of the health care. I would say, as well-intentioned as I know the gentleman from Tennessee [Mr. BRYANT] is, I must stand in opposition to the amendment, and urge Members to vote against it.

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

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would pay the same compliment to the gentleman from California [Mr. BECERRA]. Again, I respect him a great deal, and he is certainly a strong spokesman for these issues of immigration. We simply have a disagreement here.

Mr. Chairman, I might say, in quick comment to the administration's letter saying this would be in effect an unfunded mandate, I would disagree with that position. Again, keep in mind what we are talking about here are public hospitals operated by the State who are seeking Federal reimbursement. They are seeking taxpayers' money, including their State and from the other 49 States, to help offset their costs. If they do not want to get into this business of trying to help us catch illegals in this country, then they simply do not have to seek that reimbursement. It is strictly voluntary.

Mr. Chairman, second, the hospitals would complain, and I would expect that, I guess, but they are already accumulating this information. They already have it. In fact, they must submit this information in order to claim reimbursement. We are just asking them to also send it over to the INS.

I would like to think, again, that there is some degree of civic duty left in this country. If we saw a crime committed, we certainly would report that. We do not even get any money for it. The hospitals are actually getting paid for this, so I certainly would hope that that would not be their real motivation for not wanting to abide by this type of amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. BRYANT] has 2 minutes and 30 seconds remaining.

Mr. BRYANT of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, in my district we had a gentleman named Fernando Pedrosa who came from El Salvador several years ago. He was a fine man, a wonderful human being, Fernando Pedrosa was a wonderful human being, but he had leukemia. By the time he died at a hospital in my district, hundreds of thousands of dollars had been spent. That is hundreds of thousands of dollars that he had never contributed to whatsoever.

We owe it to the people of the United States to see that this problem is dealt

with. We cannot have people coming in here from all over the world, no matter how wonderful they are, and they are good people, and getting cancer treated, getting leukemia treated, getting new kidneys, getting new hearts, whatever it is; and even if they are in an automobile accident, yes, they should be taken care of if it is an emergency. We are never going to throw someone out in that situation.

But if they are in this country illegally, I have no apologies, we have no apologies, that person should be treated for the emergency and then they should be sent home to their native country, because they are here illegally.

In Los Angeles, there was a breakdown in the Los Angeles County public health care system. It required a \$364 million bailout of our health care system in Los Angeles, mainly due to the fact that we have been treating so many millions of people who are in this country illegally. We cannot let this go on. We owe it to our own citizens to be responsible, and at the very least, we should say if people are being treated and the taxpayers are being given the bill, that the hospitals provide information to those who are trying to enforce the law so this problem does not get bigger and bigger and bigger. We do not want to encourage people to come from other countries here in order to get hundreds of thousands of dollars of medical treatment. This bill goes a long way. I compliment the gentleman from Tennessee [ED BRYANT] on his diligence and responsibility.

Mr. BECERRA. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my friend, the gentleman from California [Mr. ROHRABACHER], he probably is aware, as I am aware, that the only medical services that someone who is undocumented is entitled to are emergency services. Someone who goes in for leukemia treatment cannot go in and get this treatment and get it covered unless they are going in under an emergency. It is not an emergency if you are about to die in a year or in 6 months. An emergency is something where your life is in danger at the moment that you are going into the hospital.

□ 1315

So the situation the gentleman has just brought up, if it occurs, should not have occurred.

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

Mr. BRYANT of Tennessee. Mr. Chairman, I would simply make a point of order as to who has the right to close.

The CHAIRMAN. The Chair advises the gentleman from Tennessee that the gentleman from California [Mr. BECERRA] has the right to close.

Mr. BRYANT of Tennessee. Mr. Chairman, yielding myself such time as I may consume, I would just simply state that this is a very commonsense

measure. Again, the States that are at issue here are asking the other States in this country to spend taxpayer money to reimburse their public hospitals for this type of treatment.

Again, any type of immigration bill which is geared toward the national interest, the interest of this entire country, ought to respect this type of amendment and ought to agree to it. It simply just states that if we are going to help fund this type of treatment, then we ought to be able to be given the necessary information to locate these folks who are violating the laws of this country and to apprehend them.

I think it is a reasonable measure. I urge my colleagues to vote in support of this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY].

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Mr. BECERRA. Mr. Chairman, I yield myself 30 seconds.

Just for the purposes of edification for the Members here, let me read another paragraph from the letter from Secretary Shalala:

Under current law as well as under H.R. 2202, the only Federal public health benefits and services for which undocumented immigrants are eligible are emergency medical services, immunizations, and testing for communicable diseases. These exceptions are made to provide immediate protection for the seriously ill and to protect the public health from disease that may otherwise go untreated in the community.

The situation the gentleman from California [Mr. ROHRABACHER] raised cannot occur under current law. We do not need this amendment to address that. Therefore, we should not be misled by the mischaracterization by the gentleman from California.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 5½ minutes.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I have, I think, as consistent and as tough a record in trying to deal with the problem of illegal immigration as any Member of this House of either party. But there have been two exceptions that we have always made with regard to this question. One of them is emergency rooms, and the other has been education of children. They are critical exceptions and they are in the interest of the United States. They are not simply compassionate exceptions. They are exceptions that are in the interest of the United States.

As the gentleman from California [Mr. BECERRA] said a moment ago, this amendment deals with one narrow area only, and, that is, emergency rooms,

because that is the only kind of medical care to which an illegal immigrant is entitled. That is because we do not want anybody to be wandering around out there who has just been injured and not able to go get care in an emergency situation.

The fact of the matter is that this is in the law for the benefit of our public. Think about two things. First of all, if one has been to an emergency room anytime in recent years, he knows what a chaotic situation they are in. Our hospitals are understaffed, they are overworked, they have a great deal of difficulty just getting to the service of the patients that are there.

Imposing upon them the additional requirement of checking the papers of somebody who has just come in on a gurney or somebody who has just staggered into the emergency room needing assistance is outrageous. For that reason, the medical community has spoken out loudly against this amendment. They did so when it was presented in California in the form of proposition 187 and they have done so since.

I think we ought to ask ourselves also as Americans if it is not a departure from our normal basic view of our obligation to each other as human beings to discourage an illegal immigrant who has been in a car wreck or has suddenly been stricken by a heart attack or by any other emergency to tell them, "You better not go to the emergency room, because if you do they're going to give your name and address to the INS and you're going to be deported."

In every other instance we ought to do all we can to catch them and deport them if they are not here legally. In the instance of emergency rooms, it is cruel and wrong to do it.

We have tried to put together a bill here that leaves off the extremes of proposition 187 and leaves off whatever extremes might have been brought to the bill from the left, as well. This is an extreme from the right. It is wrong for our people, it is very bad for public health, it is a nightmare for hospitals, and it is flatly wrong, morally wrong, to have a system in place where somebody who has been badly injured cannot go and get treatment, is afraid to go and get treatment.

The sponsor says, "Well, this is different because it doesn't involve children." Members know very well that the word is going to go out to people that are here as undocumented aliens that "you can't go to the hospital because no matter what your reason for going, they're going to turn you in to the INS," and that is going to end up applying to children as well.

For goodness sakes, let us leave sacrosanct the two things that we have always made as exceptions to this whole debate, and, that is, education of children and emergency room treatment. I reiterate one more time, the law does not allow for medical care or any other public service to be extended to people

that are here illegally. The exception is education of children and emergency rooms. Emergency rooms is all that this amendment affects.

I strongly urge Members to vote down the BRYANT of Tennessee amendment, to vote with BRYANT of Texas and the gentleman from California [Mr. BECERRA]. Let us keep this bill in the middle and make it able to be passed. Do not add provisions to it that are going to cause Members not to be able to vote for it because it is just plain fundamentally, morally wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the BRYANT of Tennessee amendment, which would require public medical facilities to provide the Immigration and Naturalization Service [INS] with identifying information about illegal aliens who are over 18 years old that they have treated.

This amendment is a threat to public health. It will discourage sick people from seeking treatment, and healthy people from seeking preventative care. When this issue was presented in California in the form of proposition 187, the medical community was overwhelmingly opposed to it, on the grounds that it would place an undue burden on medical personnel.

This amendment will undermine immigration enforcement by undercutting the existing enforcement priorities of the INS. The INS is already overburdened. If enforcement personnel cannot move quickly enough to deport persons who have been convicted of crimes, it makes little sense to expect them to divert resources to follow up on reports made by medical clinics.

This amendment will be difficult and costly for medical facilities to implement. Under this provision, hospitals and medical clinics will be forced to go through extensive documentation procedures for everyone they treat. Medical personnel are not immigration experts. This amendment places unnecessary burdens on already overworked medical facilities and their personnel.

In addition, medical personnel are likely to be confused about immigration status and immigration documents. This confusion could lead to the harassment of U.S. citizens and legal residents. U.S. citizens often do not carry documents which prove their citizenship. Individuals who are mistaken for undocumented immigrants may be harassed when they seek medical care for themselves or their children. This will only contribute to a climate of fear which already negatively affects Americans whose appearance or speech leads others to mistake them as illegal aliens.

Mr. Chairman, I would hope that this country could address its immigration concerns without resorting to chasing immigrants in the emergency room and burying this country's medical personnel in paperwork. I urge my colleagues to defeat this amendment.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Bryant amendment, which would require public medical facilities to report cases of patients who appear to be undocumented.

This amendment risks lives, threatens public health, and harasses U.S. citizens and legal immigrants. Medical personnel have devoted their lives to treating and preventing illnesses. They cannot effectively perform their duties if they are constantly concerned with policing

their patients based solely on suspicion of undocumented status.

Medical professionals are also unable to perform their duties if patients who need their help are so fearful of being caught and deported that they neglect to seek treatment for serious or infectious disease. The spread of infectious disease could increase dramatically in this country because of this requirement.

Medical personnel are not immigration experts. Imposing this requirement on medical facilities would feed the climate of fear and xenophobia in this country. People who are mistaken for undocumented immigrants because of their appearance or their accent face the possibility of harassment when they seek needed medical care for themselves and their families.

When a person is ill or suffering, it is not appropriate or humane to ask him or her to brandish the necessary immigration documents prior to treatment. If we are to remain a country of compassion, I ask my colleagues to defeat this harmful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BRYANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BACERRA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] will be postponed.

It is now in order to consider amendment No. 9 printed in part 2 of House Report 104-483.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. 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 Ms. VELÁZQUEZ: Strike section 607 and redesignate the succeeding sections accordingly.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from New York [Ms. VELÁZQUEZ] and a Member opposed, the gentleman from California [Mr. GALLEGLY], each will control 10 minutes.

The Chair recognizes the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today every Member of this body has a chance to show their support for our children, not just immigrant children but U.S.-born children who are U.S. citizens. In a rush to show our constituents that this Congress can be tough on illegal immigration, something much worse has been achieved. This body is about to prove how harsh it can be, not on illegal immigration, but on American children.

These antichild provisions are contained in section 607, whose supposed purpose is to bar illegal immigrants from receiving benefits. I would like to remind my colleagues that illegal immigrants are already barred from receiving benefits by current law. The

only law this provision can claim to change is the 14th amendment of the Constitution.

The actual effect of section 607 would be to keep over 100,000 U.S.-born children from having full access to public aid programs. And as Republican Mayor Rudolph Giuliani of New York has stated, this section is "punitive and will result in enormous costs to State and local governments."

Mr. Chairman, our amendment fixes this problem by striking these provisions from the bill and allowing all U.S.-born children full access to benefits. If Members care about our children and about their constitutional rights, then vote "yes" on this amendment.

This section of the bill makes it virtually impossible for many American children to receive public benefits. It creates a two-tier caste system where U.S.-born children of immigrants are treated differently from the children of U.S. citizens. This ignores the premise of equal protection, a blatant violation of these children's constitutional rights.

This provision affects far more than just the children of undocumented parents. It also affects the U.S.-born children of legal permanent residents. These are American children of parents who work hard and pay taxes, who start businesses and create jobs. Under these provisions, they too would be unable to file for benefits on behalf of their U.S. citizen children.

If these provisions are not removed, Congress will create a costly and overburdened administrative system. Our children will be forced to choose between a bureaucratic nightmare or relying on the kindness of strangers. This surely is a recipe for disaster.

I am sure that everyone will agree that our No. 1 priority should be keeping children healthy and safe. But by preventing parents from filing for assistance on behalf of their U.S.-born children, we will be victimizing the most vulnerable members of society, our kids. By doing so, we will be devastating the future of our Nation.

Let us fix one of the worst problems of this legislation. Vote "yes" for the Velázquez/Roybal-Allard amendment and show that this Congress truly cares about protecting the constitutional rights and welfare of our children.

Mr. Chairman, I yield 5 minutes to my good friend, the gentlewoman from California [Ms. ROYBAL-ALLARD], the cosponsor of this amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Velázquez/Roybal-Allard amendment.

My colleague, Ms. VELÁZQUEZ, has ably highlighted the injustices to American children that will result from section 607.

I would therefore like to focus on an additional three compelling reasons to strike this section.

First, section 607 will create an administrative nightmare.

Under the equal protection clause of the U.S. Constitution, local govern-

ments will be required to provide services to American children whose parents have been deemed ineligible.

The result will be a tremendous administrative burden on local governments, who will be forced to create a huge bureaucracy to manage and allocate benefits for these citizen children.

Most likely this will be accomplished by instituting a costly guardianship system.

Local government agencies will be required to locate, screen, and appoint a guardian for these American children.

Furthermore, they will have to provide continued oversight to prevent fraud by these third-party guardians.

Second, it is important to note that there is no funding authorization provided under this bill for reimbursement to local governments.

Therefore, section 607 would impose a costly unfunded mandate at a time when States and local governments are already struggling with limited resources and expanded demands for services.

The Congressional Budget Office has estimated the cost of establishing the guardianship system to be approximately \$250 for each individual case.

Localities with large numbers of affected American children, such as Los Angeles County, will be forced to maintain thousands of guardianship case-loads.

And third, section 607 abandons Congress' earlier commitment to relieve States and local governments of Federal unfunded mandates.

If section 607 is not deleted, States and local governments will be forced to deny needy American children the benefits they are guaranteed as citizens under Federal statute and the U.S. Constitution or to divert already scarce social dollars from programs critical to the well-being of local communities.

Simply put, section 607 is a costly and an unworkable, unnecessary, unfunded mandate that serves absolutely no legitimate national interest.

We must not punish innocent American citizen children.

I urge my colleagues to vote for the Velázquez/Roybal-Allard amendment.

□ 1330

Simply put, section 607 is a costly and an unworkable, unnecessary, unfunded mandate that serves absolutely no legitimate national interest.

We must not punish innocent American citizen children. I urge my colleagues to vote for the Velázquez/Roybal-Allard amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment, which seeks to overturn a provision I sponsored during the Committee on the Judiciary markup of H.R. 2202. The basic idea behind my original amendment was that the Federal Government should, under no

circumstances, make benefit payments directly to those who we know are in this country illegally.

This is precisely what is happening today. When an illegal alien present in this country gives birth to a child who, under the 14th amendment, becomes an instant American citizen, the American citizen is eligible for a whole range of social benefits. Today these benefits are awarded directly to the illegal immigrant with the intention that she pass them on to her child.

While I believe that only a small portion of these Federal funds find their way to the desired recipient, I have a deeper problem with the status quo. I simply do not believe that the Federal Government should, under any circumstances, cut checks to those who have qualified for the aid by violating the laws of our Nation.

Approving the amendment before us today will do nothing but preserve the status quo and perpetuate the message we have issued all too often to those who violate our laws by coming here illegally. That message is clear. It is illegal for you to violate our borders, but if you somehow can successfully do so, then you can have whatever you want. It is illegal for you to break into a candy store, but if somehow you find a way to smash the door down and get inside, then by all means, clear the shelves with impunity.

I for one think this is wrong. I do not believe that we should reward those who break our laws and then remain here illegally with generous welfare checks. My feeling is that if we can find illegal immigrants to send them a check, we should find a way to provide bus service to return them to their homeland.

Supporters of this amendment say that we should not punish the children for acts of the parents, that isolating illegal immigrants from benefits many improperly receive will somehow separate families.

My response is that we are not trying to separate families under any circumstances. What we are trying to do is reunite the families and allow them to celebrate their status as legal residents of their respective countries and see that they be returned to their country of origin.

Mr. Chairman, I urge my colleagues to defeat this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 15 seconds to respond to some of the gentleman's remarks.

My amendment is not about letting undocumented immigrants receive benefits. It is about keeping the U.S. Congress from creating a two-tier system that puts U.S.-born children of immigrant parents in another category and children born to U.S. citizens in another category.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, our duty as Members of the House of Representatives is to uphold and defend

the Constitution of the United States. Sometimes this is not popular. If it were popular, we would not have to take an oath to uphold and defend the Constitution of the United States, but we do occasionally what we must, even when it is not popular.

It is not popular to stand up and say anything good in favor of the children of those who have come here illegally. But it matters as an issue of law and our Constitution that such children born here are American citizens. There is no debate on this issue. There is no dispute on this between both sides. Both sides have agreed these are American citizens.

Now, what do you do with the child who is an American citizen? The child cannot receive benefits except through the parent. There is no other way. You do not give benefits directly to children.

Accordingly, the bill as presently presented and without the amendment of the gentlewoman from New York would constitute a violation of the 14th amendment. It would deny to some citizens, on the basis of nothing they have done wrong, benefits to which other citizens are entitled.

Mr. Chairman, it is unconstitutional; we must vote against this policy and for this amendment.

Mr. GALLEGLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH], the chairman of our subcommittee.

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. BILBRAY. Mr. Chairman, I would ask, as I listened to my colleague from California, that my colleagues from all over the country recognize that for those of us that operated public assistance programs locally, this law, this amendment, is an amendment to mandate welfare fraud. You do not understand this. Let me correct you.

The fact here is if this mandate passes, you have somebody who is illegally in the country, who will be getting a public assistance payment only for their child; and the Federal law says that it is illegal for that person to work, it is illegal for that person to be in the country, and it is illegal for the parent to use the welfare check to support themselves.

This is what we run into in southern California many times. You have parents of legal citizens who are taking checks. It is illegal for them to work, it is illegal to support themselves with the check, and that, Mr. Chairman, is why in one study we found 75 percent fraud in this category, and the rest of it basically is obviously fraud because it is a catch-22.

So you are in a situation that when you say you are going to give illegal

aliens public assistance funds for their children, you are de facto either giving them money to support themselves in violation of the welfare law, or you are condoning the fact that they are working in violation of the law. They are not declaring income, which is a violation of their welfare status for their child. So what we have is a catch-22 in an absurd situation.

I know theoretically for the lawyers and the rest of them this thing should be handled a certain way. But I am telling you in practical application, common sense says that we should not have a Federal law that mandates fraud, and this amendment would encourage us to go back to a system that mandates welfare fraud.

Mr. Chairman, I ask that the amendment be defeated.

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from San Diego, CA, Mr. CUNNINGHAM.

Mr. CUNNINGHAM. Mr. Chairman, I would say to my friend from California, this is a system that is working backwards. We spend millions and millions of dollars in border patrol and INS and signs at the border saying "Do not come across." It is illegal to cross into this country illegally. It is illegal. But yet once they get here, we say once you have run that gauntlet, we are going to give you all kinds of services. That is an oxymoron in itself.

The American public is saying that we want a priority, we want a priority on American citizens for limited dollars, and our deficits are going up. We want priority on those that are legally immigrating into this country, that those services are being taken away from. We want priority for our chronologically gifted people, because they are taken away from Medicaid dollars and they are taken away from welfare dollars we are trying to get down to help those people.

It is working backward, and we are saying that has got to come to a stop. Illegals, if we can identify who they are, then we ought to give them a ticket out of here, out of this country. We ought to stop them at the border. If they are illegal in this country, I do not care if they are from China or Ireland, my national heritage, or whatever country, they ought to go back. The only thing they deserve is a ticket out of here.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, this is not about undocumented aliens, this is about children. How do we value American children?

Mr. Chairman, I yield 1 minute to the gentleman from California, Mr. BERMAN.

Mr. BERMAN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would just like to follow up on the points made by the two gentlemen from San Diego. First of all, as to the comments by the gentleman from California [Mr. BILBRAY], in theory there is a great deal of valid-

ity to what the gentleman says. But the notion that undocumented aliens, illegal aliens, are not here in this country working, is a fiction, because employer sanctions in their present state without verification is a fiction. So the notion that everyone who is here undocumented has children on AFDC is nonsense, pure nonsense. The GAO reported back in 1992 that 2 percent of the funds are going to the children of undocumented aliens, two percent of the funds. That puts it in perspective.

Remember what the gentleman from California [Mr. CAMPBELL] said. If you want to get to this issue, propose a constitutional amendment to change the 14th amendment. Do not create a big government, cumbersome, guardian process to deny U.S. citizens their rights. Change the Constitution which makes them citizens. I will fight it with every ounce of my energy, but that is the honest way to go.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds to respond to the remarks of the gentlewoman from New York, when she said this was not about illegal aliens, it was about children. That could be the furthest thing from the truth. This provision does one thing and one thing only: It denies anyone illegally in this country from being paid directly a check from the Federal Government. It says nothing about children; only that an illegal alien cannot receive a check.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, to my good friend from California I would say again, I know we have talked about these issues many times, and I know he is very sincere and has legitimate concerns. But I must go along with what my colleague from California [Mr. CAMPBELL] said earlier, and again reiterate: There is a Constitution in this country, and thank God for it, because over the years we have found that it has held us in good stead. As much as there is a concern in having someone as an adult who is not legally in this country going in to receive a benefit for a child who is a U.S. citizen, I must say to you that ultimately the Constitution says if you have a citizen, there is an entitlement to a particular benefit, a particular protection, and we should not start attacking the Constitution.

If we are going to attack the Constitution, let us remember why we are attacking it. In this case we are attacking it because we are attacking children. In this Congress, when we get to the stage where we are going after kids and penalizing them for the sins of adults, I believe that we have not only sinned against the Constitution, but, quite honestly, we have forgotten what our task is as Members representing this country.

□ 1345

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

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I think this debate highlights the fact that we have a serious problem in this country in terms of those who come into the country, give birth to children and citizenship being granted upon that birth and, obviously, it will require apparently a constitutional amendment. I think this highlights the necessity for that.

I think we have all seen situations in which we have heard the traditional description of bootstrapping your way into a benefit. This is booty-strapping. This is a situation in which, by virtue of the act of illegal entry on the part of a parent, the birth of the child gives the right to benefits from the taxpayers' coffers.

I rise in opposition to this amendment, and I think that it does highlight the fact that we have a situation of rewarding those who would violate our immigration laws.

I thank the gentleman for yielding time to me.

Mr. GALLEGLY. Mr. Chairman, I yield 30 second to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I must oppose the Velázquez amendment. This is under the category of if only the American people understood. With budget costs out of control, with so many American citizens not getting the benefits for which they logically and rightfully qualify, we have no alternative but to cut off these welfare payments. Besides, the law is the law. We define legal and illegal, then we should apply the law.

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

Mr. GALLEGLY. I yield 1 minute to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I agree with my colleague, the gentleman from California [Mr. BERMAN]. We do need a verification for employers, and we will be voting on that later today. But in the meantime, we make decisions here to cut spending both nationally and locally on programs that are important to all American citizens in this country. Now we have an amendment to pay tax dollars to people who have entered this country illegally. All I can say, Mr. Chairman, that is wrong, and we should oppose this amendment as it comes forward.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

We have heard the opposition claim that section 607 of the bill will keep illegal immigrants from receiving benefits. But current law already does that. The only thing that this section can claim to do is violate the Constitution and hurt children.

If what Members want to do is to deny benefits to kids, then amend the Constitution, then say that. If we here in Congress are concerned about our children and committed to protecting

family values, then vote yes on this amendment and protect the right of American children.

Mr. GALLEGLY. Mr. Chairman, I yield myself the balance of my time.

In closing, I would just like to say there have been a lot of things said here in the past few minutes, but, very simply put, this issue is very straightforward. The issue simply put is that we, as U.S. taxpayers, should not be using our Federal dollars to reward those that have illegally come to this country, broken the laws, and reward them with a welfare check.

Mr. Chairman, I ask my colleagues to join me in strongly opposing this amendment that would provide welfare benefits to those that have broken the law and illegally come to this country. Please vote no on this amendment and put sanity back into the bill where it was passed out of the full committee.

Ms. PELOSI. Mr. Chairman, I rise in support of the amendment by Representatives VELÁZQUEZ and ROYBAL-ALLARD, which would strike provisions in this bill prohibiting legal immigrant and citizens children from obtaining Government assistance through their parents if their parents are ineligible for benefits.

This provision is mean-spirited, unnecessary, and does nothing to advance immigration enforcement efforts. It also violate constitutional rights. Children born in the United States are entitled to equal protection under the law. Preventing U.S. citizens from obtaining benefits because their parents are ineligible violates equal protection laws.

This provision would necessitate State and local governments implementing a complex guardian system for children who already have capable, competent, and loving parents. This provision would not save money or improve enforcement efforts. The only purpose it would serve is a political one—making needy and hungry children an example because of the immigration status of their parents.

Children should not be held responsible in this debate. I urge my colleague to vote for the Velázquez/Roybal-Allard amendment and strike this provision from the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ], will be postponed.

The point of order of no quorum is considered withdrawn.

It is now in order to consider amendment No. 10 printed in part 2 of House Report 104-483.

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. 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. GALLEGLY: At the end of subtitle A of title VI insert the following new part:

PART 3—PUBLIC EDUCATION BENEFITS
SEC. 615. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

“TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

“CONGRESSIONAL POLICY REGARDING INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FOR PUBLIC EDUCATION BENEFITS

“SEC. 601. (a) Because Congress views that the right to a free public education for aliens who are not lawfully present in the United States promotes violations of the immigration laws and because such a free public education for such aliens creates a significant burden on States' economies and depletes States' limited educational resources, Congress declares it to be the policy of the United States that—

“(1) aliens who are not lawfully present in the United States not be entitled to public education benefits in the same manner as United States citizens and lawful resident aliens; and

“(2) States should not be obligated to provide public education benefits to aliens who are not lawfully present in the United States.

“(b) Nothing in this section shall be construed as expressing any statement of Federal policy with regard to—

“(1) aliens who are lawfully present in the United States, or

“(2) benefits other than public education benefits provided under State law.

“AUTHORITY OF STATES

“SEC. 602. (a) In order to carry out the policies described in section 601, each State may provide that an alien who is not lawfully present in the United States is not eligible for public education benefits in the State or, at the option of the State, may be treated as a non-resident of the State for purposes of provision of such benefits.

“(b) For purposes of subsection (a), an individual shall be considered to be not lawfully present in the United States unless the individual (or, in the case of an individual who is a child, another on the child's behalf)—

“(1) declares in writing under penalty of perjury that the individual (or child) is a citizen or national of United States and (if required by a State) presents evidence of United States citizenship or nationality; or

“(2)(A) declares in writing under penalty of perjury that the individual (or child) is not a citizen or national of the United States but is lawfully present in the United States, and

“(B) presents either—

“(i) alien registration documentation or other proof of immigration registration from the Service, or

“(ii) such other documents as the State determines constitutes reasonable evidence indicating that the individual (or child) is lawfully present in the United States.

If the documentation described in paragraph (2)(B)(i) is presented, the State may (at its option) verify with the Service the alien's immigration status through a system described in section 1137(d)(3) of the Social Security Act (42 U.S.C. 1320b-7(d)(3)).

“(c) If a State denies public education benefits under this section with respect to an

alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the alien is lawfully present in the United States, consistent with subsection (b) and Federal immigration law.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following new items:

“TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

“Sec. 601. Congressional policy regarding ineligibility of aliens not lawfully present in the United States for public education benefits.

“Sec. 602. Authority of States.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from California, [Mr. GALLEGLY], and a Member opposed, each will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. BECERRA. Mr. Chairman, I ask unanimous consent that we add an additional 20 minutes total time to the debate on this particular amendment, 10 minutes split evenly between those in support and those in opposition to the amendment. I do so in recognition of the fact that we have numerous speakers, too many to be accommodated with only the 10 minutes that are available.

The CHAIRMAN. The gentleman's unanimous-consent request is to extend the debate by 20 minutes to be split evenly by each side, therefore making debate time on each side 25 minutes; is that correct?

Mr. BECERRA. That is correct, Mr. Chairman.

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

Mr. GALLEGLY. Reserving the right to object, Mr. Chairman, I am not sure what the policy is, and I would ask for a parliamentary ruling. Is a unanimous-consent request in order for the purpose of extending the time period?

The CHAIRMAN. A unanimous-consent request is in order as long as the time would apply equally to each side.

Mr. GALLEGLY. Understanding that, Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. GALLEGLY], and a Member opposed, each will be recognized for 25 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

Mr. Chairman, I believe that most of my colleagues here share my view that the Nation's education system is in crisis. Classrooms are overcrowded. Teachers are in many cases overbur-

dened and resources are in short supply. Experts in the field agree that we are barely able to provide a basic education to American students today.

We know that there is a problem, but the body has historically refused to acknowledge the devastating effect of illegal immigration on our education system. This amendment would change that by giving States the option of denying free taxpayer-funded education to those with no legal right to be in this country. Last year, more than 40,000 Pell grants worth a combined \$70 million were awarded to illegal immigrants. It is estimated that California alone spends more than \$2 billion each year to educate illegal immigrants at the primary, secondary, and post-secondary level. New York spends \$634 million; Florida, \$424 million; Texas, \$419 million.

Mr. Chairman, the list goes on and on, but the dollars and cents are only part of the story. Equally important is the fact that illegal immigrants in our classrooms are having an extremely detrimental effect on the quality of education we are able to provide to the legal residents. When illegal immigrants sit down in public school classrooms, the desk, textbooks, blackboards in effect become stolen property, stolen from the students rightfully entitled to those resources.

I want to be very clear here. This amendment does not apply to the children of illegal immigrant who were born in this country and instantly became citizens under the 14th amendment to our Constitution. My amendment applies only to those who have themselves illegally entered this country or who have entered legally and then remained beyond the valid terms of their visa. In its 1982 decision in the case of Plyeler versus Doe, the Supreme Court ruled by 5 to 4 that States were required to provide a free education to all students, regardless of their legal status under the equal protection clause to the Constitution.

Many of my friends who oppose this amendment will invoke this constitutional mandate as justification for their opposition. But something that the defenders of the status quo ignore is that in the 1982 decision the court also ruled that Congress had failed to do its job. In the court's majority opinion, Justice William Brennan said Congress shared some responsibility for illegal immigrants occupying public schools. He wrote:

Faced with an equal protection challenge respecting the treatment of aliens, we agree that the courts must be attentive to the congressional policy. The exercise of congressional power might well affect the States' prerogatives to afford differential treatment to a particular class of alien.

Today the House takes up Justice Brennan on this invitation and exercises that power. Some will argue that we have a responsibility to educate illegal immigrants simply by virtue of the fact that they have successfully broken into our country. My feeling is

that an act of geography is not the same as an act of jurisprudence. Just because someone has busted through the front door, that does not entitle them to the contents of your home.

The promise of free education is only one of the magnets we hold up to those who would break our laws by violating our borders. It is clear to me that any solution to our immigration crisis must include an elimination of such incentives. Allowing our States to make their own decision on this education serves this purpose.

Mr. Chairman, this amendment has received strong endorsement of the Republican Governors Association, National Taxpayers Union and many others.

Mr. Chairman, illegal immigrants belong back in their countries of origin, and we should do everything possible to encourage them to embrace that simple truth. I encourage my colleagues to support this amendment.

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

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

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, as stated earlier when we debated the Bryant of Tennessee amendment, there have been two areas which we have always excepted from our hardline approach to trying to deal with the question of illegal immigrants. Those have been emergency room care and education of children. We have always done that.

It would be a tragedy if the Gallegly amendment were added to this immigration bill. We have tried to write a bill that deals constructively with the problems facing the country, that leaves off the extremes of the right or the left. This is one of the extremes of the right. This is a proposition 187 type proposal. It is not in the interest of the American people. It is not in the interest of our future as a country. It is absolutely illegal.

Mr. Chairman, the fact of the matter is that for good reasons the Supreme Court ruled a long time ago that we will not visit the sins of the father and the mother upon the children when it comes to the question of education. This bill should not contain a provision that does this even if it were constitutional, but it is not constitutional. It will not save anybody any money.

Bear in mind that, in order to implement the Gallegly proposal to let States deny education to little children who have no responsibility for their status at all, would mean that the schools would have to document the immigration status of every student in order to know which of those are in an undocumented status. The school systems do not have the money or the time to do this. The obvious impact on them is one that they do not welcome and do not need, and it is not in our interest.

Why would we want a population of children to be in this country not in school? What will they be doing if they were not in school? Well, certainly nothing that we want them to be doing.

This promotion of ignorance on the part of any category of immigrants is an outrage. These are children. We have exempted them from the efforts that we have made over the years to try to deal with illegal immigration, starting back in 1986. We should continue to do so.

Mr. Chairman, I want a tough illegal immigration bill. I am the cosponsor of this bill. But do not add these kinds of amendments that are unreasonable, illegal and not in the interest of the public.

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

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Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Gallegly amendment giving States the option of denying public education to illegal aliens.

As many of you know, in 1982 the Supreme Court ruled in Plyler versus Doe that, based on the 14th amendment to the Constitution which makes anyone born in the United States a citizen, illegal alien children are entitled to a public and secondary education. This has proved to be a powerful magnet or open invitation, if my colleagues will, to break the laws of this country.

However, last November, in ruling against California's proposition 187 which allowed California to deny public benefits to illegal aliens, a Federal judge said that the authority to regulate immigration belongs exclusively to the Federal Government. In other words, in the absence of Federal action, the State must provide public benefits, including education, to illegal aliens.

This amendment is entirely consistent with this decision. Through congressional action, each State would be able to decide whether or not it wants to divert resources away from educating the children of its hard-working taxpayers.

In the case of New Jersey, if the State chose this option this would mean having an additional \$150 million available to improve public education for the State's children of taxpaying citizens. These are the people who are paying taxes to fund State and local education services. Unfortunately, the additional \$150 million that could be going toward improvement in school programs and infrastructure to better our children's education is instead being spent on the children of illegal aliens. This is just plain wrong. Add to this the fact that New Jersey is straining to provide a change in funding that is putting in direct competition urban,

suburban, and rural school systems. We can not further strain our resources and community support by demanding that the children of illegals are being educated.

And, if a State is found to be in violation of the Constitution by denying public education to these children, then I would suggest that it might be time to explore a constitutional remedy to correct this problem.

Again, this comes under the category that if only the American public knew they would opt for this choice.

The Supreme Court made the wrong decision 14 years ago. The bottomline is that we are talking about illegal aliens, and they are not entitled to hard-working American taxpayer money when there is not even enough money to go around for the taxpayer.

Give States the option. Support the Gallegly amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILEN-SON].

Mr. BEILEN-SON. Mr. Chairman, I thank my friend for yielding this time to me.

I rise in opposition to the amendment offered by the gentleman from California [Mr. GALLEGLY].

With respect to illegal immigration, if I may say so, there are very few areas where the gentleman from California [Mr. GALLEGLY] and I disagree. We have worked together for several years on many of the issues that are addressed in this bill, but denying public education to the children of illegal immigrants would, in my opinion, be an ineffective and overly punitive way to try to stem the flow of illegal immigrants into this country.

Let me make two brief points about the amendment. First, the provisions of the bill itself, if enacted, will go a long way toward stopping illegal immigration at the border, and, even more importantly, reducing the lure of job opportunities. The denial of access of education for children here illegally, children who have not chosen themselves to break our laws, will not act as a further disincentive for illegal immigration. People cross our borders illegally in search of employment. The fact that they bring their children along is usually incidental.

Furthermore, supporters of this proposal often mention the cost to our school systems, and, of course, they, are substantial. But the societal costs, Mr. Chairman, of allowing States to deny public education to children are even greater. Such a policy would contribute to crime, to illiteracy, to ignorance, to discrimination. It would clearly run counter to the long-term interests of American communities and American society. Denying an education to any child, I think, is unwise and inhumane.

A second point is about this bill in general. Our colleagues from Texas, Mr. SMITH and Mr. BRYANT, have done an outstanding job in managing a frag-

ile bipartisan coalition in support of H.R. 2202. In addition, there are many of us on both sides of the aisle who have worked long and hard for legislation that deals thoughtfully with the problem of illegal immigration. It also makes meaningful reforms in our legal immigration system.

However, adoption of this amendment would make it very difficult for Members on both sides of the aisle who would otherwise do so to support this bill and, therefore, I think would seriously jeopardize our goal of passing substantial immigration reform legislation this year.

Mr. Chairman, for those reasons I ask our colleagues to oppose this amendment.

Mr. GALLEGLY. Mr. Chairman, may I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentleman from California [Mr. GALLEGLY] has 19 minutes remaining, and the gentleman from Texas [Mr. BRYANT] has 21 minutes remaining.

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

Mr. ROHRABACHER. Mr. Chairman, we are talking about the United States, the people of the United States, spending \$2 billion to educate illegal aliens just in California, \$634 million just in New York, \$424 million in Florida, and \$419 million in Texas. We are talking about \$70 million worth of Pell grants being given to illegal alien children.

Whose children do we care about? Why are we here? Who are we representing? We are supposed to care about the people of the United States of America. All of these children are wonderful children who have been brought here by illegal aliens. We care about them. But we have to care about our own kids first.

That is what this debate is all about. That is why we could never get through any illegal immigration legislation when the Democrats were in control of this body. We care about our children first, and we have no apologies about it. If we keep educating everybody in the world who can sneak across our border and bring their families, anybody who cares about their children throughout the entire planet will do everything they can possibly do to get their kids into our country, and who can blame them?

Mr. Chairman, they are wonderful people, they care about their children. We cannot afford to spend all of these billions of dollars, when our own education system is going broke, on educating the children of other people who are not citizens of the United States and have come here illegally. It makes no sense.

This amendment that the gentleman from California [Mr. GALLEGLY] is offering, is a salvation to Americans who want their kids educated, and know that their local communities are lacking the dollars to do so.

What makes sense; to keep subsidizing this education of illegal alien children and having more and more and more children come from all over the world? That makes no sense at all. Let us protect the people of the United States of America. Let us protect our own families and our own children. Let us educate those kids. Let us not spend all of our money on illegal aliens' children and then attract more and more here until our system totally breaks down.

Mr. Chairman, I support the amendment offered by the gentleman from California [Mr. GALLEGLY] wholeheartedly.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, if we have illegal children and illegal families in this country, it is our duty to deport the family and deport those who came here illegally. If we do not do that because we have not devoted enough resources to immigration and naturalization, then at the very least we should not impose the cost upon our States. It is a Federal failure that has led to this influx, and the Federal Government owes the States its support. But if both of these have not occurred, and that is the case today, we are left with children in this country.

Now in that world it is far better that those children be educated and be in school than that they be on a street corner or in a gang. The first best preferred outcome is, of course, that those who came here illegally be returned to the country of their origin with their children, and that would be constitutional to do because the children are under the custody of the parent. But we do not have the resources to do that. This bill does not give us the resources to do that. We are not hiring INS agents to expel every illegal family that is here.

So, Mr. Chairman, I put to my colleagues the essential tradeoff. Is it better to have such children in school, or kept out of school at the risk that their parents would be turned in to the Immigration and Naturalization Service? Are there gangs in Los Angeles waiting to recruit such children? Are there gangs in San Jose willing to recruit such children? Are there gangs in San Francisco and every major city of my State of California? Of course there are. If these children are here, we must educate them rather than have them be recruited, if those are our options.

Finally, I want to compliment the author of this bill, the gentleman from Texas [Mr. SMITH]. In the structure and fabric of his bill he exempted Head Start and school lunch programs. I surely appreciate his doing so, and he did it because he realized the importance of not having the termination of Federal programs that apply to education.

Mr. Chairman, it is inconsistent with the fabric of this bill to adopt the

Gallegly amendment. With reluctance, because of my high regard for the author, I urge a "no" vote on the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 brief seconds to respond to a couple comments of the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, the gentleman from California said far better to have the children in school than out in the streets and gangs. I could not agree with him more. He says that we do not have the resources, the financial resources, to incarcerate or deport these children. I would say, if we have the resources to educate, we should have the resources to deport.

Mr. Chairman, I yield 1 minute to the gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to comment to my colleague from California, too. We will hear the business community say that if the illegals are here, it is better if they have a job than to just be hanging around unemployed, and so there are always excuses for encouraging the violation of immigration law.

Mr. Chairman, my high school, Mara Vista, had many people coming to it that lived in Mexico, crossed the border and came to our high school. That was against the law, and it is against the law. But the absurdity of the Federal system, if we do not approve this amendment, is that it will be illegal to come into the country legally and go to a public school, but it will be legal to enter the country illegally, and then they have a guaranteed right to go to public education, and this is a \$1.5 billion price tag to the people of California.

Let me remind our colleagues, Mr. Chairman, this is not an issue that affects the rich, white people of this country. This is an issue that hits the school districts of the working class in this country. It is something that disproportionately is being placed on the working class school districts, and the Federal Government wants to put this mandate on and pay for the mandate totally. Do not ask the working class of this country to bear this responsibility.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Chairman, I rise to oppose this amendment because it is unconstitutional, runs counter to our Nation's commitment to the value of education, and is morally repugnant.

First, it violates the equal protection clause by granting States the option of denying undocumented children the same rights to a public education extended to other children residing in their States history documents the idiocy of challenging the constitutional and moral right of children to a free public education?

Second, 2 years ago, when the Congress reauthorized the elementary and secondary education act, we inserted the following statement of principle into that law:

That a high-quality education for all individuals and a fair and equitable opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

We did not qualify that principled position. We did not say that it applied to some children, and not to others; we did not say that it did not apply to undocumented children. We applied that statement to all individuals.

Finally, Mr. Chairman there is no moral currency in denying undocumented children an education. We have no right to use education as a tool to enforce our immigration laws. All we will succeed in doing is punishing innocent children for the transgressions of their parents. We have no right to impose responsibility for enforcement of our immigration laws on our schools. All we will succeed in doing is turning our teachers into de facto INS agents. We have to no right to point fingers at children and block their entrance to the schoolhouse. All we will succeed in doing is stigmatizing children and encouraging negative behavior.

In defense of our Constitution and our values, and for the sake of humanity and compassion, I urge my colleagues to oppose the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California [Mr. CUNNINGHAM], the distinguished chairman of the Subcommittee on Education that deals with our elementary education K through 12, who has been long-time committed to education.

Mr. CUNNINGHAM. Mr. Chairman, the teachers in San Diego County just recently went through a strike, and I think up in Santa Barbara they are going through a strike also. We have times when our State Colleges have to increase their tuition costs, and we look at less than 12 percent of the schools in this Nation have got a single phone jack, why we are trying to proceed into the 21st century and do what the President says, which I support, is getting the fiber optics and the computers and high-technology education into the system.

But quite often, when they argue for higher pay or classroom upgrades or even bond elections to extend taxes, they do not look and see why they do not have the dollars available. There are, just in the State of California, 800,000, 800,000 illegal children in our school system K through 12.

□ 1415

Take just half of that, just half, 400,000. At \$5,000 each to educate a child, and of course in New York it is much higher than that, that is \$2 billion a year. Take 5 years, that is \$10

billion with which we could upgrade all of our schools in California, we could pay teachers, we could hold down the cost of tuition. The school meals program, take two meals, not three. That is \$1 million a day for illegals.

Mr. Chairman, the vote, the very famous ruling by the Supreme Court, was based on a decision because Congress did not have a position on illegal immigration. What we are saying is that as of today, when this bill passes, we will have the congressional response for that court decision, and we prioritize American citizens and those that are coming into this country legally, and I think that ought to be the priority, not illegals.

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

Mr. Chairman, I would simply like to ask, we do not accept the figures offered by the gentleman from California [Mr. CUNNINGHAM], and I dispute them, but assuming that they were true, what would those kids be doing if they were not in school? Would they be on the streets, joining up in gangs, just withering away? How is that in the interests of the country?

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the chairman of the committee.

Mr. Chairman, as all of us know, a free public education is a hallmark of our American society. It is, indeed, an essential ingredient in the foundation of our diverse, and, yes, inclusive democracy. The Gallegly amendment would seek to deny a number of our children the opportunity to go to a free public education system. Why? Because their parents made a choice on behalf of their children. But the children did not choose to be in the United States illegally. They do not deserve, therefore, to be punished for the actions of their parents.

The assumption here, Mr. Chairman, is that there is a financial burden to the schools for having illegals in our system, but I would counter that the cost to us as a nation would be far greater by excluding these children from our schools. Schools would then assume a law enforcement burden that is both costly and counterproductive.

These children will not leave the United States simply because they are not in school. They will be, as all of our speakers pointed out, on the streets, joining gangs, left at home alone, for there is a price to be paid in terms of community health and community well-being, not to mention the harm to the children themselves.

Mr. Chairman, I urge my colleagues to reject this mean-spirited attempt that will hold children responsible for their parents' actions. They are the innocent ones in this battle. Let us not punish them for something they cannot control.

Mr. GALLEGLY. Mr. Chairman, I yield myself 30 seconds to respond to a couple of comments that the gentlewoman made.

First of all, the gentlewoman is a friend of mine, and I take some personal dissatisfaction with a comment made, "mean-spirited." As a parent of four and as someone who is a product of the city school system in Los Angeles, I am a strong supporter of public education.

But one of the comments that she made was that these people were not participants in the decisionmaking process. I would submit to her that there were 40,000 adults that came to this country last year, illegally to this country, and received Pell grants that cost this country \$70 billion. That was a decision they made, not their parents.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague, the gentleman from Texas, for yielding time to me.

Mr. Chairman, the concern I have about this amendment is the way it is drawn and the actual application when it is out in the schools. This amendment, I think, could create a violation of the Constitution, specifically the 5th and 14th amendments, and the equal protection. I think it sets up a good equal protection argument, that it gives the States the ability to decide, whether it is in Texas or California, New Mexico or Arizona. It think we would see that come back to the Supreme Court, and they would probably rule the same way they did on an earlier Texas case. The amendment would give the power of Congress to the States to decide whether they could deny that education to the children of illegals.

Mr. Chairman, the other concern I have is the procedure in the amendment. Again, I am trying to bring what we do on the floor down into what is going to happen into the Houston Independent School District, or the Alvin District, or any of the districts in the country.

A child may be a citizen, but their parents may be illegal. What is the procedure in this amendment to the affidavit that is going to be signed? Are the parents going to sign? That that child is entitled to an education because that child is a citizen, even though the parents may not be here legally. I think there are so many questions about this amendment that cause us concern. It would place an enormous burden on our educational system.

Mr. Chairman, we want teachers to be teaching. We want to take away some of the paperwork that is being required, not just by Federal law, but by State and local rules, and we want teachers to be teaching. What this amendment sets up is that our teachers

would be doing more administrative work than they should be. We want them to be teaching those children, because those are the problems we have with public education. The education is done in the classroom, and that is where it should be. We do not punish our small children by taking away their ability to get education.

Mr. Chairman, I thank my colleague for yielding time to me.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DREIER].

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I rise in strong support of the Gallegly amendment. I want to congratulate him for his hard work as chairman of the Speaker's task force on illegal immigration.

Mr. Chairman, there are many arguments that have been made very eloquently by a number of my colleagues in opposition to this. One of the points that has been made consistently by those who would oppose this amendment out in California is that as we look at people who have come into this country illegally, we have a choice of having them on the streets committing crime or in the classrooms; which would we rather have? Well, of course we do not want to have people on the streets committing crime. One of the major reasons that we are dealing with this legislation is to comprehensively reform, reform our law as it relates to illegal immigration.

We have amendments that I am pleased to say have passed and will go a long way toward dealing with that, but quite frankly, we need to recognize that this is not a mean-spirited amendment. This is an amendment that simply follows down the road that we have been pursuing over the past 15 months; that is, trying to allow State and local governments to have the opportunity to make decisions for themselves.

Clearly, the Plyler decision that was made in 1982 was a bad decision. I believe that as we look at this question, the cost that has been imposed by way of this unfunded Federal mandate on States has been overwhelming. The Urban Institute did a study for this administration. They found in looking at only seven States that the cost was over \$3 billion.

We obviously want to have the best educated people. I suspect there will be more than a few States who, when this amendment passes and becomes law, will make the decision that they want to continue to provide education to those who have come into this country illegally, but we should not be forcing them, through an unfunded Federal mandate, to do that. Unfortunately, that is what the Plyler decision has done. Fortunately, the gentleman from California [Mr. GALLEGLY], has been courageous enough to step forward and say that we need to make some kind of modification.

If we look at where we are headed, we are trying to decrease the magnet which draws people illegally into this country. There are a wide range of reasons they come in. Seeking family members, I remember the President of Mexico told me at one point, was the No. 1 reason; job opportunities, obviously, another very important reason. But the tremendous flow of government services is obviously another magnet which draws people illegally into this country.

We need to do what we can to encourage economic improvement, following President Kennedy's great line that a rising tide lifts all ships. We need to improve the economies of countries throughout this hemisphere, not through foreign aid but by engaging with them more through trade and other opportunities, so their economies will improve and people will not be encouraged to come across the border illegally. But if we continue to provide this magnet of more and more government service, we will be in a position where they will continue to flow.

Strongly, strongly support the Gallegly amendment. I hope my colleagues will jointly, in a bipartisan way, do it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I cannot believe what I just heard from the previous speaker. He referred to the problem of unfunded mandates. If he is so concerned about those unfunded mandates, why did he oppose my amendment in the Committee on Rules that would have required that for all refugees who come into this country, that the Federal Government assume the full cost of educating and training those refugees, rather than dumping those very same costs onto the local units of government?

I would also like to know why they refused to support the idea that we ought to have the Federal Government provide for the education costs, rather than dumping those costs, as we do now for legal refugees, onto the backs of local school districts. I know I am talking about legal refugees, as opposed to illegal immigrants, but the fact is every time a refugee is allowed into this country, that is a foreign policy decision made by the national Government. Why should local governments be stuck with meeting the costs of those foreign policy decisions?

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, one would think that we would not need an amendment like this in this bill. One would think that the law would already provide that if somebody is illegally in this country,

they would not be entitled to receive Government benefits; that they would, instead, once known, be required to depart from the country.

Unfortunately, we have a court decision that makes it necessary to enact this amendment to make very clear the will of the Congress that when someone is unlawfully in the United States, they are not entitled to Government benefits except under certain emergency circumstances that this bill provides for; for example, with regard to emergency medical care.

Mr. Chairman, this is a situation where we have already put into this bill a very fine amendment offered by the gentleman from California [Mr. COX] that enables local law enforcement authorities to be designated by the Attorney General of the United States to assist in the apprehension and the deportation process of removing people who have entered this country illegally, or have entered this country legally and have overstayed their legal admission period, and therefore are not entitled to be in the country any longer.

That authority, giving to local governments the ability to remove people who are in the country improperly, would contradict an amendment that says that nonetheless, if they are here illegally, they would be entitled to free public education.

We need to have local government working hand in hand with the Federal Government, and we need to make sure that we do not have magnets that draw people to this country, and free public education, free health care, other welfare benefits, are exactly the kinds of things that attract people to the country and cause them to violate our laws in entering the country. So I strongly support the position offered by the gentleman from California [Mr. GALLEGLY], regarding this issue, and I thank him for his efforts.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, putting aside the fact that this amendment appears to be unconstitutional, and also putting aside—for discussion purposes—whether it is good for our country to have an entire class of people who are likely to live here their whole lives who are uneducated, I would just like to mention those in my county that opposed this provision when we had this discussion in California a few years back: our Republican sheriff opposed it, our Republican district attorney opposed it, the police chief opposed it, and the Chamber of Commerce opposed it.

We know that most juvenile crime occurs between the hours of 3 p.m. and 6 p.m., when kids are out of school and their parents are still at work.

□ 1430

If we think we have trouble with juvenile crime now, try throwing several thousand kids out of school to hang

around all day long and get into nothing but trouble. That is why our police chief opposes this. I urge Members to consider that aspect of this very ill-advised and, I would say, mean-spirited amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 30 seconds to the gentleman from San Diego, California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, in the San Diego Union there was an article a few months ago that really pointed out the problem here. That is, there was a woman from the interior of Mexico who had actually taken the time to write three letters to the school district to make sure that her children could get a public education in the United States even if they were illegal. She could not believe it, so she waited three times to get an answer back that says, "If I bring my children here, from Mexico, do I have to show they're legally here?" And they said, "No, you have no problem at all getting them educated in this country." I think that is the message we must stop sending.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important as we look at this particular amendment to really ask where the impact will be felt.

First of all, I am very proud of the leadership in the State of Texas that has chosen not to make a whipping boy out of the children of immigrants, legal or illegal. In essence, this amendment does that. It ignores the Plyler versus Doe decision of the Supreme Court that says making access to education dependent on immigration status is a violation of the equal protection clause. It clearly makes armed guards out of principals and teachers.

It also says that rather than investing in children who are here, this in some way is going to prevent illegal immigration. That is not correct. What it simply does is create an unfunded mandate by requiring local jurisdictions now to scratch their heads and ask the question, what do we do with these children who need education? Ban them?

This is a bad amendment. It is bad for the future of America, it is bad for those who believe in education, and it certainly is bad for those who have to provide education to children in their communities.

Mr. Chairman, I rise in opposition to the Gallegly amendment which would allow States the option of denying education benefits to undocumented children. This amendment is unconstitutional. It is a direct attack on Plyler versus Doe, the Supreme Court decision which said that making access to education dependent on immigration status is a violation of the equal protection clause.

This amendment runs counter to the goals of American public education. Any State that

makes access to education dependent on immigration status would remove school employees from their traditional role as educators and turn them into quasi-INS agents. Financially strapped schools would be forced to shift scarce resources from teachers, books, and infrastructure to the training of school personnel and enforcement costs.

The Gallegly amendment unfairly punishes undocumented children for the actions of their parents. Denying children access to education will create an underclass of illiterate, uneducated individuals, at a moment when America needs a skilled work force to compete in the global economy. Ultimately, it makes more sense to have children in the classroom rather than on the streets.

The goal of American public education is to impart the values of democracy such as equal opportunity and justice for all people, and a respect for your neighbor, no matter what his or her ethnicity, race, or religion. Public education prepares our young people to become productive citizens and mature adults.

As a nation, we must turn our attentions to strengthening our public education system and making it work better for our children. Instead, we are debating an amendment which seeks to restrict the access to education for children who are already in this country.

The Gallegly amendment would create an atmosphere of suspicion and hostility in our schools. Our schools are intended to have a climate conducive to open minds and learning. This amendment however, promotes an atmosphere of animosity toward children who look or sound foreign.

I urge my colleagues to vote against this amendment, which does nothing to control undocumented immigration. The Gallegly amendment is unconstitutional, but we must not allow it to pass and wait for the Supreme Court to strike it down as such. We cannot, in good conscience, deny young people the opportunity to learn. I believe that we all know in our hearts that this amendment is unfair and that it violates our sense of justice. Thank you, Mr. Speaker, and I reserve the balance of my time.

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds for a clarification.

The point that needs to be made, that has not been made so far, is that this amendment does not deny educational benefits to anyone. It does not require schools to do anything. It simply gives the State the discretion to decide whether it wants to continue to provide illegal aliens with a free public education at taxpayers' expense. Nothing less, nothing more.

Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, CA [Mr. PACKARD].

(Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Chairman, several points have been brought up that I think need to be addressed.

One, it is better that the children of illegals not go to gangs, better to have them in the classroom. The last thing that illegal children want to do is to be picked up and arrested, because they will be sent home and they do not want that. The vast majority of the gangs in

this country are made up of citizen youth, not illegals.

Second, we ought to educate them so that they will be qualified to get a job. Illegals cannot legally work in this country. If we educate them, they still cannot work legally here in this country.

We have school buses going to the border in San Diego to pick up children that walk across the border and get on the buses to fill the classrooms. We already have classrooms that are overcrowded, oversized. We cannot get new textbooks. We cannot build new classrooms for those that are here legally.

Gov. Pete Wilson points out that the largest single fiscal burden to the California taxpayers is the mandate that States provide a public education to illegal children. Over 355,000 of them are educated in our schools at a cost of almost \$2 billion. If we could put that into lowering classroom sizes and buying better and more modern textbooks and building facilities for our citizen children, then we would have less gangs from citizen children and we would not have to worry about the illegals.

I strongly support the Gallegly amendment and urge my colleagues to vote for it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, one of the most admirable characteristics about the United States is that our Nation distinguishes between the conduct of parents and their children. So many times I have seen in, for example, European countries, the children of immigrants in the streets because in those nations there is no distinguishing between the illegal conduct of their parents and the children.

We do not blame the children for the conduct of their parents. That, among other reasons, is why we are the moral leader of the world. I truly believe, Mr. Chairman, that we would be making a very grave mistake by adopting this amendment today, and that is why I have risen in opposition to it.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, this amendment would create more problems than it will ever solve.

At a time when juvenile violence is on the rise, this amendment would deprive a large group of children in our communities of the only thing that can keep them out of trouble, and that is an education.

This amendment will not save States money but it will pose a significant community health and safety hazard. Children thrown into the streets by this amendment will not simply dis-

appear. They will be left with nothing to do during school hours, tempting them to pursue a host of noneducational activities. One can only imagine the possibilities.

In addition, depriving children of their fundamental human right to learn how to read and write will wreak havoc on their life. These future men and women will be incapable of performing the most basic public responsibilities and will be unable to contribute to the society at large.

Let us not fool ourselves. The money this amendment is trying to save by depriving kids of an education will have to be spent on more law enforcement, more incarceration and more rehabilitation. With this amendment, we are doing nothing more than just trading schools for prison, a policy wrought with problems.

Mr. Chairman, the author of this amendment is a very good Member of this body. But this is not the right approach. This is an amendment that does not strike at the core of the basic decency of our country. These are kids. They do not have lobbyists. They do not have those protecting them. This is not the right thing to do. We should reject this amendment.

Let us retain at least this basic element of education. This is what will teach these young men and women to be productive citizens, maybe not in this country but in the country that they came from.

Mr. Chairman, this is not a good amendment and it should be defeated.

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

Mr. GALLEGLY. Mr. Chairman, I have only one speaker remaining before closing. I do believe I have the right to choose; is that correct?

The CHAIRMAN. The gentleman from Texas [Mr. BYRANT] has the right to choose.

Mr. GALLEGLY. That being the case, Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, I would just like to confirm that the gentleman from California [Mr. GALLEGLY] as the offeror of the amendment has the right to close and is reserving the right to close.

The CHAIRMAN. The minority manager in this case is supporting the committee's position on the amendment and, therefore, has the right to close.

Mr. RIGGS. Mr. Chairman, I strongly support the Gallegly amendment which would reverse the Supreme Court Plyler versus Doe decision and permit the States to decide for themselves whether to provide a free public education to illegal aliens.

Those in this country without the knowledge or permission of our Federal, State and local governments take advantage of our public assistance programs. They do not pay into the tax base, and they actually defraud our

own taxpaying citizens of critical education, health and welfare assistance. I would simply point out that providing a free public education to illegal aliens cost California taxpayers \$1.7 billion last year.

I strongly urge support of the Gallegly amendment. I would authorize States to put the needs of their own citizens above those of illegal aliens, and it is good, sound public policy.

Mr. Chairman, as we begin the debate on the Immigration in the National Interest Act, I want to bring to your attention an amendment that my colleague from California, [Mr. GALLEGLY] will be offering. Other members of the California delegation and I strongly support this amendment.

Our amendment is fashioned after California's widely supported proposition 187, which received 59 percent of the vote on November 7, 1994. It will allow States the option of not providing illegal aliens with a free public education in much the same way that they are currently not obligated to do so for residents of other States. This will remove a substantial incentive for illegal aliens to come to this country. Most importantly, it will allow the States to spend very limited educational dollars on its own citizens and legal residents.

The widespread support for proposition 187 is only one manifestation of a new social climate across the Nation. This new attitude demands accountability from Federal, State, and local governments. It recognizes the inability of government to pay for many public services. Illegal immigrants have been identified as major contributors to the demands placed on these public programs, and thus to the budget deficits facing several States and localities.

In the 1982 court case of, Plyler versus Doe, the Supreme Court ruled against the State of Texas, saying that there was nothing in Federal law authorizing denial of educational benefits to illegal immigrants.

The Gallegly amendment would overturn this Supreme Court decision and permit States to mirror Federal law, denying illegal aliens a free public education. It would eliminate one of the more egregious of border magnets: free public education.

The issue, Mr. Chairman, is whether States have the right to decide for themselves whether or not to provide a free public education to illegal aliens.

Those in this country without the knowledge of or permission from our Federal, State or local governments, take advantage of our public assistance programs. Illegal immigrants defraud our own taxpaying citizens of critical education, health and welfare assistance.

Our amendment would provide Federal affirmation of the States' right to deny a free public education. It would authorize States to put the needs of its own citizens above those of illegal aliens.

We must end the free lunch for illegal immigrants. Unlike citizens or legal aliens, they do not pay into the tax base and, therefore, have no right to claim any public education benefits.

States which are already struggling with tight budgets, are forced, by Federal mandate, to spend billions of dollars each year educating illegal aliens while basic services for U.S. citizens and legal immigrants are being reduced or eliminated. It is time that this Federal Government removes this huge unfunded mandate on the States.

In the seven States most heavily impacted, education benefits for illegal immigrants are costing taxpayers over \$3.5 billion annually—not including the cost of higher education or adult education.

California alone is home to 1.7 million illegal immigrants—43 percent of the Nation's total. It will cost California over \$2.9 billion to provide federally mandated services to these illegal immigrants: including \$563 million for incarceration costs, \$395 million for health cost, and \$1.8 billion for fiscal year 1996 for education. Imagine the cost to our taxpayers by the year 2000.

To illustrate my point, let's look at what we, in the State of California, could do for our own students with \$2.9 billion.

We could hire 80,555 more teachers at an average annual salary of \$36,000. We could significantly reduce class sizes, and we could infuse our public education system with more text books, computers and desperately needed classroom supplies.

By removing this mandate, we are ending a long-standing policy that encourages illegal immigration, bankrupts States and results in a less than quality education for our own children.

Let's remember, every dollar spent on educating illegal aliens is a dollar we don't spend on our own children. Every teaching hour spent on instruction for illegal immigrants is an hour lost to our own students.

A child must have access to a comprehensive basic education to give children a fighting chance at life. We must guarantee that right for our own children. The only way to ensure that right is to enable the States to make the most prudent fiscal decisions possible. Aliens who are in the United States illegally should not be entitled to receive any of the privileges or benefits of membership in American society. It is simply unfair to our citizens and legal residents. Poll after poll shows that American people are tired of footing the bill for those who are in the country illegally. The passage or proposition 187 in California, and other similar movements in Florida and Arizona are evidence of this.

The availability of public education benefits is one of the most powerful magnets for illegal aliens. As a matter of immigration policy, Congress must remove all of the incentives that lure illegal aliens to the United States—that means giving the States the right to deny public education benefits.

I urge this House to carefully consider the Gallegly amendment and vote in favor of it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, not coming from a State that has a serious immigration problem, I have tried to listen and learn about this issue. I have been particularly intrigued by this amendment because I was a teacher before I came to Congress, will be a teacher after I leave, and have served on the Education Committee while I have been here.

It seems to me it is inherently wrong and the majority of the American people would not want to kick any kid out of school, including the child of parents who have illegally come to this country. But let us all understand something. The question here is not whether

people can come to this country, be here illegally and then just stay, put their child in school, get all kinds of services from the government, from the taxpayer, and stay in this country. That is not at issue here. Families who are found to be here illegally are sent back. They are deported.

The question is, while we are finding them and while the deportation process is going forward, should their children be on the streets unsupervised or in the schools? I think the vast majority of American people would say, "well, they should be in the schools. They should not be out running loose as gangs unsupervised on the streets." That is all this amendment is about. It does not have to do with the parents being here illegally. It has to do with unsupervised children.

□ 1445

So I would encourage my colleagues to support a bill that is tough on enforcement, that is tough on finding the parents who are here illegally, but let us not be tough in a way that is going to cut off society's nose to spite its face. Let us not say that while we are looking for these parents, we are going to assure that their children run loose on the streets. At least let us provide this general use of American education to try to contain, and, yes, improve those children, remembering that their parents are here illegally, and, when found, are sent back.

Nobody has a right to be here illegally, to receive all of these services, and stay here, even after they are found. Once they are found, they are deported. The only question is what shall we do with their children in the meantime.

The Republican answer is to put them on the street, leave them out there unsupervised, and create these gangs, I suppose. We Democrats are saying that the children should be in school. I agree with the position of the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California, [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in opposition to my friend's amendment. Except for possibly emergency medical services, the only other public benefit that I think it is wrong to deal with on this basis is public education, for all the reasons the gentleman from Montana just eloquently stated.

But the real question I have for the gentleman is why do you think, if your amendment passes and becomes law, why do you think that there is any chance in the world this will be more seriously enforced, more effective in doing what the gentleman wants to do, even though I think what you want to do is wrong, than employer sanctions are?

Without an adequate verification system in place, this is all a game. Proposition 187 was a game because it sent a message, but it had nothing to do with

verification. And until you do something here on verification, you have already collapsed a mandatory verification system; you have an amendment in a minute to wipe out any verification system; and then you are going to say we were tough. We got them out of the schools. You are not going to get anybody out of the schools without verification. That is why this amendment standing alone is really empty.

Mr. GALLEGLY. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia, [Mr. GINGRICH] the Honorable Speaker of the House.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 3½ minutes.

Mr. GINGRICH. Mr. Chairman, I thank my friend from California for yielding me time.

Mr. Chairman, I want to start by, at least in part I think, answering the very good question of the gentleman from California [Mr. BERMAN]. The gentleman and I, I think, agree that we want to strengthen and support legal immigration to the United States, that this is a Nation of legal immigrants, and that we in no way want to send any signal to legal immigrants who are willing to obey the law.

But I think there are five questions you have to answer before you decide to vote "no" on the Gallegly amendment. The first one is very simple, and it keeps getting asked rhetorically, and I cannot quite believe the answers the liberal friends give themselves.

Does offering money and services attract people? This used to be the land of opportunity. It is now the land of welfare. Do we believe people in some countries might say "I would like to go to America and get free goods from the American taxpayer?"

Now, if you believe people are totally coming to America with no knowledge of the free, tax-paid goods they are going to get, then I think you are living in a fantasy land. I think there is no question that offering free, tax-paid goods to illegals has increased the number of illegals. That is question No. 1.

Question No. 2: Is it the United States Federal Government's responsibility to close and protect the borders? This is not California's failure, this is not Florida's failure; this is a Federal failure.

If it is a Federal failure, then question number three is, should we impose an unfunded mandate? Last year the House voted 394 to 28 against unfunded mandates. By 394 to 28 we said the U.S. Congress should not impose on State and local governments those things the U.S. Congress refuses to pay for.

Well, guess what this is? This is a Federal unfunded mandate, which, by my calculation, for four States alone, is \$3.2 billion a year. It is the U.S. Congress saying "You will spend your taxpayers' money." I want to come back in a second.

Fourth, are we really prepared to overrule the citizens of California?

Sixty-four percent of the citizens of California said they are fed up with their State becoming a welfare capital for illegal immigrants, and 64 percent of the people of California, after a long and open campaign, voted for proposition 187. The fact is that they voted to say they are tired of their tax money paying for illegals. But we are now being told we should overrule the voters of California, we should impose an unfunded mandate.

So here is my proposition. If this amendment goes down, I move that we take the money out of the rest of the budget and we absorb federally the cost of these children. I am going to tell you, you start going out there in a tight budget when we are trying to get to a balanced budget and you start telling your citizens, "I want to take care of illegal immigrants so much that I am going to give up my grant, I am going to give up money coming to my schools, I am going to give up money coming to my colleges, so I can send it."

But it is totally unfair. The State of California spends a minimum of \$1.7 billion a year, the State of New York spends a minimum of \$634 million a year, the State of Florida spends \$424 million, and the State of Texas spends \$419 million.

Now, if they want to spend it, that is fine. Texas said they want to spend it. That is their right, to voluntarily in their State legislature decide to tax themselves. But for this Congress to say we are going to impose on you this mandate, we are going to require you to tax your citizens for a Federal Government failure, is absurd.

It is the Federal Government that has failed. I think it is wrong for us to be the welfare capital of the world. I think it is wrong for us to degrade immigration, from the pursuit of opportunity to the pursuit of tax-paid welfare.

I think that this is a totally legitimate request by the people of California, and I hope that every Member will vote yes for Gallegly, because this is the right thing to do, to send the right signal around the world. Come to America for opportunity; do not come to America to live off the law abiding American taxpayer.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 4¾ minutes.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, every American, every American, should despair of our ability as a Congress to act in any significant way in a bipartisan fashion after that speech by Mr. GINGRICH, the Speaker of the House. We have tried to bring a bill out here that would address the problem of legal and illegal immigration in a bipartisan fashion, Mr. SMITH and I did, and we worked very hard on it. We have Members of both parties trying to make it pass.

There are about three things that will kill this bipartisan consensus, one of which is this pernicious proposal, which is also unconstitutional, to provide that States can deny education to kids they think happen to be the children of illegal immigrants. Mr. GINGRICH knew that when he came to the floor. He asked a question. He said, Should the States have to pay the costs of what is the result of the failure of a Federal responsibility?

I agree with the answer. No, they should not. But, Mr. GINGRICH, if you really believe what you said, and you do not, if you really believe what you said, you would not have instructed your Committee on Rules to forbid the offering of an amendment that would do exactly that.

It is an outrage that the Speaker of this House would come down and seize upon this bill to make partisan gain. We have tried to put together a bill that is in the interests of all the people and that can pass. And of all people in this body to come forward and try to seize upon it to try to draw a line between us, it should not be the Speaker of the House. For what he just said, I say shame on you, Mr. Speaker.

The fact of the matter is that we have made two major exceptions to the entire question of illegal immigration from the very beginning, and that has been emergency medical care and little kids who show up at the schoolhouse. And for the Republican majority now to come forward, I might say except a few brave ones over here who have been reasonable and courageous and stood up today, but for the Speaker of this side to come forward and say we ought to abandon that and jeopardize the ability to pass this bill, smacks of nothing more than raw political opportunism. It is an outrage.

I hope that this House will vote soundly against the Gallegly amendment, not only to repudiate a very bad policy that is not in the interest of the public, but to repudiate a total failure of leadership by the Speaker of the House himself.

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

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Mr. Chairman, in response to the last speaker's comments, I would point out the Speaker of the House certainly did not personalize his comments. But I am wondering, given the fact that the last speaker attempted to impugn the integrity of the Speaker, whether it would be appropriate to take that gentleman's words down if he were to repeat those same remarks, or whether those remarks constitute a violation of the House rules?

The CHAIRMAN. The Chairman of the Committee of the Whole cannot respond to the parliamentary inquiry. A demand by the gentleman was not made at the appropriate time.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Gallegly amendment, which would deny a public education to undocumented immigrant children.

This amendment is cruel, does not save money, and does nothing to advance immigration control. Once more, we see innocent children being made the scapegoat in the immigration policy debate. The plan seems to be to use any means to punish the children of undocumented immigrants.

To deny anyone the opportunity to be educated is short-sighted and inhumane. If undocumented children cannot be educated, they will have nowhere to go but the streets. These children will not just go away if we continue to deny them benefits. They will be sent reeling into the cycle of poverty that we are seeking to end.

Moreover, this particular provision will be a nightmare for already overburdened school districts to enforce. It will take an enormous investment of funds and time to document the status of every child enrolled in public schools.

Schools should be a safe place of learning and opportunity for young people. The doors should not be shut to innocent children in order to punish their parents. Children should not grow up learning that only some of them are fit or qualified to receive an education. I urge my colleagues to defeat the Gallegly amendment.

Mr. RADANOVICH. Mr. Chairman, I support the Gallegly amendment to allow a State to exercise the right to refuse illegal immigrants admission to public schools.

Public schools are supported by taxpayers. The children of these men and women properly derive the benefit of education in public schools.

By telling illegal immigrants that the attraction of free education for their children no longer exists, we send a powerful message. It says those who are lawfully present in the United States are welcome to participate in its privileges. But, those who have broken the law to enter our country or to remain here after their lawful entry expired deserve no benefit from the taxpayer.

Illegal immigration is a threat to our national security. By adopting this amendment, we can enlist the States—and I assure my colleagues that California will move on it immediately—in a concerted and comprehensive campaign to end this menace.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. GALLEGLY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BRYANT of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. GALLEGLY], will be postponed.

It is now in order to consider amendment No. 12 printed in part 2 of House report 104-483, as modified by the order of the House of March 19, 1996.

AMENDMENT NO. 12, AS MODIFIED, OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment, as modified.

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. CHABOT: Modify the amendment to read as follows: Strike section 401.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. CHABOT], will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. CHABOT. Mr. Chairman, I yield one-half of the time in support of the amendment to the gentleman from Michigan [Mr. CONYERS], and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

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

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment and claim the 30 minutes. I yield 10 minutes of my time to the gentleman from Texas [Mr. BRYANT] and I ask unanimous consent that he may be allowed 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 Chair recognizes the gentleman from Ohio [Mr. CHABOT].

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

Mr. Chairman, I am pleased to offer this amendment with the extremely distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS]. It is a real honor for me to be associated with the gentleman in this bipartisan effort.

Despite all the tactical shifts, Mr. Chairman, there really are only two sides to this debate. There are some people, some very well-intentioned people, who believe that we need a national computerized system through which the Federal Government would specifically approve or disapprove every hiring decision that is made in this country. Then there are those of us, myself and the gentleman from Michigan included, who do not believe that such a system is appropriate.

That is the issue. The Chabot-Conyers amendment would strike from the bill that section which asserts the Federal Government's power to sign off on new employment decisions as they are made.

Now, because of massive opposition to this scheme, its proponents have decided to get a foot in the door by starting with an initial so-called voluntary pilot project. But the system that it establishes is neither really voluntary nor a simple pilot. I will expand upon that point in a minute.

More importantly, we know where this program is designed to lead. The end goal is and always has been a national mandatory system by which the Federal Government would assert the power to sign off on the employment of

every U.S. citizen. That was what was in the bill to start with, and that is what its proponents have said they want. In fact, some of them cannot even wait beyond today to ratchet up a level of coercion. The very next amendment with its very explicit employer mandate clearly shows where all this is headed.

As former Senator Malcolm Wallop has written, he calls this "One of the most intrusive government programs America has ever seen." The Wall Street Journal calls it odious. The Washington Times asks in editorializing against the system and for our amendment, "Since when did Americans have to ask the government's permission to go to work?"

Now, even if the Government always worked perfectly, we would have huge philosophical objections to this procedure. But, as Senator Wallop says, "Americans can spend eight months just trying to prove to the Social Security Administration that they are not dead."

□ 1500

Mr. Chairman, here, remember, we are talking about citizen's ability to work, about their very livelihood. And no one has argued that errors will not be made, causing heartache for those citizens who lose their jobs.

The L.A. Times reported just last month that anonymous sources within Social Security fear that, quote, 20 percent of legal workers might be turned down by the system when it is first implemented. Over time, that 270 percent error rate would fall to around 57 percent, officials estimate. Officially, Social Security now says that it, and I quote again, cannot predict the verification results for a pilot project. The Social Security Administration further states that in addition to attempted fraud, quote, nonmatches can occur for many reasons, including keying errors, missing information, erroneous information and failure of the individual to notify Social Security of legal name changes, et cetera.

Indeed, a constituent of mine was in my office just yesterday on another issue and told me that he and his new bride have been trying for 4 months now to get Social Security to record her married name, and they still have not got it straightened out, although we are trying.

The bill in fact explicitly contemplates errors that deprive American citizens of their jobs. Its answer? More litigation. Victims could sue the Government under the Federal Tort Claims Act. That prospect should be cold comfort, either to somebody who has lost a long-sought job because of this program or to the taxpayers who will have to foot the bill. Well, at least this new Government program is voluntary, we are told. Not for the employees, it is not.

Let me repeat. Employees, American citizens, have absolutely no choice

whatsoever about whether they are covered under this section, nor is it truly voluntary for employers. To quote Senator Wallop again, the strong-arm incentive for the business owners to join the system is that they will be targeted for additional Federal enforcement if they choose not to participate.

The Small Business Survival Committee says the system would create unprecedented employer liability. They oppose it, as do, for example, the Associated General Contractors, the National Retail Federation, and many, many others.

As for this being a pilot, well, as Stuart Anderson notes, the covered States have a population in excess of 90 million Americans, about one-third of this country. Together, these so-called pilot States would be the 11th largest nation in the entire world.

Mr. Chairman, this system is to be added on top of the burdensome I-9 document review requirements that started us down the road, down the path of making employers into basically Federal agents. Congress was assured in 1986 that that program would, quote, terminate the problem. Well, it has not. Remarkably, that program's very failure is advanced as a justification for proceeding further down that path. So this addition is proposed.

Do my colleagues know what? It will not work, either. We will hear shortly from the gentleman from California [Mr. GALLEGLY], and others that it cannot work unless it is explicitly made mandatory on employers. Even then employers who knowingly hire illegals simply call the 800 number. Moreover, others in this body argued that without a national ID, anyone could buy fake documents with corresponding numbers and cheat the system. So we know what is coming next, a national ID card in all likelihood.

The bottom-line question, though, Mr. Chairman, is whether this Government of ours should be in the business of saying yea or nay whenever an American citizen takes a new job. I say no. So do the Catholic Conference, the ACLU, the National Center for Home Education, Americans for Tax Reform, Citizens for a Sound Economy, the Cato Institute, Concerned Women for America, the Eagle Forum, the Christian Coalition, and virtually all the legal experts who have taken a look at this, including the American Bar Association.

All these groups and others that I will try to mention later support the Chabot-Conyers amendment.

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

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

Mr. Chairman, this amendment would totally undermine our efforts to stop illegal immigration. A vote for this amendment is a vote for continued illegal immigration. A vote for this amendment is a vote against protect-

ing jobs for American citizens. In order to cut illegal immigration, controls at the border are not enough.

Almost half of all illegal aliens come into this country legally and stay after their jobs, after their visas have expired. Why? Jobs. Jobs are the No. 1 attraction for illegal aliens coming to this country. If we can reduce the attraction of this magnet, we can save taxpayers untold millions of dollars and improve the prospects of vulnerable American workers now competing with illegal aliens for jobs.

For the past decade, employers have checked the identity and work eligibility documents of new employees. Unfortunately, the easy availability of counterfeit documents has made a mockery of the law. Fake documents are produced in mass quantities in southern California. Just from 1989 to 1992, there were 2.5 million bogus documents seized. This amendment would strike the quick check system in the bill that allows employers to verify the identity and work eligibility of new hires.

The bill proposes only that we have a pilot program to be set up for 3 years in five States and then it expires. The amendment would deny employers the opportunity to choose to do what is in their own interest. It says that Congress knows better than businesses what is best for them. Now talk about big brother. American workers will benefit from the quick check system. It will ensure that they will not be competing for jobs with illegal aliens.

Confirmation systems like that in the bill have been tested. Since 1992, the INS has tested a telephone verification system with over 200 employers. Every single employer who has tried this system tried the INS pilot program, was pleased with the results. In fact they recommended that the pilot program be implemented on a permanent basis.

Mr. Chairman, electronic confirmation requires no national ID card, no new data base, and it ends in 3 years. This is not a first step toward anything. That is also why the National Federation of Independent Business, the National Rifle Association, and the Traditional Values Coalition do not oppose the voluntary quick check system.

Now let me set the record straight on one other matter, and that is the alleged error rates that we have been hearing about. These percentages are not error rates. There is no such error rate. These refer to a secondary verification. Secondary verification is understandably ordered whenever employees provide information that is not accurate. They have to double check on the inaccurate information.

Secondary verification does not necessarily mean inaccurate data. It more often means that it is the fault of employees mistakenly providing erroneous information or, quite frankly, being caught providing fraudulent information. In short, the ultimate big

brother is Congress saying they know better than employers how to run their businesses. Let us trust business owners to decide what is best for them. The quick check system is a convenience many want, and that is why the National Federation of Independent Business does not oppose this quick check verification system.

Let us follow the lead of the U.S. Commission on Immigration Reform which recommended a verification system very similar to the one we have in this bill. The commission found that such a system would reduce the use of fraudulent documents, would protect American jobs and would reduce discrimination. That is exactly what this volunteer pilot program that expires in 3 years will do, and I urge my colleagues to vote very strongly against this amendment.

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

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

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

OK, this is the famous camel's nose under the tent amendment. This is the one where it starts off real nice. Not to worry, folks. It is OK. Trust us. We will make it a pilot project. Will that make it OK? We will make it a temporary project. We will make it voluntary. We will do it just like we did the Japanese internment program when we said we are going to find out who the Japanese are that need to be rounded up. And how did they do that so quickly? They used the census data. Government trusters, that is where that came from. So congratulations, voluntary, temporary program for employment verification.

Mr. Chairman, I think the gentleman from Ohio [Mr. CHABOT] and others on this side should be congratulated, because there is a simple problem here. The basic flaw in the verification scheme in this bill is an assumption that we have got to impinge upon the privacy of law-abiding citizens in hiring illegal aliens. The problem is the few unscrupulous employers who evade the law today will continue to do it tomorrow, even if we pass this verification scheme in whatever form. How? Because they can simply continue to hire illegals underground and off the record as they do today. That is how we get illegals in, not that all the people that are busy breaking the law are now going to come forward and call the U.S. Government to determine whether one is an illegal or not and they should hire them. They are going to continue it in the underground economy.

Is that difficult, complex? No. But this is the beginning of the progress of the system that will maybe ID everybody in the country. Now maybe it will not. But I am not here to take a chance today. This is not my job, to bank on what the future is going to do when we let these lousy programs get started. I think it is unnecessary.

Why, oh why did the gentleman from Texas [Mr. SMITH] omit the tester program? Was there something wrong with that? The tester program would at least keep us honest, because that would allow people that were supposed to look foreign looking, whatever that is, to go in and see if they are really being treated the same way. But in the manager's amendment, carefully the gentleman took that out.

Should I be alarmed? Oh, not to worry. Hey, what is the problem? You are getting a little sensitive. Let us just go ahead with the ID program and we will make it pilot program. We will make it temporary. We make it voluntary. We will make it anything, but get the nose under the tent today.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, as much as I admire my friend the ranking member, his talking about the camel's nose under the tent reinforces my view that, if we were to restrict free speech at all, we should make it illegal to use metaphors in the discussion of public policy. We are not talking about camels, noses and tents. We are talking about whether or not we have a rational approach to enforcing the laws against illegal immigration.

I have to say that, of all the things in my life that puzzle me, why so many of my liberal friends have such an aversion to this simple measure is the greatest. As a matter of fact, if we do not use an identification system, let us be very clear, we are not talking about a card anybody has to carry anywhere. What we are saying is what would seem to be the very noncontroversial principle, if one were applying for a job, one of the things one should be asked to do is to verify that one is legally eligible to take the job and is in this country legally.

During the great period of time in life when one is not applying for a job, which for most of us is most of the time, then one will not be bothered with this. It only applies when applying for a job.

Now, Mr. Chairman, what are the alternatives? If we do not do this, what are the alternatives? The alternatives are much more interference with liberty. If in fact we do not try to break the economic nexus that has people hired illegally and the only way we can do that is by simply requiring that people identify, that they are here legally, then we get into much more repressive efforts. We get into much more interference with liberty.

A free society like ours with enormous numbers of people coming and going, with enormous amounts of goods flowing in and out cannot physically bar entry. We understand that most people who come here come here to work. What this says is all we are

going to say is that if you in fact come here to get a job, one of the things you will have to do when you give all this information—by the way, the notion that you are now allowed to apply for a job in perfect anonymity seems puzzling. This is an invasion of privacy. What the invasion of privacy? When going and applying for a job, one has to prove that one is here legally.

□ 1515

Now, I think they have to prove maybe what their education is, maybe they have to prove their age, maybe they have to prove a lot of things. How can it be logically argued that it is an invasion of privacy to add to all the information they already have to give, their social security number, and et cetera; and, oh, by the way, can we please establish that they are here legally? It does not make any sense. I have friends on the left who react; I do not understand why.

Mr. Chairman, the gentleman talked about the Japanese roundup, one of the worst periods in American history and wholly irrelevant to this. It has absolutely nothing in common, absolutely nothing in common at all. Locking people up because of their ancestry has nothing in common with saying, by the way, in addition to social security, educational qualifications and everything else, we want to make sure that they are here legally.

That puzzles me. As a matter of fact, the only way to prevent discrimination based on national origin, or to minimize it; we can never prevent anything; but the way to minimize it is to, in fact, have a better system of identification. The better the system of identification, the less likely we are to have this discrimination.

So I do not understand. Yes, people are afraid of forms of national identification. That is not what we are talking about. And on the other side we have the conservative trend that has grown up that we saw in the terrorism bill, and apparently on the right wing we now have this increasing view that the American Government is the enemy and is to be prevented from enforcing any of its laws.

Now, I do not believe that a purely voluntary system makes sense. If, in fact, we cannot go beyond this to adopt an amendment that makes this a binding thing, we are talking about simple rhetoric. But this is obviously the first step in that war. And let us be clear what we are talking about. We are requiring that when one applies for a job or applies for a benefit, where being legally in this country is a prerequisite under the law, they have to prove it. To turn this into some act of oppression makes no sense whatsoever, and, as a matter of fact, the opposite is the case. If we do not allow ourselves to use this simple, straightforward system of requiring verification when one applies, we will be inviting a great deal more in the way of repression.

Unless my colleagues are prepared to say that all the laws on the books

about illegal immigration can be flattened at will because, without this kind of verification, that is what happens, then my colleagues are to vote against this amendment and vote later for an amendment that will begin to make this a requirement.

Mr. CHABOT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise today in support of the Chabot amendment to strike the telephone verification system for prospective new employees. I am a strong supporter of turning off the economic magnet that draws illegal workers into our country. However, we cannot turn off this magnet with a system that is flawed. If we do, we are asking for trouble.

An error rate in the data base on even the smallest percent means thousands of people will be denied the ability to earn a living. With 65 million hiring decisions made each year, an error rate of only 1 percent would deny 650,000 American citizens their jobs. The Social Security Administration says it cannot predict what the error rate might be. However, in 1994 there was a 2½-percent nonmatch rate with social security.

We all employ case workers in our offices, and we all know firsthand how difficult and time-consuming it can be to correct an error in an official government record. Try convincing the Internal Revenue Service that they have made a mistake, for example. Yet the employee has only 10 days to correct any errors made by Social Security before being fired.

While the employer can hire someone else, what happens to the person who needs a job and is denied it because Social Security has made a mistake?

Some have said no new data bases are created by phone-in verification. But that is not correct. Employers must keep a permanent record of each approval code they obtain from the government. In order to know which approval matches which employee, there must be a new data base. To avoid further liability, employers also need to keep records of any negative responses they receive.

Whether we like it or not, this is an unfunded mandate, an increased paperwork burden on American business. Phone-in verification is an addition to the I-9, not a substitute. Employers must keep this additional information in order to prove they obey the law.

Even though the bill calls for a voluntary pilot program, it also calls for additional inspectors for enforcement to check the records of employers who choose not to participate in the program. That is not what I call voluntary. And I urge the approval of this amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA] a member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding the time to me.

Mr. Chairman, this is an amendment that we must pass, because if we do not, we set in motion some ominous measures that will not only affect our privacy, but our job security.

Let me first say that we have to remember that there are 66 million job transactions that occur in this country every single year. In other words, someone is either hired or somebody changes jobs and gets a new job 66 million times every year in this country.

Are there errors that occur in the systems that we have in place with the Social Security Administration and with the INS' own data base? I must answer the chairman's, the gentleman from Texas [Mr. SMITH], own statement that there are no errors and say, Mr. Chairman, there are. We know it.

The Social Security Administration itself has said that they cannot guarantee anything better than probably a 20-percent error rate in the first couple of years. And they are hoping they are lucky enough get it down to a 5-percent error rate in providing information. Why? Because the Social Security number was never meant to be an identifying number, but that is what we are using it for.

The INS admits that in its own worker verification pilot programs 9 percent of the time the people that they say were authorized to work were, in fact, not authorized to work.

In addition, in the INS's own pilot program, they tell us that 28 percent of the time they could not give the accurate information or information whatsoever to be able to make a hiring decision, and they had to go through a second, more complicated, more consuming step.

Then we have the whole issue of, well, verification is going to be OK. The gentleman from Massachusetts, [Mr. FRANK] is arguing that this is not going to harm anyone. Well, let me tell my colleagues something. If it is not going to harm anyone, what would be the harm of leaving in, as the gentleman from Michigan [Mr. CONYERS], said, the tester program that allows us to send a decoy in who acts like a prospective applicant for the job and check to see that employers are abiding by the law? No, that was taken out of the bill even though in committee, with the chairman's support, it was put in. In the dead of night, behind closed doors, it was taken out.

Mr. Chairman, this is something my colleagues better be concerned about because it leads us along the lines of big brother telling us, "Show me your ID before not only I give you a job, but anything else in this country."

Vote for the Chabot amendment. Vote against any worker identification program.

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

I just wanted to respond to one point the gentleman from California just

made, and that is the Social Security Administration testified before the subcommittee that they would guarantee 99.5 percent accuracy if all we were asking was the person's name and number, not address, nothing else like that. All we are asking for in this pilot program, 99.5 percent accuracy.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee, [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, it is my pleasure to rise and speak in opposition to this amendment. Even though I am a colleague of the gentleman from Ohio [Mr. CHABOT], who is a sponsor of it, I disagree with him on this one.

I have concern about some of the arguments that have been made about the Government approval, and how they are going to make mistakes, and how we are asking employers to do all these things. In reality, we all know that the I-9 process already exists out there that the employers must use with potential employees. But right now we put these employers in a catch box. As my colleagues know, if they ask too many questions of a potential applicant for a job, they question the documents as to whether they are counterfeit, they can be sued by these applicants. But on the other hand, if they do not ask enough questions and they hire an illegal, then the INS can come in and fine them.

So we are putting these employers in difficult situations, which this process, by use of the 1-800 number on a voluntary basis, will help alleviate. It will be a defense to those employers, and again it is a voluntary situation, using existing data, the Social Security number, which is used on income tax forms already by the Government in so many ways.

I think it is a reasonable provision within the bill, and I hope this amendment goes to defeat. I urge my colleagues to vote against it.

Mr. BRYANT of Texas. I yield myself 3 minutes.

Mr. Chairman, we have a pilot program working in this area already. The result is that employers who have been in the pilot program like it, and the other result is that there have been no claims of discrimination come out of the pilot program. So the fears raised both on the part of prospective employers that might be placed under this provision and the fears raised by potential discrimination simply do not have any basis in our experience, having operated pilot programs elsewhere already.

The fact of the matter is that employer sanctions now in the law; that is to say, the law that says it is against the law for an employer to hire someone who is not legally present in the United States, those sanctions are not working any longer. They used to work, but they do not work any longer because job applicants have discovered how to counterfeit any one of or all of the 29 documents which can be presented to prove one's legal status.

Without verification in this bill, we really have no way to make this most significant improvement, and that is how to get around document fraud that completely undermines the law that prohibits employers from hiring somebody who is not a legally present individual.

It is a simple system. The Social Security number is looked at, and a check is made to see if a number is valid and if it belongs to the name on the card. That is all there is to it. It is not an intrusion on civil liberties. It is not a threat to anybody's employability. It is certainly not an inconvenience to employers. If anything, it is a convenience to them and a protection to them against getting involved in some type of a dispute over whether or not they hired someone knowing that their documents were not valid.

Mr. Chairman, I think that if we are serious, we have to keep this provision in the bill, and I urge Members to vote against this Chabot amendment. If the Chabot amendment succeeds, we are right back to the status quo, we are right back to where we started about 16 months ago. Illegal workers will still be working, and they will still be working and taking American jobs.

This is a simple procedure. It is one that has worked in the pilot programs that have tested it. It has worked for the benefit of those applying for the jobs as well as for the benefit of those doing the hiring.

I urge Members to vote against the Chabot amendment and maintain the Smith language that is in the bill.

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

Mr. CHABOT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FLANAGAN], a very distinguished member of the Committee on the Judiciary.

(Mr. FLANAGAN asked and was given permission to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Chabot amendment.

At a time when our Government is trying to get smaller, get out of people's lives, at a time when big brother is finally moving away from the direction it has gone, when it is trying to be less intrusive, I think that this is not the direction we need to be going.

The gentleman from Wisconsin [Mr. SENSENBRENNER] gave us some very excellent practical arguments against this system. Mr. BRYANT gave us the alternative argument, which is very good as well. It says, if we are going to have a rule that is going to make employers be required to be INS agents or have some of those functions, at least let us make it easy for them. Mr. BRYANT on this side then went on further still and said let us make it a convenience for that employer to be able to do that better so they are not held up by the system.

I say to my colleagues that this is not the direction we need to go to

make it easier for private citizens to have to do the job of Government, to be able to stand up and say, no, we are not going to require citizens of the United States to get permission from the Federal Government to work. And that is what this pilot program, if it becomes a total program, would do.

To have the Federal Government of the United States be a last word on whether someone works today or whether someone does not is particularly odious. It is anathema to the reason most of us came here. To have the Federal Government of the United States say, "You may work today because we have decided that you're here legally, and we're going to trust that all the records are right, that we're going to go ahead and say that there's no glitch in it," and all in an effort to make the I-9 form, odious by itself, work better is wrong-headed as well as being merely wrong.

□ 1530

We should go the step in the other direction, to provide positive incentives for employers to help us solve the problem of illegal immigrants working. We should go in the direction of bringing the employers enlisted into the battle against illegal workers, rather than impressing them into the battle and making it as harmful as possible to the people who work for them, but as harmless to them as possible. We are not going in the right direction. We must reject this portion of the bill. I urge a vote for the Chabot amendment.

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

Mr. Chairman, I tried the metaphor, but when the gentleman from Massachusetts does not use it himself, it should be outlawed. I will try another one, the Ponzi scheme. That is that whatever amendment is on the floor, if we do not pass this, we will never stop illegals from coming in.

Remember the McCollum amendment that would put your picture on an ID card, on a Social Security card and make it tamper-proof? Have we forgotten that one already? That was the one we had to have or we would never stop illegals. We moved that one on. Now we have the nose under the tent, and if we do not get this one in, we will never stop illegals.

Forget the fact that all the fraudulent employers that want to use illegals are never going to report them through the proper methods anyway. They will all be violating not only this amendment, but all the other immigration laws. So the underground economy is laughing as we finally put the nail on illegal immigrants by a foolproof ID card.

Mr. Chairman, what does the Japanese internment program have to do with this? Some say nothing, and some say it has something to do. Where did they find out who the Japanese were and where they were to go get them? They found out through the census program, which was not started out for

that, I would say to the gentleman from Massachusetts [Mr. FRANK]. The census system was not started off for that purpose. It got to be used that way.

Social Security was not started off to be ID. It was for Social Security. Now it is ID. It is on your driver's license. Now we have deteriorated a little bit more and a little bit more, and then someone says, "This is not the nose under the tent, the camel's nose under the tent, this is innocent, freestanding, vital to the immigration bill; we have to get it or we will never stop illegal immigrants."

I say hogwash. Support Chabot.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say to my friend that apparently we have now found out that the serious threat to civil liberties is the census. I would say in that case it is too late to worry. I do not myself regard the census as a threat, but if it is a threat, it is already there, so if people were going to manipulate things like the census, they would already have it and they would not need anything else.

Mr. CONYERS. Mr. Chairman, I will throw up my hands, then. It is all over; we have had it.

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

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, let us be up front about this. There are those who do not want us to be able to enforce our immigration law and want to remove every reasonable tool. They want to find excuses for that. There are those that say that somehow it is terrible to the employer.

Mr. Chairman, let me give a letter from Virginia, who works for G.T. Bicycles. She said that the telephone verification program has given her peace of mind with the knowledge that G.T. Bicycles is complying with the law regarding employment, because if you are an employer, you have no way of knowing that the law requires you to get a Social Security number and to fill out an I-9 form, but you do not know if that number belongs to the person.

There are those that are going to try to find excuses to strike this system and eliminate any reasonable point of enforcement of our immigration laws. So please do not say you are against illegal immigration, do not say you are against illegals getting public assistance, do not say you are against illegals taking jobs from people, but then say, Oh, but I am against having a reasonable enforcement vehicle. It is a cop-out. Let us be up front about it. Let us say, I really do not think illegal immigration is a real problem. I think

these people ought to be allowed to come into our borders.

But this system is a system that is the most nonobtrusive approach we can possibly do, in a system where we require reporting so we can raise taxes, so we can get money for the Federal Government.

Mr. Chairman, when it comes time for us to participate in the securing of our national frontiers, of our national sovereignty, the Federal Government's number one obligation and responsibility, when it comes to that responsibility, Members are willing to walk away and find excuses to cop out. All I have to say is, if it is good enough and it is reasonable enough for us to move forward with some programs so we can enhance our coffers, then doggone it, it is time that we do the reasonable thing to control illegal immigration. But let us not sit there and vote for this amendment and then say, I really am against illegal immigration. This amendment will decide which way you stand, and the American people will know it.

Mr. BRYANT of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in opposition to this Chabot amendment. What I would love to see, Mr. Chairman, is to get the rollcall of the Chabot amendment and the people who voted in favor of striking the verification system, and then the people who vote for the Gallegly amendment to knock all the children of illegal immigrants out of the public schools, and the Bryant amendment, to report all the names of illegal immigrants to the INS, and all these other Prop 187 amendments, and match the two, because there will be a lot of people who vote "yes" on Chabot and then "yes" on Gallegly on the public education and "yes" on Bryant, and then we will know how rhetorical the discussion on doing something on illegal immigration is; because they will have sat there and gone back to their districts and said, "We did something about public services, employment, and illegal aliens. We just knocked out any way of ever enforcing it," the Chabot amendment.

I have great respect for the gentleman, I have listened to him both in committee and on the floor, and I know he feels this passionately, but it is intellectually flawed, because there should be one additional provision. It should repeal employer sanctions. If we do not have verification, we have no meaning in employer sanctions. We have the present situation.

Mr. Chairman, I cannot think of what creates a more cynical public than the notion that the Government saying, as we said in 1986, "We are doing something about this," and then denying the mechanisms to try and do anything about it. That will only intensify the hostility between the public and their elected officials.

If employer sanctions are going to mean anything, Mr. Chairman, verification is at the heart of what we are supposed to do. The problem with the amendment of my friend, the gentleman from Texas, is that ideally I think we have to do some pilot projects before we can implement a full 800-telephone verification system. But the problem with the amendment of the gentleman from Texas, which CHABOT seeks to strike, and which GALLEGLY seeks to strengthen in a subsequent amendment, is that it has none of the protections that we put in. And as the gentleman from Ohio [Mr. CHABOT] pointed out, it may be voluntary for employers, but it is mandatory for employees.

There are no protections on privacy, there are no protections on errors, there is no enforcement of discrimination in that particular program. A mandatory system at the point where it is feasible and implemented, if done right, will stop discrimination which now exists, because the person who wants to comply with the law is not going to accept the documents coming in under the I-9 requirements, is going to assume that person is illegal and is going to discriminate, not because that person is racist, but because that person does not want to run afoul of employer sanctions and does not understand that employer sanctions have no meaning under the present situation.

It can protect against privacy innovations, just like we did in 1986 with the legalization program, where we had INS legalize 1.8 million people and never once give the names of the people that came forward to the enforcement wing. You can protect against all of those kinds of things.

The amendment in front of us is bad because it, without repealing employer sanctions, renders employer sanctions totally meaningless. The base language is bad because it has none of the protections we need. That is why the Gallegly amendment, I am forced to conclude, is the only feasible fashion for dealing meaningfully with this whole subject.

Mr. Chairman, I urge a "no" vote on the Chabot amendment.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I rise in support of the Chabot-Conyers amendment. I found it very interesting that the good gentleman from Texas [Mr. BRYANT] indicated there were no examples of abuse by the Government in the present system.

Whereas I agree that illegal immigration is a very serious problem, there has also been a very serious problem in the enforcement of the existing rules and regulations, and as currently stated in the bill, the employment verification system will add to and not replace the current I-9 verification.

Mr. Chairman, in my district there is a fruit farmer, Mr. Stanley Robison,

who has been in business for 60 years. Whereas the INS requires all kinds of verifications, Mr. Robison set about acquiring those verifications. They were all in a separate file, according to the laborer or the worker. When the Department of Labor came in and audited his files, they found that he had asked for too much verification, and that had consisted of employer and worker harassment. This man was fined \$72,000 before he ever had a day in court.

Mr. Chairman, this kind of abuse cannot go on. Please support the Chabot-Conyers amendment.

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, I stand in strong support of the Chabot-Conyers amendment to strike the so-called voluntary employment verification system. I ask my colleagues here today to listen and to listen closely as I relate a personal story about the dark side of employment verification, because no matter how well-intentioned this system appears, the consequences can be ominous.

I raised my kids in France for a few years while I served as the U.S. Ambassador to UNESCO in Paris. One day my son was coming home from school alone. He was apprehended by the French police and asked to produce his national identity card. He did not have it with him. He was detained, arrested, and taken to jail. I had to go take him out, simply because he did not have a card. He did not look French.

Are we ready, as a bastion of freedom and democracy, to subject the citizens of this country to the same type of insidious mistakes? If we do not pass the Chabot-Conyers amendment to strike, I think we will be doing that. Do we want to impose a so-called voluntary system on employers that has no protection for employees? From my own family's experience in Paris, I can assure the Members that individuals that appear foreign will be unfairly treated. In this so-called era of less government, why would we want to impose costly regulations upon the engine of our economy and our Nation's job creators?

Mr. Chairman, do not be deluded. This employment verification is only the first step. As the gentleman from Michigan [Mr. CONYERS] has said, this is the nose under the tent towards a national identification card, a first step towards the loss of our freedom. Remember this, only a small percentage of employers knowingly hire undocumented workers.

We have laws on the books that require reporting for every new hire, the I-9, but we do not spend any money on enforcement. We have a law that requires that employers pay minimum wage and withhold Social Security, the Fair Labor Standards Act, but we do not spend any money on enforcement. These employers are violating the law

now, and nothing in this bill will force them to comply with a new verification law.

Mr. Chairman, I urge my colleagues here today to vote yes on the Chabot-Conyers amendment to strike.

Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. GALLEGLY].

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

□ 1545

Mr. GALLEGLY. Mr. Chairman, I rise in very strong opposition to this amendment offered by my good friend the gentleman from Ohio. The author may be well meaning but he is simply wrong on this issue of verification, and his amendment will only serve to protect those special interest businesses who currently violate U.S. immigration laws.

Mr. Chairman, this amendment is truly a litmus test of our seriousness to curtail illegal immigration, protect jobs for Americans, and stifle low wages.

Mr. Chairman, preventing illegal entry is a key to prevention and deterrence, but Congress can ill afford to ignore the 4 to 6 million illegal immigrants already residing and working in this country.

This is where the gentleman from Ohio is misinformed. He completely ignores the fact that the illegal immigration problem must also be addressed in the Nation's interior, well away from the border.

I agree that enhanced border enforcement is important. This bill addresses that. I also agree that stiff fines and employer sanctions are very helpful. These measures are fine, but simply not enough.

Like it or not, Mr. Chairman, there are businesses in this country who knowingly break U.S. law and hire illegal immigrants. Short of more random checks and unannounced raids, alternatives that I am sure the gentleman from Ohio would oppose, a verification system is direly needed, and a 1-800 number is by far the easiest way to do this.

The gentleman in his remarks makes inaccurate, misleading, unsubstantiated and maybe even ridiculous arguments against verification. A system of verification does not establish a data base. It does not create a Federal hiring approval process.

The gentleman's amendment would wipe out any type of verification and, in effect, would only serve to protect those unscrupulous businesses which break U.S. law. His amendment would perpetuate a system which replaces American workers with low-wage employees. I urge sound defeat of this 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 the time.

Mr. Chairman, there is a truism that I think applies in life as it does in legislation, that one excuse is just as good as another if we do not want to do anything. We have heard a lot of excuses today. I am afraid that this amendment, as well intentioned as it may be, is just another excuse. If we really do not want to do anything about the immigration problem and the employment of those who are not legally in our country, then this excuse is just as good as another.

I cannot refute all of the excuses that have been offered as a support for this amendment, but let me take one, the idea that there is an error rate in the Social Security office and that somebody may be denied the opportunity to work because there has been some mix-up in their Social Security number.

I want to suggest that if we put in place this bill without this amendment, we will do two things. First of all, let an American citizen who is legally in this country and legally entitled to be employed be denied an opportunity because somebody has made an error in his Social Security rate, two things are going to happen. First of all, they are going to correct his Social Security records, which ought to have been done in the first place, and second, he is going to get the job.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, the Chabot amendment takes the teeth out of this bill. Illegal immigrants come to this country for one reason, jobs.

The immigration bill of 1986 tried to move in the right direction, but it failed to maintain an adequate workplace enforcement provision. What it did was create a system where employers are forced to be pseudo INS agents. With the fear of fines, employers must decide which documents are fake and which are real.

This is an unfair, unrealistic burden. 1-800 is not big brother. It simply gives employers an easy, cost-effective way to make sure they are following Federal law.

As a former small businessman who ran several restaurants in southern California, I saw my share of suspicious documents over the years. 1-800 would give me peace of mind as a small employer.

When I first proposed a toll-free workplace verification system back in 1994, I had no idea it would attract such attention. I am glad that it has, but like many hot issues, certain untruths have cropped up.

1-800 is not big brother; it is not an intrusion into small business; it is not discriminatory; it is not an ID number or system. It is, however, cost-effective, nondiscriminatory, business-friendly and, most importantly, the most effective tool we have at stopping illegal immigration once and for all.

It may come as a surprise, but many employers knowingly hire illegal immigrants in this country. These em-

ployers hide behind the current law. The I-9 form, which I have used on thousands of occasions as an employer, is cover. Get your fake documents, xerox them on the back of the I-9 form and when the INS comes in, you are OK.

That is wrong. We need to have a verification system that employers can rely on. If you vote for Chabot, you are voting for the status quo. I urge Members to vote to support tough action against illegal immigration and oppose the Chabot amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself the balance of my time.

I would like to associate myself with the remarks of the last gentleman. They were points well made.

I want to also respond briefly to a comment made early by the gentlewoman from Idaho [Mrs. CHENOWETH]. I think she misheard me. I said that the pilot program now working to test this system that the Chabot amendment would eliminate has not yielded any complaints from employers and not yielded any instances of discrimination against potential employees.

The example the gentlewoman gave a moment ago is exactly the example we are trying to avoid. I do not know the specifics of her hypothetical situation, but we want employers to be able to rely upon this check to know that they do not have to worry about whether or not they have somehow violated the current laws with regard to all these documents.

We want them to be able to do what the provision says and that simply is, check the number and see if it is a valid number, and, second, see if it belongs to the name on the card. That is all this does. It is an effort to protect the employer and to protect the employee, as well, and to make the system simple.

We are left with the situation that if this is taken out of the bill by virtue of adoption of the Chabot amendment, we simply cannot enforce employer sanctions, and employer sanctions, which once worked before document counterfeiting became so widespread, are not working now. Please vote against the Chabot amendment. Let us keep some meaning in this bill with regard to employer sanctions.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Kansas [Mr. BROWNBACK].

(Mr. BROWNBACK asked and was given permission to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Chairman, I want to rise in support of the Chabot amendment, and also in recognition of the fine job that the gentleman from Texas [Mr. SMITH] and others have done in working on this overall issue of illegal immigration. I think they have done an outstanding job. However, on this issue I have a dispute and a disagreement with them on it.

I think the Members in looking at this amendment should consider and

ask themselves three questions in being up-front about what is going on. First, where are we headed with this? If there is a legitimate thought in your mind that where we are headed with this is a potential of a national identification card system, and you disagree with that, you should vote for the Chabot amendment.

Second is, what precedent are we setting in putting forward this provision? If you are questioning the precedent that we are setting is something that we are going to go toward a national ID system, again you should vote for the Chabot amendment.

Finally I would ask Members, the question is how competent is the Government to do this? If you have a question about the competency, call the IRS right now with a tax question. I think that might answer some questions about how competent is the Government to get this right when we have got a huge nation of so many people.

For those reasons and for the reason of which I think I was sent here to Congress, which is to get the Federal Government off of people's backs and out of their pockets, I am supporting the Chabot amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, this is an issue of civil liberties and personal privacy. We do not need big brother to keep track of our citizens, and this is what we are doing with a national ID system. If you are blond and fair-skinned, you are not going to be asked to provide an identity. But if you are a member of the congressional Hispanic or Black or Asian Caucus, you probably are.

This is the nub of this argument. People whose accent, appearance, or family background make them look like foreigners would be screened out of jobs as employers attempt to avoid the inevitable problems which this verification process would cause. Why would an employer bother to hire somebody that, quote, looks foreign?

What makes everybody think that this system is going to work? I have heard Members on both sides rail about the inefficiency of Government, the IRS, IRS computers and verification system, that we are creating a gigantic bureaucracy. Yet for some reason many on that side and on our side think that it is going to work. This is a case of personal privacy. This is a case of civil liberties.

All Americans recognize that illegal immigration is a problem, but a solution to this problem is not the creation of a database of unprecedented scope that invades the privacy of all our citizens and requires employers to ask the Government's permission before they make hiring decisions. Business people should not be bureaucrats and INS officers. This is what we are doing.

The establishment of a massive and costly verification system to access information from existing Government databases, such as the INS and the Social Security Administration, is not going to solve the problem but just create new ones.

Once again, this is a violation of the privacy of all Americans. It is a good, bipartisan, left, right, center amendment that should be adopted.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I rise today in support of the Chabot-Conyers amendment. As a business owner, I find it quite disturbing that the Federal Government would want to be involved in every hiring decision that I make. While I understand the bill now calls for a voluntary verification system, I believe this program is intended to become yet another big government mandate on businesses across America.

The cost of this new Government program will be unavoidably passed on to consumers through higher prices. I believe we were sent here to reduce the size and scope of the Federal Government and that this big government proposal simply goes in the opposite direction. To have to call a 1-800 number and ask permission of the Federal Government each and every time we hire an employee is simply wrong. A 1-800 big brother is not good for business, it is not good for employees, it is not good for the direction we should be taking America.

I strongly urge a "yes" vote on the Chabot amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I thank my very dear friend from Texas for yielding me this time. I would like to again extend hearty congratulations to him for a job well done. He has been working 12 hours a day on this issue for many, many months. We are all grateful to finally see this issue coming forward.

Let me address the question that we have right now. Clearly the system that we have today has a very simple and basic message. It says, "Please go buy false identification papers before you get a job." That is what we have that exists today.

What we are proposing is clearly the least intrusive way to deal with this. Many arguments have been made that this is going to create a problem for business. Quite frankly, this will be very helpful to the business community. Why? Because they will not have any liability once they have utilized this 1-800 number to make the call and make the determination as to whether or not the verification is true and has taken place.

I think that as we look at this question, it is key for us to do everything

that we possibly can to step up to the plate and encourage people to determine whether or not someone is, in fact, qualified for employment.

□ 1600

This is a pilot program and it is based on a very successful test that has been utilized in my State of California. Participating employers actually liked it. They found that it was helpful because it eases government regulation, and workers liked it because it eliminated possible discrimination and it allowed quick and very easy hiring.

So this is a very, very responsible move, the committee's position. I hope that we can move ahead at least with this, and I urge opposition to the amendment that is before us.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise to oppose the Chabot amendment. I would just like to make the observation to anybody who is paying attention to this debate, any of our colleagues, that if you oppose illegal immigration, you must oppose the Chabot amendment. There is no way to control illegal immigration unless we can cut the magnet of jobs and stop the incentive of people coming here, and that means making employer sanctions work; making the law we have and have had for 10 years on the books that says it is illegal to knowingly hire an illegal, make it work.

I can put every person in the United States military across our Southwest border, I can seal it with a wall, and I cannot stop the people who are going to come here illegally, because they are going to come for jobs one way or another. Over half who are here illegally today, and there are four million present and 300,000 to 500,000 a year coming here to stay here permanently, are here because they have come on legal visas and overstayed. And the incentive for all of this is to get a job.

Employer sanctions is not working. The only way it can be made to work is to get some of the fraud out of the business. I suggested enhancing the Social Security card earlier. On a very close vote, it lost.

The only other option left to us in this bill is the 1-800 number, which is no new data base, no new information. Just simply have a pilot program to let us test to see if it will not work to make it easier for employers and effective law enforcement to have, when somebody comes to seek a job, have the employer, when they see the Social Security number that they are going to see, they have that law right now, to call the telephone number that they have, for free, and find out if the number matches the name being given to them. It is as simple as that.

If it does not match, then why should they not reject the employment of that person? Because they have been presented obviously a fraudulent document, which is the way they are getting employed.

It is a very simple process. It is not complicated. It is not big brother. There are places and roles that government must play. This is a simple one, and it is one of them.

Immigration is a Federal responsibility. Nobody believes in reducing the size and scope of the Federal Government any more than I do. But I must tell Members, there are times and places, including national defense and immigration, where the Federal Government has a role. I urge a vote against the Chabot amendment so we can control illegal immigration. If we do not vote against it, we can never control illegal immigration.

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

Mr. Chairman, this is the same gentleman from Florida [Mr. MCCOLLUM] who just told us on an earlier amendment that if we did not pass the photo ID amendment, that immigration would collapse and we would be overrun. That did not succeed, so now he is here on the telephone verification, and now once again the world will go down in smoke if we do not pass this amendment.

Please, let us fact the facts: If people come in on student visas and overstay, a telephone verification system is not going to stop them. If people come in here as visitors and do not go back, telephone verification will not do a thing in the world about it.

I love everyone advising our business friends how helpful this will be to them. They happen to oppose it through an organization. By the way, the American Bar Association, which is for strong immigration rules, is 100 percent for the Chabot-Conyers amendment.

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

Mr. Chairman, what was designed as a coercive mandatory and permanent program now is being sold as voluntary and temporary. The principal argument in its favor apparently is it is not as bad as it could be. Well, we all know that government programs do not stay voluntary or temporary very long. This one is not voluntary to begin with, and as Grover Norquist of Americans for Tax Reform pointed out yesterday, income tax withholding was introduced as a temporary funding mechanism in World War II. The concept of American citizens having to obtain government working papers, or in the language of the bill, a confirmation code, in order to work, is antithetical to the principles I was sent here to support.

But I ask my colleagues to think ahead 5 or 10 or 15 years from now and decide whether you want to look back and say yeah, I did vote to put that system into place, or no, I did the right thing. I voted to stop it when it could

have been stopped. Please join me and the gentleman from Michigan [Mr. CONYERS] in supporting this amendment, along with everyone from the Christian Coalition to the ACLU, to the ABA, and every business group that has taken a stand.

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

Mr. Chairman, I just want to remind my colleagues that the NFIB in fact supports this bill and in fact they do not oppose the very voluntary system that we have in the bill for a pilot program for verification. I urge my colleagues to vote no on this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. GOODLATTE].

The CHAIRMAN. The gentleman from Virginia, Mr. GOODLATTE, is recognized for 2 minutes and 15 seconds.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Chabot amendment and in favor of the employer verification system. In fact, I support making the system mandatory and will be supporting the amendment of the gentleman from California [Mr. GALLEGLY] later on.

But it is important to make it very clear that this is simply a voluntary system that everybody can participate in if they choose to. Those who have chosen to participate in this system thus far in the pilot program in Los Angeles have found it to be an excellent system; 220 employers participated, and they found a 99.9 percent accuracy rate on the employment verification checks that were done under that system.

Why do we need this system? Because the current system, the bureaucratic I-9 system, which would hope this would be the first step toward evolving a system that would work very effectively and efficiently and get employers away from the intrusive bureaucratic ineffective I-9 system, does not work.

We have a magnet that draws people to this country, jobs. Who can blame anybody for wanting to come to this country for that opportunity? But we have already taken the step of making it illegal to employ people. Now we have got to give employers the means to effectively screen those people out.

Fraudulent documents are a massive problem: Just a few days ago in Los Angeles, a major raid on a factory manufacturing illegal green cards, Social Security cards, birth certificates, driver's licenses, all manner of fraudulent documents that cannot be properly screened out by employers. All we do here is say match the Social Security number that they bridge in with the Social Security number in the file. No new data base, no ID card. Simply give the opportunity for employers to get a real verification. Employees ought to love it, too. If you go in and you get a job and they have the wrong

Social Security number for you and that money that your employer and you pay in in taxes to the Social Security System does not get credited to your account, you have lost out in your retirement days. So you are going to know right when you go in that your Social Security number is matched up with the one that is on file with the Social Security Administration.

This is a system that is simple, it is a simple system that is fair, it is a system that will work, it is a system that is voluntary, and I urge every Member of this body to support a voluntary employer verification system.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 1 minute and 15 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 15 seconds to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his direction in this issue, and I thank my colleague, the gentleman from Texas [Mr. SMITH], for his continued persistence on a very important issue.

I think, Mr. Chairman, the question should be asked, who we are trying to help today? I rise in support of a perfectly legal system, the I-9 system, that required us in this Government to verify employment eligibility. It was a system that had a fingerprint, coded information, and a picture. The question is whether or not that system has fully worked or there are problems, and whether or not we can reform that system.

It seems that if we would add this big brother system, however, that there would be a number of industries in my community; for example, the Houston grocery store owners and the food industry, which have indicated this labor intensive industry would be severely burdened, employing some 3 million people cross the Nation and experiencing high turnover.

Some stores hire 50 to 150 new employees each week during the Christmas season. Telephoning the Government would amount to an impossible burden on store managers. Around 65 million hirings take place every year. The phone system and the bureaucracy would be totally unbearable and unnecessary.

Could you prevent fraud? I think not. To have someone provide you with a Social Security number and name, it could possibly be verified that they were that person. I believe I have the strong support of civil rights, Mr. Chairman. This is not the right direction. I support the Conyers-Chabot amendment and believe we should move toward helping our employers and helping our workers.

Mr. CLAY. Mr. Chairman, I rise to support the Chabot-Conyers amendment. While I commend the sponsors of the bill for removing the horrendous mandatory employment verification system included in the bill reported by the Judiciary Committee, this voluntary employment

verification system has major flaws. The prospect that millions of people would lose or be denied jobs because of unreliable data or employment discrimination is too great a risk to take in a free society.

We already know from an INS telephone verification pilot project currently underway in southern California that there are major flaws in a system that tries to merge INS data with Social Security Administration data. And, who suffers most when a verification system makes errors or is too slow? The job seeker is the one most harmed.

It is unfortunate that proponents of this voluntary system chose to delete critical civil rights protections that were included in the Judiciary Committee text, particularly provisions that provided for testers to identify discriminatory employer behavior that would likely result from the verification system. This technique has been effective in identifying other types of discrimination, including housing discrimination. Such civil rights protections must be part of any fair employment verification system, voluntary or mandatory.

I share the concern that we begin to go down a very dangerous path by establishing an employment verification system that will require every employee in the United States to get permission to work from the Federal Government through a national computer registry. This response to legitimate concerns about illegal employment is way out of proportion to the actual problem. The INS estimates that undocumented persons represent less than 1 percent of the U.S. population; and yet under this voluntary system approximately 20 million employees could face the very real threat of being denied employment or victimized by employment discrimination.

Mr. Chairman, I urge my colleagues to support the Chabot-Conyers amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of the Chabot-Conyers amendment to strike the establishment of a new and additional employment eligibility confirmation process. I oppose the worker verification system, which is really a 1-800 big brother system, because it is an onerous imposition on businesses in my district and in my State of Texas.

I have spoken with Houston grocery store owners and those in the food industry in Houston, and they have voiced to me their concerns about the call-in verification system. A call-in system will not prevent fraud because verifying a new hire's name and Social Security number does not prevent the fraud of an illegal alien using the name and Social Security number of someone else who is eligible to work. The grocery industry is labor intensive, employing more than 3 million people, and experiences high turnover. Some stores hire 50 to 150 new employees each week during the Christmas season. Telephoning the Government would amount to an impossible burden on store managers. Around 65 million hirings take place every year. The phone system and the bureaucracy necessary to handle this volume efficiently and accurately would be staggering in size and cost.

Verification systems would rely on highly flawed Government data. The INS database slated for use has missing or incorrect information 28 percent of the time, while Social Security Administration data has faulty data 17 percent of the time. Even a low 3-percent

error rate could cost nearly 2 million Americans to be wrongly denied or delayed in starting work each year.

Furthermore, I am a strong supporter of civil rights, and this system would represent a major assault on the privacy rights of all Americans. The verification would lead to an intrusive national ID card. Just as we have seen the uses for Social Security cards being expanded beyond its original purpose, there are already calls being raised to use a national verification system to give police broader access to personal information and to retrieve medical records.

In committee, I also voted for an amendment to strike the provisions for an employment verification system, and I urge my colleagues to join me today in voting "yes" on the Chabot-Conyers amendment and voting "no" on the Gallegly-Bilbray-Seastrand-Stenholm amendment.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT], as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. CHABOT], 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. 8 offered by Mr. BRYANT of Tennessee; amendment No. 9 offered by Ms. VELÁZQUEZ of New York; amendment No. 10 offered by Mr. GALLEGLY of California; and amendment No. 12 offered by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, except the electronic vote, if ordered, of amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MR. BRYANT OF TENNESSEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] 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 vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 11, as follows:

[Roll No. 73]

AYES—170

- Andrews
- Archer
- Bachus
- Baker (CA)
- Baker (LA)
- Ballenger
- Barr
- Barrett (NE)
- Bartlett
- Barton
- Bass
- Bateman
- Bereuter
- Bilbray
- Bilirakis
- Bliley
- Boehner
- Bono
- Brown (OH)
- Bryant (TN)
- Bunning
- Burr
- Burton
- Buyer
- Callahan
- Calvert
- Camp
- Canady
- Castle
- Chabot
- Chambliss
- Christensen
- Clement
- Coble
- Collins (GA)
- Combest
- Cooley
- Cox
- Crane
- Creameans
- Cubin
- Cunningham
- Deal
- DeLay
- Dickey
- Dornan
- Dreier
- Duncan
- Ehrlich
- Ensign
- Everett
- Ewing
- Fawell
- Fields (TX)
- Flanagan
- Foley
- Fowler
- Franks (CT)
- Franks (NJ)
- Funderburk
- Gallegly
- Gillmor
- Goodlatte
- Goodling
- Gordon
- Graham
- Gutknecht
- Hancock
- Hansen
- Hastert
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Heineman
- Hilleary
- Hoekstra
- Hoke
- Horn
- Houghton
- Hunter
- Hutchinson
- Istook
- Jones
- Kasich
- Kim
- Kingston
- Knollenberg
- Kolbe
- LaHood
- Largent
- LaTourrette
- Laughlin
- Lewis (KY)
- Lincoln
- Linder
- Livingston
- LoBiondo
- Manzullo
- Martini
- McCollum
- McCrery
- McInnis
- McIntosh
- McKeon
- Metcalf
- Meyers
- Mica
- Moorhead
- Myers
- Myrick
- Nethercutt
- Neumann
- Ney
- Norwood
- Packard
- Parker
- Paxon
- Petri
- Pombo
- Portman
- Pryce
- Quillen
- Ramstad
- Regula
- Riggs
- Rogers
- Rohrabacher
- Roth
- Roukema
- Royce
- Salmon
- Sanford
- Saxton
- Scarborough
- Schaefer
- Seastrand
- Sensenbrenner
- Shadegg
- Shaw
- Shays
- Shuster
- Smith (TX)
- Solomon
- Souder
- Spence
- Stearns
- Stockman
- Stump
- Tate
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thornberry
- Tiahrt
- Torricelli
- Traficant
- Upton
- Vucanovich
- Waldholtz
- Wamp
- Watts (OK)
- Weldon (PA)
- Weller
- Whitfield
- Wicker
- Wilson
- Young (AK)
- Young (FL)
- Zimmer

NOES—250

- Abercrombie
- Ackerman
- Allard
- Armey
- Baessler
- Baldacci
- Barcia
- Barrett (WI)
- Becerra
- Beilenson
- Bentsen
- Berman
- Bevill
- Bishop
- Blute
- Boehlert
- Bonilla
- Bonior
- Borski
- Boucher
- Brewster
- Browder
- Brown (CA)
- Brown (FL)
- Brownback
- Bryant (TX)
- Bunn
- Campbell
- Cardin
- Chapman
- Chenoweth
- Chrysler
- Clay
- Clayton
- Clinger
- Clyburn
- Coburn
- Coleman
- Collins (MI)
- Condit
- Conyers
- Costello
- Coyne
- Cramer
- Crapo
- Danner
- Davis
- de la Garza
- DeFazio
- DeLauro
- Dellums
- Deutsch
- Diaz-Balart
- Dicks
- Dingell
- Dixon
- Doggett
- Dooley
- Doolittle
- Doyle
- Dunn
- Durbin
- Edwards
- Ehlers
- Emerson
- Engel
- English
- Eshoo
- Evans
- Farr
- Fattah
- Fazio
- Fields (LA)
- Filner
- Flake
- Foglietta
- Forbes
- Ford
- Fox
- Frank (MA)
- Frelinghuysen
- Frisa
- Frost
- Furse
- Ganske
- Gejdenson
- Gekas
- Gephardt
- Geren
- Gibbons
- Gilchrest
- Gilman
- Gonzalez
- Goss
- Green
- Greenwood
- Gunderson
- Gutierrez
- Hall (OH)
- Hall (TX)
- Hamilton
- Harman
- Hastings (FL)
- Hefner
- Herger
- Hilliard
- Hinchey
- Hobson
- Holden
- Hoyer
- Hyde

- Inglis
- Jackson (IL)
- Jackson-Lee
- (TX)
- Jacobs
- Jefferson
- Johnson (CT)
- Johnson (SD)
- Johnson, E. B.
- Johnson, Sam
- Kanjorski
- Kaptur
- Kelly
- Kennedy (MA)
- Kennedy (RI)
- Kennelly
- Kildee
- King
- Klecza
- Klink
- Klug
- LaFalce
- Lantos
- Latham
- Lazio
- Leach
- Levin
- Lewis (CA)
- Lewis (GA)
- Lightfoot
- Lipinski
- Lofgren
- Longley
- Lowey
- Lucas
- Luther
- Maloney
- Manton
- Markey
- Martinez
- Mascara
- Matsui
- McCarthy
- McDade
- McDermott
- McHale
- McHugh
- McKinney
- McNulty
- Meehan
- Meek
- Menendez
- Miller (CA)
- Miller (FL)
- Minge
- Mink
- Molinari
- Mollohan
- Montgomery
- Moran
- Morella
- Murtha
- Neal
- Nussle
- Oberstar
- Obey
- Olver
- Ortiz
- Orton
- Owens
- Oxley
- Pallone
- Pastor
- Payne (NJ)
- Payne (VA)
- Pelosi
- Peterson (FL)
- Peterson (MN)
- Pickett
- Pomeroy
- Poshard
- Quinn
- Rahall
- Rangel
- Reed
- Richardson
- Rivers
- Roberts
- Roemer
- Ros-Lehtinen
- Rose
- Roybal-Allard
- Sabo
- Sanders
- Sawyer
- Schiff
- Schroeder
- Schumer
- Scott
- Serrano
- Sisisky
- Skaggs
- Skeen
- Skelton
- Slaughter
- Smith (MI)
- Smith (NJ)
- Smith (WA)
- Spratt
- Stenholm
- Studds
- Stupak
- Talent
- Tanner
- Tejeda
- Thomas
- Thompson
- Thornton
- Thurman
- Torkildsen
- Torres
- Towns
- Velazquez
- Vento
- Visclosky
- Volkmer
- Walker
- Walsh
- Ward
- Watt (NC)
- Waxman
- Weldon (FL)
- White
- Williams
- Wise
- Wolf
- Woolsey
- Wynn
- Yates
- Zeliff

NOT VOTING—11

- Collins (IL)
- Hostettler
- Johnston
- Moakley
- Nadler
- Porter
- Radanovich
- Rush
- Stark
- Stokes
- Waters

□ 1634

Messrs. HYDE, ZELIFF, FOX of Pennsylvania, EMERSON, LIGHT-FOOT, DIXON, HOBSON, LONGLEY, and DOOLITTLE changed their vote from "aye" to "no."

Messrs. WELLER, PACKARD, LAUGHLIN, BATEMAN, HEFLEY, BOEHNER, PAXON, RAMSTAD, SOLOMON, and Mrs. MEYERS of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings, except the vote by electronic device, if ordered, on amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ] on which further proceedings were postponed and on which the "noes" prevailed by voice vote.