

King	Myrick	Sisisky
Kingston	Nadler	Skaggs
Klecza	Neal	Skeen
Klink	Nethercutt	Skelton
Klug	Neumann	Slaughter
Kolbe	Ney	Smith (MI)
LaFalce	Nussle	Smith (NJ)
LaHood	Oberstar	Smith (TX)
Lantos	Obey	Smith (WA)
Latham	Olver	Souder
LaTourette	Ortiz	Spence
Laughlin	Orton	Spratt
Lazio	Owens	Stark
Leach	Oxley	Stearns
Levin	Packard	Stenholm
Lewis (GA)	Pallone	Stockman
Lewis (KY)	Parker	Stokes
Lightfoot	Paxon	Studds
Lincoln	Payne (NJ)	Stupak
Linder	Payne (VA)	Talent
Lipinski	Pelosi	Tanner
Livingston	Peterson (FL)	Tate
LoBiondo	Peterson (MN)	Tauzin
Lofgren	Petri	Taylor (MS)
Longley	Pickett	Taylor (NC)
Lowe	Pombo	Tejeda
Lucas	Pomeroy	Thompson
Luther	Porter	Thornberry
Maloney	Poshard	Thornton
Manton	Pryce	Thurman
Manzullo	Quillen	Tiahrt
Markey	Quinn	Torres
Martinez	Radanovich	Torricelli
Martini	Rahall	Towns
Mascara	Ramstad	Trafficant
Matsui	Rangel	Upton
McCollum	Reed	Velazquez
McCrery	Regula	Vento
McDade	Richardson	Visclosky
McDermott	Rivers	Volkmer
McHale	Roberts	Vucanovich
McHugh	Roemer	Walker
McInnis	Rogers	Walsh
McIntosh	Ros-Lehtinen	Wamp
McKeon	Rose	Ward
McKinney	Roth	Waters
Meehan	Roukema	Watt (NC)
Meek	Roybal-Allard	Watts (OK)
Menendez	Royce	Waxman
Metcalfe	Rush	Weldon (FL)
Meyers	Sabo	Weldon (PA)
Mica	Salmon	Weller
Millender-	Sanders	White
McDonald	Sanford	Whitfield
Miller (CA)	Sawyer	Wicker
Miller (FL)	Saxton	Williams
Minge	Schaefer	Wise
Mink	Schiff	Wolf
Moakley	Schroeder	Woolsey
Molinari	Schumer	Wynn
Montgomery	Seastrand	Yates
Moorhead	Sensenbrenner	Young (AK)
Moran	Serrano	Young (FL)
Morella	Shaw	Zimmer
Murtha	Shays	
Myers	Shuster	

## NAYS—17

Campbell	Hancock	Rohrabacher
Cooley	Herger	Scarborough
DeLay	Johnson (CT)	Shadegg
Doolittle	Knollenberg	Stump
Ehlers	Largent	Thomas
Geren	Lewis (CA)	

## NOT VOTING—24

Bilirakis	Hilleary	Pastor
Brown (FL)	Houghton	Portman
Collins (IL)	Istook	Riggs
de la Garza	Johnston	Scott
Ganske	McCarthy	Solomon
Graham	McNulty	Torkildsen
Hayes	Mollohan	Wilson
Heineman	Norwood	Zeliff

## □ 1345

Messrs. KNOLLENBERG, THOMAS, and LEWIS of California changed their vote from "yea" to "nay."

Messrs. CRAPO, CHRYSLER, and SMITH of Michigan changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. MCCARTHY. Mr. Speaker, during rollcall vote No. 407, the motion to instruct conferees on H.R. 3666, I was unavoidably detained. Had I been present, I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 407.

## □ 1345

The SPEAKER pro tempore (Mr. DREIER). Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

## IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1996

Mr. SMITH of Texas. Mr. Speaker, pursuant to clause 1 of rule XX, and by direction of the Committee on the Judiciary, I move to take from the Speaker's table 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 a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Does the gentleman from Texas wish to debate the motion to go to conference?

Mr. SMITH of Texas. Mr. Speaker, this is the customary request which will enable us to go to conference on this important bill.

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

The previous question was ordered.

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

The motion was agreed to.

## MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2202 be instructed to recede to the provisions contained in section 105 (relating to increased personnel levels for the Labor Department).

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 30 minutes.

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

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

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

Mr. CONYERS. Mr. Speaker, the motion I am offering would instruct conferees to retain the provisions in the Senate-passed bill that provides for 350 additional Department of Labor wage and hour inspectors and staff to enforce violations of the Federal wage and hour laws. It is no more complicated and no less simple than that.

The reason is that the cornerstone of our efforts to control immigration must be to shut off the job magnet that draws so many undocumented aliens into the country. Increasing border patrols is of course important, but that can be done through the appropriations process, as we have been doing for the last 2 years. But it is imperative that we enhance the authority to prosecute those employers who knowingly hire illegal workers instead of American workers.

For example, we know that each year more than 100,000 foreign workers enter the work force by overstaying their visas. No amount of border enforcement will deter this, since they enter legally with passports and visas. No amount of border enforcement will deter the desire, the magnet that draws people into this country, and that is to seek jobs. The only way to deter this form of illegal immigration is in the workplace, by denying them jobs.

Case in point: In the 14-month-old Detroit newspaper dispute we have reports of illegal immigrants, not replacement workers from within the United States, but people without a valid passport, no right in this country, are coming in and they have been investigated, INS is conducting investigations on them. It is a serious incursion and a serious charge and it is being investigated by INS now, but this gives reason for the instruction motion that I would urge that we adopt in as large a number as possible.

We must enhance the authority to prosecute employers who knowingly hire illegal workers instead of American workers, and there can be no doubt that an increased number of Labor Department inspectors will reduce the possibility that employers will hire illegal workers. The Jordan Commission, remembering the late Barbara Jordan, recommended this increase, since studies show that most employers who hire illegal workers also violate labor standards.

This goes together. We want to deal with this problem and the only way is to move to the Senate-passed version that authorizes 350 additional inspectors to enforce these violations or alleged violations of Federal Wage and hour laws.

The report of the Jordan Commission concluded with this statement: The commission believes that an effective work site strategy for deterring illegal immigration requires enhancement of

labor standards enforcement. Now, I expect that the 350 additional inspectors would be used to enhance enforcement of labor standards in those areas where high concentrations of illegals are employed.

In fiscal years 1993 through 1995, the Department of Labor recovered nearly \$60 million in unpaid minimum wages for more than a quarter of a million workers and another \$300 million in unpaid overtime for more than a half million additional workers.

More can be accomplished with these additional personnel. And just as importantly, increased enforcement will help level the playing field for those honest employers who play by the rules and hire American workers and pay them a fair wage.

So all of the Members who like to talk about preventing illegal immigration, please, let us all repair to this motion to instruct. It is an important one, it is critical for maintaining good labor standards in this country, and I ask my colleagues to join with me in voting yes on a more tough and effective workplace enforcement.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the motion to instruct conferees.

The appointment of House conferees for H.R. 2202 marks another important juncture on the road to immigration reform. Hopefully it also means that the final destination is very close.

The Immigration in the National Interest Act is just what it says, an effort to fundamentally reorient national immigration policy so that it protects first and foremost the needs of American workers, taxpayers, and families.

We worked long and hard within the Committee on the Judiciary to bring this bill to the House floor where it passed by a margin of 333 to 87. Other Senate colleagues also labored intensely to bring forth a slightly different version of this legislation, passed by a vote of 97 to 3. These lopsided majorities clearly reflect the will of the American people, that Congress get serious about immigration reform. Not tomorrow. Not next session. But now.

Illegal immigration has reached a crisis. One million permanent illegal aliens enter the country every 2.5 years. Half of these illegal aliens use fraudulent documents to wrongly obtain jobs and government benefits, and one quarter of all Federal prisoners are illegal aliens.

Think of the human cost in pain and suffering to innocent victims. Think of the financial cost to taxpayers of incarceration in the criminal justice system.

H.R. 2202 will better secure our borders by doubling the number of border patrol agents and cracking down on repeat illegal border crossings. It will increase interior enforcement and make it more difficult for illegal aliens to take jobs away from American citizens.

□ 1400

And it will reduce the number of criminal aliens and the flow of illegal drugs into our country.

The bill adopts the most comprehensive overhaul of our deportation system in this century. Deportation procedures are streamlined, and opportunities for illegal aliens and criminal aliens to "game the system" in order to stay in the United States disappear. Aliens who show up with no documents to legitimately enter the United States will be quickly turned back, rather than be given lengthy immigration hearings to which a vast majority new show up.

H.R. 2202 also tackles the pressing problem of immigration and welfare. Our official national policy for almost a century has been that aliens should not be admitted to or remain in the United States if they become a "public charge"—dependent on welfare.

Today, that presumption is turned upside down. Noncitizens receive a disproportionate share of welfare benefits in large States such as California. When all types of benefits are included, immigrants receive \$25 billion more in benefits than they pay in taxes. The number of immigrants on Supplemental Security Income increases by 50 percent each year. We cannot continue down this road.

America's generosity towards those immigrants who want to work and produce and contribute will continue. But we should not admit immigrants who will live off the American taxpayers.

H.R. 2202 ensures that sponsors of immigrants will be legally responsible for those they bring into the country. The bill also ensures that sponsors first have the means to meet this financial commitment. It makes no sense, as current law allows, for sponsor who are themselves on welfare to promise that they will keep the new immigrants they sponsor off of welfare. Obviously, this is a promise that cannot be kept, and the taxpayer foots the bill.

This is truly landmark legislation. And it is long overdue. It's time to put the interests of American workers, taxpayers, and families first. It's time to push through to the finish, and complete passage of the Immigration in the National Interest Act.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT], ranking member on the Subcommittee on Immigration, who more than any other member on the committee fought to protect American workers, who started out with the Smith-Bryant bill, got cut out by the leadership and we now meet here at this juncture before we go to conference.

Mr. BRYANT of Texas. Mr. Speaker, I thank the chairman for yielding me the time and for his kind words.

Mr. Speaker, a bill that began as a bipartisan effort to address a very dif-

ficult problem for our country, the problem being immigration and illegal immigration, has at this stage, I think it is fair to say, degenerated into a bill that is now going to be a partisan contrivance designed to somehow isolate certain Members and make them subject to political attacks and maybe try to do the same thing to the President.

I heard the comments of the gentleman from Texas [Mr. SMITH] a moment ago about the difficulties this country faces with immigration. I agree with every one of the things he said. But the problem is that the bill, apparently, the conference committee proposal that will be taken up tomorrow, the provisions within it do not address the problems. It is just that simple.

Consider this: Much has been made of the Jordan commission report because of the enormous credibility Barbara Jordan has in this country and in this institution. This bill was advertised over and over, both by me back when I was proud to cosponsor it because at that time I think it was a constructive action, Mr. SMITH and others, as a bill designed to implement the bipartisan recommendations of the Jordan commission. Yet on point after point after point, the bill has abandoned those important provisions and yet kept the name and the implied sponsorship of a great woman who led a commission that did a very good job.

The most recent apparent abandonment of those provisions is the fact that the Jordan commission observed that studies show that most employers hiring illegal workers also violate labor standards. Accordingly, the Jordan commission recommended that we increase the number of Labor Department wage and hour inspectors to help us stop that and directly help us stop illegal immigration. What happened?

We came out of the committee with 150 additional inspectors, just as the Jordan commission reported, but before it came to the floor, the Speaker, Mr. GINGRICH, the gentleman from New York, Mr. SOLOMON, the chairman of the Committee on Rules, the powers that be, while listening to the whisperings in their ears of lobbyists for employers, said we are not going to let that stay in the bill.

So by the time the bill got to the floor, the 150 new inspectors designed to help us deal with the problem Mr. SMITH was talking about were gone. The U.S. Senate passed the bill. When the U.S. Senate passed the bill, there were 350 additional Labor Department wage and hour inspectors. But we saw the draft of the Republican conference committee proposal that will be taken up tomorrow. What does it have? Zero.

The question is whether we are going to legislate here in the interest of the American people, write legislation that really deals with the problem that we are facing, and it is a big problem, with regard to illegal immigration and the displacement of American workers or whether we are going to do what the lobbyists tell us to do.

I urge the Members of the House to come to this floor and vote in favor of the Conyers motion to instruct and to tell whoever it is that is calling the shots behind the scenes, we want 350 wage and hour workers back in this bill. We want them to be able to augment the efforts of our other Government agencies in trying to fight illegal immigration. We want a bill that does what the advertisers and the sponsors of this bill say they are trying to do. And that is stop people who do not live in this country, who are not supposed to be in this country from taking the jobs of working Americans. Vote for the motion to instruct.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GALLEGLY], chairman of the House task force on illegal immigration.

Mr. GALLEGLY. Mr. Speaker, one of the most critical challenges facing the 104th Congress is the passage of comprehensive and effective immigration reform legislation. For many years the American people have expressed frustration that its leaders in Congress have failed to enact policies to eliminate the unacceptable high levels of illegal entry into our country.

Under the able leadership of the gentleman from Texas, Mr. LAMAR SMITH, chairman of the House Subcommittee on Immigration and Claims, the House of Representatives will soon consider a conference report which finally addresses the public concern over this problem in a serious and comprehensive manner.

One of the most important elements of this conference report is the so-called Gallegly amendment. This provision is really quite straightforward. It simply eliminates the ability of the Federal Government to force States to provide a free public education to illegal immigrants.

This unfunded mandate is especially disturbing considering that 95 percent of the cost of providing a public education is born by State taxpayers. In addition, my amendment has been modified to make absolutely sure that illegal immigrant children who are already enrolled in public schools will not be removed from those schools. This compromise provides that illegal immigrants who are currently enrolled in a public school will continue to receive a free public education through the highest grade either in elementary or secondary school.

For example, an illegal immigrant student in 2d grade could get a free education until the 6th grade or an illegal student in the 7th grade could continue through the 12th grade, provided they remained within the same school district.

It is important to keep in mind that all these provisions dealing with illegal immigrants currently enrolled in public schools apply only to the States that choose to deny illegal immigrants a free public education. If a State, be it New York, Oregon, or any other State,

wants to continue to provide a free public education to illegal immigrants as they currently do, they would be perfectly entitled to continue that policy.

Mr. Speaker, California alone spends over \$2 billion per year to educate illegal immigrants, and our Nation spends over \$4 billion in this unfunded mandate. It is time that we at least give the States this important tool for reducing incentives for illegal immigrants to stay in our country.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], ranking member of the Committee on the Judiciary, a member of the Subcommittee on Immigration.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that this is a very important subject. I agree that we should be acting to try to diminish illegal immigration. It is for that reason that I deplore as seriously as I can both the method by which this bill has been considered and the substances.

I am a member of the Subcommittee on Immigration as I have been since coming to Congress. I am very proud of the bipartisan efforts in which I participated in 1986 and in 1990 and at other times to deal with immigration legislation. For the first time in the 16 years I have been a Member of Congress, gross partisanship has run this process. Those of us who participated in good faith have assurances from the chairman of the subcommittee that this would be done in a bipartisan way in the deliberations at the committee stage. Those of us who were Democrats were completely excluded from the process to the point where, despite our repeated requests, we could not even see a copy of this complex legislation until 9:30 last night.

My colleagues will remember that the Republican leadership was ready to push this bill through before the recess, and only our objection stopped it. They were going to put it through without our having a chance to see it. Then, despite the fact that it was ready to be passed in August, they withheld it from us, despite our requests to be able to look at it until last night.

This substitution of partisan exclusion for a bipartisan process is the reason why we may very well not have a bill. The fault will lie at the feet of those who changed a tradition of bipartisanship. I believe the chairman of the subcommittee when he said, do not worry, we are just talking among ourselves. We will have a participatory process.

That apparently consists of us seeing the bill last night and then trying to run it through conference tomorrow. That is their participatory process. Now, I understand why they did it that way. There are in this bill several provisions which do not deal with illegal immigration, they deal with discrimination. They make it easier for people to discriminate against American citizens of Hispanic or Asian origin in particular.

In 1986, back in the bipartisan days, now long over with us, we adopted legislation that said, if you hire people who are here illegally, you will be punished. We feared that that would lead to discrimination. People would say, I better not hire anybody who is Hispanic or Asian who might be foreign because they might be here illegally. We had a variety of safeguards in there including antidiscrimination provisions which were unanimously agreed to finally by the conference.

We put provisions in there that said, if you are denied work by someone who is motivated by fear of sanctions, despite your having done the right things, we are going to protect you. And we said to businesses, you cannot use the rules against hiring people illegally as a justification for saying, Mexicans are too much trouble, Asians are too much trouble.

This bill weakens that. This bill deliberately, clearly and intentionally, to use the word this bill likes, weakens those protections for Hispanics. By the way, we had a study by the General Accounting Office. They said the provisions were not strong enough. The General Accounting Office said, yes, the sanctions have led to discrimination. Understand, we are not here talking about keeping out people who are here illegally. We are talking about Mexican-American citizens, Asian-American citizens. And some employers say, I do not want to mess with you guys because you might be here illegally. We said, you cannot do that. You cannot simply refuse. You have to give them a chance to prove that they are here legally.

We had provisions there that protected people. They now changed that law. Those provisions are not before us. This sanction proposal, we are not dealing with that. What they did in this bill is gratuitously go back to the 1986 law and weaken the antidiscrimination provisions by saying that you will be found guilty to discriminating only if the Government proves intent. In other words, if you are by now dumb enough to use bigoted words, we can do it. but if it is overwhelmingly clear from the way you have behaved, from your work force, et cetera, that you are discriminating, we will not be able to protect you.

We also have problems from people who apply and are illegally turned down because the Government makes a mistake. We said, what if somebody said, I will hire you if you are here legally and the Government makes a mistake. My friends on the other side talk frequently of the fact that the Government makes mistakes. We know the Government makes mistakes. So we said, if you are in fact someone who is here legally and you are refused a job because the Government made an error, we will allow you to recover damages from the Government.

Do my colleagues know what they did? They knocked that out. What does

that have to do with illegal immigration? We put provisions in there to protect people who are lawfully here, American citizens, people who may have been born here. We put in provisions to protect them from harmful error. My colleagues knocked it out.

□ 1415

No wonder they did not want to let us see it until last night. They weakened anti-discrimination provisions that have been in the law for 10 years, that the GAO said should have been strengthened. They weakened out ability to have Americans get money back from the Government.

We passed the Taxpayers Bill of Rights for the IRS. But if the IRS and the Social Security Administration, somebody else, makes a mistake about one's eligibility to work, and they lose a job because of it, they do not get any help, and do my colleagues know what the Republican answer was? "Oh, well, there's a reciprocal problem there because you, if you were illegally turned down for the job, you lost the job, but the employer has also been hurt because the employer didn't get to hire you." That is the kind of equivalence we get here.

We have legislation that addresses an important subject, and up until the committee process we dealt with it in a bipartisan way, and once it got out of committee somebody made a decision, and I do not know; we could not find out who. Everybody I talked to thought it was a terrible decision. Apparently the decision was made by the ether. But the decision was to withhold from the Democratic members of this subcommittee and full committee and others in the House, and I am told this happened on the other side as well, any chance to look at this complicated bill.

We got it at 9:30 last night, and they plan to pass it tomorrow, quite contrary to the assurances I received from the chairman of the subcommittee and others, and they also, having let us play games, having apparently made us feel good, pretending they were paying attention to us, it seems to me, during the committee process, they then systematically weakened or took out of that bill everything that would protect American citizens against discrimination, American citizens against government error.

Mr. Speaker, we do not stop illegal immigration by diminishing the rights of Americans citizens, but that is what this bill does. I do not like the amendment offered by the gentleman from California regarding education. The right of children to go to school the second to the sixth grade does not seem to me a great right, and if my colleagues believe that education stops at the sixth grade, I guess it does to my colleagues, too.

But I want to say that that is not the only provision of this bill that bothers me and there are provisions of the bill that systematically reduce rights that are now available to American citizens

who, if they happen to be Hispanic or Asian, might get caught up in the web. I am very disappointed that the Republican leadership choose a partisan method and choose to give in to these kinds of fears because they will be responsible for the likely result: no legislation.

We pass immigration legislation when we do it in a bipartisan and cooperative way. We defeat it when we use these kinds of partisan methods, particularly when they are used to diminish rights that already exist among American citizens.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN] who has been a member of the Committee on the Judiciary for a considerable period of time and is widely reputed to be an expert on immigration.

Mr. BERMAN. Mr. Speaker, I thank the ranking member of our Committee on the Judiciary for yielding me this time.

I rise in support of the motion to instruct the conferees. It is a funny situation when we deal with a provision in the bill that is the critical increase in the number of wage and hour inspectors in order to make immigration reform meaningful by giving us the resources to go to the work site where the big problem is, and the Senate bill provided, I believe, 200, 300. The House bill provided 150. It was taken out by a floor amendment that had nothing to do with the issue of wage and hour inspectors. It dealt with collapsing from a meaningful verification program to a weak verification program, and that was taken out, and now we come back with a proposed draft, the rumors are, and it is more than rumors. The proposed conference committee document that has very kindly been shown to out side of the aisle before the conference indicates there will be no increase in wage and hour inspectors.

If my colleagues want to get a handle on the issue of illegal immigration, putting all of the rhetoric aside, there are some key steps. At the border, meaningful verification; right now employer sanctions are a joke, and a systematic effort to take those industries and employers who systematically recruit and hire illegal immigrants because of their desire to violate wage and hour standards and take a very exploitable work force and utilize them in order to produce their product at below average scale and capture the market in that fashion.

This bill goes along with the Clinton administration's effort to increase the border patrol, does a whole bunch of other things which in some cases are very incendiary, dilutes its initial attempts to provide meaningful verification, thereby rendering fairly ineffective, to my way of thinking, all of the efforts to deal with denial of employment or public benefits to illegal immi-

grants and strips away any serious increase in wage and hour supporters, wage and hour division inspectors, which could provide the kind of policing of those employers who want to hire illegal immigrants in order to exploit them in callous disregard of Federal law knowing that those people will never utilize the remedies available to them.

So the motion to instruct is a very important one.

The other larger question which I think the majority has to consider is do they want the bill? They are insisting. The Governor from California came out yesterday and joined the Speaker of the House in a press conference, insisting on including a provision in this bill, an amended form of the Gallegly amendment that all law enforcement tells us is crazy, that all educators tell us is bad, which requires that the children of people who came here illegally at one point or another be refused admission or kicked out of the public schools.

The President has made it quite clear that that will result in a veto.

When I read that the Governor of California came back to Washington, came back to Washington to insist on a provision which he knows will require a veto, I tried to think why, since he ballyhoos himself as somebody who is trying to do something about illegal immigration. I think Ron Prince, who was the chairman; he was the chairman of the committee to pass proposition 187, probably put it most accurately when he indicated that there are some Republicans in this House and in the Senate and in the Republican campaign who want to veto a bill. They do not want to do anything about illegal immigration. They want an issue. So they take the one provision that has drawn a clear statement of a veto and insist that that provision be kept in the bill even though it is bad public policy, even though all of law enforcement says that it will make their job much more difficult. All educators, nearly all educators oppose the provision. I wonder what the agenda is of the people who would make that the condition for this conference report.

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

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

Mr. GALLEGLY. Mr. Speaker, I cannot let the statement pass, and I thank the gentleman for yielding, that all law enforcement opposes it when I know my good friend, the gentleman from California [Mr. BERMAN], knows that not to be true. In fact, just 3 days ago one of the largest law enforcement agencies in the country, the California Sheriffs Association, strongly endorsed it. The National Alliance endorsed it. A large portion of the rank and file of the Fraternal Order of Police endorsed it. So I would say to the gentleman the cops on the street support it.

Mr. BERMAN. Reclaiming my time, Mr. Speaker, I should amend my statement. The vast majority of leadership

and individual chiefs of police of jurisdictions most affected by this provision think it would be a terrible idea.

Now I am trying to understand what the motivation is for someone like Governor Wilson to come to Washington, hold a press conference, urge passage of a bill with a provision that he knows will draw a veto. There is two cynical, but perhaps accurate, interpretations of the motivations for this action.

One is again to have an issue rather than a law. All the time and effort spent by the chairman of the subcommittee and Senator SIMPSON to try and improve our ability to deal with illegal immigration will be a waste of time if this bill is vetoed. Those people want an issue.

The other even more cynical interpretation of the motivations of the Governor is what happened on both the House and Senate floors. Actually the Senate did not even take it up. The large growers in California hate anything which makes efforts to enforce our laws against illegal immigration tougher because they have historically relied on bringing in undocumented workers to pick the crops. They came in with a rather brazen effort on the House floor to try and create a new 500,000 farm worker-guest worker amendment to bring in these people. That amendment got trounced on a bipartisan basis. My view is that those same growers do not want to see this bill pass, but no one can be against this kind of a bill from that community. So instead they and the Governor, as their representative, comes here and insists on a provision he knows will result in a veto.

It is a pretty cynical story. It is a pretty sad story. It means a lot of important provisions in this bill, provisions providing for reimbursement for health care institutions, provisions that at least go down the road toward some meaningful verification, hopefully all of those will go down the drain because of an insistence on this one provision.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the chairman for yielding me the time.

With all due respect to my friend, the gentleman from California [Mr. BERMAN], I just could not let some of these statements stand without some form of rebuttal, as he referred to the element of farm worker issue being drowned.

I have to remind the gentleman that it was only 3 months ago that this very body passed the bill that we are discussing, only a much tougher bill, 333 to 87, including the education issue, and in fact on a stand-alone vote, whether we should give the States the rights to make the decision for themselves, it passed by almost a hundred votes, stand-alone.

The people of California have been crying for this support, and the issue,

the issue of where we were 3 months ago with a 333 to 87 vote; how many votes do we have in this body that we get that many folks to agree on? Just let me finish this, and I will be happy to yield. Three hundred thirty-three to eighty-seven this body voted to support this immigration bill including a provision, unmodified provision, that would allow the States to deny a free public education to those that have no legal right to be in this country. Since that time we have modified it to the point of giving a grandfather clause to all of those in K through 6 and those in 7 through 12, watered it down considerably, and now even with a much more modified version the President of the United States is saying he would veto something that almost a 4 to 1 margin in the House supported, a strong bipartisan vote, and the people of California in an initiative 2 years ago voted by almost a 2 to 1 margin. It appears to me the President of the United States, if in fact he really is talking seriously about a veto, is not listening to the people of California.

And further I would just like to add that with all the due respect that I have for our President, he has talked about vetoes in the past. Sometimes he does what he says; sometimes he does not. I am just saying that I do not believe that he would veto this bill, I do not think that it is the right thing for him to do, he knows it is not what the people of California want.

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

Mr. GALLEGLY. I am happy to yield to my friend, the gentleman from California.

□ 1430

Mr. BERMAN. The gentleman misunderstood me. First of all, the 333 votes the gentleman referred to included a number of us who made it very clear that we want a great part of what is in this bill, we do not want, with all due respect, the gentleman's amendment in the bill, and that we would move it on to conference in the hope that a conference committee would convene and decide to pull that amendment out, since it was not in the Senate.

The second point I wanted to make was my point about the growers had nothing to do with the 333 vote. It was why would the Governor of California do that, with a chance to get meaningful provisions.

Mr. GALLEGLY. Reclaiming my time, Mr. Speaker, I would say to the gentleman from California [Mr. BERMAN], this issue is very clearly I think an issue that the gentleman, my good friend, would agree is something that I have worked on for many years.

I have 20-some provisions in this bill that I strongly believe in. We have modified, we have cut back. We have made compromises that quite frankly I do not think we should have made, but for the sake of moving the bill ahead, I have supported it. I think we have

come to the point where we cannot continue to chisel away and have a real bill.

The people of California can no longer afford to provide a free public education to everyone. It has a denigrating effect on the citizens of our States in providing an education to the children of legal residents and citizens. I think that issue has been sorely missed in this debate.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I in no way question the sincerity of the gentleman's commitment to his amendment. I think he is wrong, but I think he is sincere. He has always had this position. He has pushed for it for a long time.

I just wish that, given that he had two strong efforts in this bill, major efforts, one for a meaningful verification system that could give some meaning to employer sanctions, and what I think is a somewhat crazy scheme on how to try and help deal with the problem of illegal immigration by kicking kids out of schools, he had been able to prevail on the first and yielded on the second, rather than yielding on meaningful verification and insisting on his provision.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute and 30 seconds to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for this leadership, and the leadership of the members of the Subcommittee on Immigration and Claims of the Committee on the Judiciary. I certainly want to acknowledge the bipartisan approach of my colleague, the gentleman from Texas, in the effort to distinguish and separate illegal immigration from legal immigration.

However, it is important to note that we still have an open question. Even now there is just a GAO study about taking rights away from citizen children. It is a study with the intent, of course, that we ultimately may deny the children born in the United States their rights.

Then I might say, as I rise to support the motion to instruct of my ranking member, the gentleman from Michigan, [Mr. CONYERS], how can we eliminate the Labor Department inspectors that would in fact be able to eliminate some of the very problems that the Honorable Barbara Jordan from Texas, as leader of the President's commission, indicated we had to do to protect workers, and to avoid the paying of wages below the minimum wage and unsafe working conditions?

We have already determined that the Labor Department and its inspector division has found some millions of dollars of situations where minimum wages were not paid, or unsafe conditions. It seems if we are truly sincere about reform in immigration that we will have those inspectors.

Last, let me say how unfortunate it is that if some of our citizens who have to be verified, particularly Hispanic citizens with Hispanic surnames, find out that they are legal and then they have no remedy, no way to address their grievances, I would say we need to look at making this a better reform and do a better job. I rise to support the motion to instruct.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was give permission to revise and extent his remarks.)

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when we get carried away in this body, we really get carried away. If ever I heard overkill, we are talking about overkill today.

In the conference agreement you have agreed to 900 new people in INS over a 3-year period, 900. I know what the Members are going to say, but they do no check on wage and hour. No, but if they do their job, there is no necessity for anybody to be checking on wage and hour. We are giving them 900 new people over a 3-year period.

Second, in the conference agreement you have agreed to the new workplace verification rule. Let us give them a chance. Let us give the 900 a chance, and let us give the new workplace verification system an opportunity to work. Then we can determine whether we need anything else.

I do not know how much experience you have with wage and hour people, but I have had a lot of experience in the school business. In fact, I had to threaten them, to tell them never, ever to step in again to my business manager's office, that they will come through the superintendent. Why? Because he was very, very valuable to me and to that school system. I could not have him have a stroke over the insensitivity of the gentleman who appeared there and said, do not tell me you are not doing anything wrong. I will stay here until I find it. He went all over my district doing the same, until I got him transferred to the district of the gentleman from Pennsylvania [Mr. MCDADE]. I figured he would have a tougher time up there.

Now, let us get back again to the point: 900 new people in INS. If they do their job, and we are giving them the opportunity by giving them more people, then we are getting to the root of the problem we are talking about, and we have eliminated that problem. That is what we have done. Also you have done it if our new verification system works the way we hope it will work.

So let us not get carried away and add 350 more here and another thousand some other place. Let us, as a matter of fact, see whether we have not gotten to the root of the problem, and

solved the problem with the 900 and with the new verification system.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from Pennsylvania is understandably confused, because he thought we were using regular procedures. He kept saying, you have agreed in the conference report. No, there is not any conference report. There was an internal Republican discussion, and they produced something that they intend to ram through the conference in a day. But in fact the gentleman mistook the current situation for regular legislative procedure.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California, Mr. XAVIER BECERRA, who I have asked to conclude this discussion by saving him for last to use the remaining time on our side.

The SPEAKER pro tempore. the gentleman from California [Mr. BECERRA] is recognized for 2 minutes and 45 seconds.

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

Mr. Speaker, there are a number of problems with this so-called conference report, not least of which is the backroom deals that occurred on the majority side of the aisle in both Houses which did not allow anyone from the Democratic side of the aisle to participate in any of the negotiations that took place over the last 3 to 4 months.

Now we are going to try to pass out a bill in about 48 hours, never having seen or had a chance to discuss any of these so-called changes. It is upsetting to see that the Republicans have decided to weaken protections against discrimination for U.S. citizens. They are gutting even a compromise that was reached in the light of day in committee, and the backrooms deals were cut, and that language that protected people from discrimination was removed.

It is sad to see that this Congress has now reached the stage where it is going to blame children and punish children for the acts of adults. I have never seen that happen in a court of law, but here we go, not punishing adults for the acts of children, but punishing children for the acts of adults. That is what this Congress wishes to do by denying kids the access to education.

By the way, talking about unfunded mandates, doing what they want to do in this bill will cost hundreds of millions of dollars to the schools throughout this Nation. That is not my statement, that is the statement of the California School Board Association, which is opposing the Gallegly amendment.

What is worst about all of this is jobs. The reason people come into this country, whether with or without documents, is to get a better paying job for their family. This bill, unfortunately,

does little, if anything, to try to preserve and protect American jobs. We had a provision in the Senate bill that said, let us provide 350 investigators to make sure we inspect the workplaces in this country to make sure jobs are held for American citizens.

We have right now a total of 750 investigators nationwide to cover 6 million places of employment. That is about 8,000 places of employment per investigator, to investigate to find out if someone is hired with the authorization to work in this country.

The Senate, including the Republicans in the Senate, said let us give the Department of Labor the opportunity to do a better job of investigating. Why? Because we have found we have been able to recoup money for a lot of American citizens that would have otherwise not been employed, and those people who are not employed and are in jobs that are not authorized, to get them out and leave the jobs for the American citizens.

What we find is that that was all gutted. This so-called conference report that Democrats have never even seen until today does not include any funding for that. Why? If we are really out to protect jobs for Americans, if we are really out to reform our immigration laws, then let us do the thing that most Americans wish to see most, jobs, jobs for Americans, or those entitled to work in this country. This bill does not provide that type of protection.

I am amazed, we found somehow the capacity in this Congress to give monies, funds for 300 additional border patrol agents more than even what the administration, the Clinton administration, requested. The President requested about 700 new border patrol officers. This Congress said, we are going to give you 1,000. When the administration said we need more investigators to make sure people are employed because they are authorized to work, this Congress said no, you cannot do it. So there we have.

We are going to find a situation, unlike what the chairman of the Committee on Economic and Educational Opportunities said, that you can stop them all at the border. I wish it was true but it is not, because almost half of the people undocumented in this country come legally through a visa, a student visa or a work visa. Then they overstay and become illegal after that. They are the ones you will never catch. Half of the people, they will continue to be employed and you will not have the investigators to spot them. Bad bill. Vote against this.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

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

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

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

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 181, nays 236, not voting 16, as follows:

## [Roll No. 408]

## YEAS—181

Abercrombie	Gilman	Nadler
Ackerman	Gonzalez	Neal
Allard	Gordon	Oberstar
Andrews	Green (TX)	Oby
Baldacci	Gutierrez	Olver
Barcia	Hall (OH)	Ortiz
Barrett (WI)	Hamilton	Owens
Becerra	Harman	Pallone
Beilenson	Hastings (FL)	Payne (NJ)
Berman	Hefner	Payne (VA)
Bevill	Hilliard	Pelosi
Blumenauer	Hinche	Peterson (FL)
Bonior	Holden	Pomeroy
Borski	Horn	Poshard
Boucher	Hoyer	Rahall
Brown (CA)	Jackson (IL)	Rangel
Brown (OH)	Jackson-Lee	Reed
Bryant (TX)	(TX)	Richardson
Campbell	Jefferson	Rivers
Cardin	Johnson (SD)	Ros-Lehtinen
Chapman	Johnson, E. B.	Rose
Clay	Johnston	Roth
Clayton	Kanjorski	Roybal-Allard
Clement	Kaptur	Rush
Clyburn	Kennedy (MA)	Sabo
Coleman	Kennedy (RI)	Sanders
Collins (MI)	Kennelly	Sawyer
Conyers	Kildee	Schroeder
Costello	Klecza	Schumer
Coyne	Klink	Serrano
Cummings	LaFalce	Skaggs
Danner	Lantos	Slaughter
DeFazio	Levin	Smith (NJ)
DeLauro	Lewis (GA)	Spratt
Dellums	Lipinski	Stark
Deutsch	Lofgren	Stokes
Diaz-Balart	Longley	Studds
Dicks	Lowey	Stupak
Dingell	Luther	Tejeda
Dixon	Maloney	Thompson
Doggett	Manton	Thornton
Doyle	Markey	Thurman
Durbin	Mascara	Torres
Edwards	Matsui	Torricelli
Engel	McCarthy	Towns
Eshoo	McDade	Trafigant
Evans	McDermott	Velazquez
Farr	McHale	Vento
Fattah	McInnis	Visclosky
Fazio	McKinney	Volkmer
Fields (LA)	Meehan	Ward
Filner	Meek	Waters
Flake	Menendez	Watt (NC)
Foglietta	Millender	Waxman
Ford	McDonald	Weller
Frank (MA)	Miller (CA)	Williams
Frost	Minge	Wilson
Furse	Mink	Wise
Gejdenson	Moakley	Woolsey
Gephardt	Moran	Wynn
Gibbons	Murtha	Yates

## NAYS—236

Archer	Bateman	Brewster
Armey	Bentsen	Browder
Bachus	Bereuter	Brownback
Baessler	Bilbray	Bryant (TN)
Baker (CA)	Bilirakis	Bunn
Baker (LA)	Bishop	Bunning
Ballenger	Bliley	Burr
Barr	Blute	Burton
Barrett (NE)	Boehlert	Callahan
Bartlett	Boehner	Calvert
Barton	Bonilla	Camp
Bass	Bono	Canady

Castle	Hefley	Peterson (MN)
Chabot	Herger	Petri
Chambliss	Hilleary	Pickett
Chenoweth	Hobson	Pombo
Christensen	Hoekstra	Porter
Chrysler	Hoke	Pryce
Clinger	Hostettler	Quillen
Coble	Houghton	Quinn
Coburn	Hunter	Radanovich
Collins (GA)	Hutchinson	Ramstad
Combest	Hyde	Regula
Condit	Inglis	Roberts
Cooley	Istook	Roemer
Cox	Jacobs	Rogers
Cramer	Johnson (CT)	Rohrabacher
Crane	Johnson, Sam	Roukema
Crapo	Jones	Royce
Creameans	Kasich	Salmon
Cubin	Kelly	Sanford
Cunningham	Kim	Saxton
Davis	King	Scarborough
Deal	Kingston	Schaefer
DeLay	Klug	Schiff
Dickey	Knollenberg	Seastrand
Dooley	Kolbe	Sensenbrenner
Doolittle	LaHood	Shadegg
Dornan	Largent	Shaw
Dreier	Latham	Shays
Duncan	LaTourette	Shuster
Dunn	Laughlin	Sisisky
Ehlers	Lazio	Skeen
Ehrlich	Leach	Skelton
English	Lewis (CA)	Smith (MI)
Ensign	Lewis (KY)	Smith (TX)
Everett	Lightfoot	Smith (WA)
Ewing	Lincoln	Solomon
Fawell	Linder	Souder
Fields (TX)	Livingston	Spence
Flanagan	LoBiondo	Stearns
Foley	Lucas	Stenholm
Forbes	Manzullo	Stockman
Fowler	Martinez	Stump
Fox	Martini	Talent
Franks (CT)	McCollum	Tanner
Franks (NJ)	McCrery	Tate
Frelinghuysen	McHugh	Tauzin
Frisa	McIntosh	Taylor (MS)
Funderburk	McKeon	Taylor (NC)
Gallegly	Metcalfe	Thomas
Gekas	Meyers	Thornberry
Geren	Mica	Tiahrt
Gilchrest	Miller (FL)	Upton
Gillmor	Molinari	Vucanovich
Goodlatte	Montgomery	Walker
Goodling	Moorehead	Walsh
Goss	Morella	Wamp
Graham	Myers	Watts (OK)
Greene (UT)	Myrick	Weldon (FL)
Greenwood	Nethercutt	Weldon (PA)
Gunderson	Neumann	White
Gutknecht	Ney	Whitfield
Hall (TX)	Nussle	Wicker
Hancock	Orton	Wolf
Hansen	Oxley	Young (AK)
Hastert	Packard	Young (FL)
Hastings (WA)	Parker	Zimmer
Hayworth	Paxon	

## NOT VOTING—16

Brown (FL)	Heineman	Riggs
Buyer	McNulty	Scott
Collins (IL)	Mollohan	Torkildsen
de la Garza	Norwood	Zeliff
Ganske	Pastor	
Hayes	Portman	

## □ 1503

Mr. TANNER, Mr. BAESLER, and Mrs. MORELLA changed their vote from "yea" to "nay."

Messrs. ALLARD, MCINNIS, and LUTHER changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DREIER). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, SMITH of Texas, GALLEGLY, MCCOLLUM, GOODLATTE, BRYANT of Tennessee, BONO, CONYERS, FRANK of Massachusetts, BERMAN, BRY-

ANT of Texas, BECERRA, GOODLING, CUNNINGHAM, MCKEON, MARTINEZ, GENE GREEN of Texas, SHAW, and JACOBS.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 10, 1996, in the order in which that motion was entertained.

Votes will be taken in the following order: House Resolution 470 by the yeas and nays; H.R. 3863 by the yeas and nays; H.R. 3539, de novo; and H.R. 3759 by the yeas and nays.

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

## MONITORING OF STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 470.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 470, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

## [Roll No. 409]

## YEAS—413

Abercrombie	Browder	Cramer
Ackerman	Brown (CA)	Crane
Allard	Brown (OH)	Crapo
Andrews	Brownback	Creameans
Archer	Bryant (TN)	Cubin
Armey	Bunn	Cummings
Bachus	Bunning	Cunningham
Baessler	Burr	Danner
Baker (CA)	Burton	Davis
Baker (LA)	Buyer	Deal
Baldacci	Callahan	DeFazio
Ballenger	Calvert	DeLauro
Barcia	Camp	DeLay
Barr	Campbell	Dellums
Barrett (NE)	Canady	Deutsch
Barrett (WI)	Cardin	Diaz-Balart
Bartlett	Castle	Dickey
Barton	Chabot	Dicks
Bass	Chambliss	Dingell
Bateman	Chapman	Dixon
Becerra	Chenoweth	Doggett
Beilenson	Christensen	Dooley
Bentsen	Chrysler	Doolittle
Bereuter	Clay	Dornan
Berman	Clayton	Doyle
Bevill	Clement	Dreier
Bilbray	Clinger	Duncan
Bilirakis	Clyburn	Dunn
Bishop	Coble	Durbin
Bliley	Coburn	Edwards
Blumenauer	Coleman	Ehlers
Blute	Collins (GA)	Ehrlich
Boehlert	Collins (MI)	Engel
Boehner	Combest	English
Bonilla	Condit	Ensign
Bonior	Cooley	Eshoo
Borski	Costello	Evans
Boucher	Cox	Everett
Brewster	Coyne	Ewing